CITY OF MENDOTA

"Cantaloupe Center Of The World"

CITY OF MENDOTA
PLANNING COMMISSION
AGENDA
City Council Chambers
643 Quince Street
Mendota, CA 93640
Special Meeting
April 3, 2024
6:00 P.M.

ALBERT ESCOBEDO
Chairperson
ALEX GARCIA
JOSE GUTIERREZ
JOSHUA PEREZ
JESSICA SANCHEZ
ALICIA ESCOBEDO
Alternate Commissioner

CRISTIAN GONZALEZ
City Manager
Public Works/Planning Director
JEFFREY O'NEAL
City Planner

The City of Mendota Planning Commission welcomes you to its meetings, which are scheduled for the 3rd Tuesday every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Planning Commissioners may discuss and/or take action on any or all of the items listed on this agenda. **Please turn your cell phone off. Thank you for your respect and consideration.**

Any public writings distributed by the City of Mendota to at least a majority of the Planning Commission regarding any item on this regular meeting agenda will be made available at the front counter at City Hall located at 643 Quince Street Mendota, CA 93640, during normal business hours.

In compliance with the Americans with Disabilities Act, those requiring special assistance to participate at this meeting please contact the City Clerk at (559) 655-3291. Notification of at least forty-eight hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility to the meeting.

CALL TO ORDER
ROLL CALL
FLAG SALUTE

FINALIZE THE AGENDA

1. Adjustments to Agenda

2. Adoption of final Agenda

REORGANIZATION OF THE PLANNING COMMISSION

1. City Clerk Cabrera-Garcia to conduct the Commission reorganization proceedings and accept nominations for the following office:
   a) Vice-Chairperson

SWEARING IN

1. City Clerk Cabrera-Garcia to swear in Alternate Commissioner Alicia Escobedo.

643 Quince Street Mendota, California 93640
Telephone: (559) 655-3291 Fresno Line: (559) 266-6456 Fax: (559) 655-4064
TDD/TTY 866-735-2919 (English) TDD/TTY 866-833-4703 (Spanish)
www.cityofmendota.com

MINUTES AND NOTICE OF WAIVING OF READING

1. Approval of the minutes of the regular Planning Commission meeting of November 21, 2023.

2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

PUBLIC HEARING

1. Commission discussion and consideration of **Resolution No. PC 24-01**, in the matter of Application No. 24-05, adopting a categorical exemption pursuant to California Environmental Quality Act guidelines section 15332 and approving a Planned Development and Conditional Use Permit for the Emmanuel Outreach Center.

    a. *Receive report from City Planner O'Neal*
    b. *Inquiries from Planning Commission to staff*
    c. *Chairperson Escobedo opens the public hearing*
    d. *Once all comment has been received, Chairperson Escobedo closes the public hearing*
    e. *Commission provides input and considers adoption of Resolution No. PC 24-01*

2. Commission discussion and consideration of **Resolution No. PC 24-02**, recommending that the City Council of the City of Mendota amend Mendota Municipal Code Title 17 regarding housing related definitions, procedures, and regulated uses in zone districts that allow housing.

    a. *Receive report from City Planner O'Neal*
    b. *Inquiries from Planning Commission to staff*
    c. *Chairperson Escobedo opens the public hearing*
    d. *Once all comment has been received, Chairperson Escobedo closes the public hearing*
    e. *Commission provides input and considers adoption of Resolution No. PC 24-02*

PLANNING DIRECTOR UPDATE

PLANNING COMMISSIONERS' REPORTS

ADJOURNMENT

CERTIFICATION OF POSTING

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota Planning Commission Special Meeting of Wednesday, April 3, 2024, was posted on the outside bulletin board of City Hall, 643 Quince Street on Tuesday, April 2, 2024 before 5:00 p.m.

Celeste Cabrera-Garcia, City Clerk

CITY OF MENDOTA
PLANNING COMMISSION
MINUTES

Regular Meeting **Tuesday, November 21, 2023** **6:30 p.m.**

Meeting called to order by Chairperson Escobedo at 6:31 p.m.

Roll Call

Commissioners Present: Chairperson Albert Escobedo, Vice Chairperson Jonathan Leiva and Commissioner Alex Garcia

Commissioners Absent: Commissioners Joshua Perez and Jessica Sanchez

Staff Present: Jeffrey O'Neal, City Planner and Celeste Cabrera-Garcia, City Clerk

Flag Salute led by Mr. Matthew Leiva

FINALIZE THE AGENDA

1. Adjustments to Agenda

2. Adoption of final Agenda

A motion was made by Vice Chairperson Leiva to adopt the agenda, seconded by Commissioner Garcia; unanimously approved (3 ayes, absent: Perez and Sanchez).

MINUTES AND NOTICE OF WAIVING OF READING

1. Approval of the minutes of the regular Planning Commission meeting of July 18, 2023.

A motion to approve item 1 was made by Vice Chairperson Leiva, seconded by Commissioner Garcia; unanimously approved (3 ayes, absent: Perez and Sanchez).

2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

A motion to approve item 2 was made by Vice Chairperson Leiva, seconded by

Commissioner Garcia; unanimously approved (3 ayes, absent: Perez and Sanchez).

BUSINESS

1. Commission discussion and consideration of a determination pursuant to Government Code Section 65402 regarding abandonment of an alley related to Application No. 23-05.

Chairperson Escobedo introduced the item and City Planner Jeff O'Neal provided the report.

Chairperson Escobedo opened the public comment period and seeing no one willing to comment closed it within the same minute.

A motion was made by Vice Chairperson Leiva to adopt Resolution No. PC 23-01, seconded by Commissioner Garcia; unanimously approved (3 ayes, absent: Perez and Sanchez).

PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA

None offered.

PLANNING DIRECTOR UPDATE

City Planner O'Neal stated that staff has been meeting with individuals who are interested in projects in the City.

PLANNING COMMISSIONERS' REPORTS

Chairperson Escobedo requested an update on the City's proposed streetlight study.

Discussion was held on the inquiry made by Chairperson Escobedo.

ADJOURNMENT

At the hour of 6:39 p.m. with no more business to be brought before the Planning Commission, a motion for adjournment was made by Vice Chairperson Leiva, seconded by Commissioner Garcia; unanimously approved (3 ayes, absent: Perez and Sanchez).

_____
Albert Escobedo, Chairperson

ATTEST:

_____
Celeste Cabrera-Garcia, City Clerk

AGENDA

AGENDA ITEM – STAFF REPORT

TO: HONORABLE CHAIRPERSON AND COMMISSIONERS

FROM: JEFFREY O'NEAL, AICP, CITY PLANNER

BY: WYATT CZESHINSKI, ASSISTANT CITY PLANNER

SUBJECT: APPLICATION NO. 24-05, CONDITIONAL USE PERMIT FOR EMMANUEL OUTREACH CENTER

DATE: APRIL 3, 2024

ISSUE

Shall the Planning Commission adopt Resolution No. PC 24-01, approving a Planned Development and a Conditional Use Permit ("CUP") for the Emmanuel Outreach Center ("EOC") and further, finding that such activities authorized under the CUP are exempt from the California Environmental Quality Act ("CEQA")?

BACKGROUND

Jose Luis Nava ("Applicant"), on behalf of the EOC, has submitted an application for a CUP which would allow for the construction and operation of a new EOC building at 807 Quince Street within Mendota. The site is located at the southeast corner of the intersection of Quince Street and 8th Street (Assessor's Parcel Number 013-195-20). The site is approximately 11,250 square feet (SF) or 0.258 acres in size, is designated Medium Density Residential by the City's General Plan, and is zoned R-1 (Single Family Medium Density Residential – Min. 6,000 Sq. Ft. Per Lot) by the City's Official Zoning Map. Mendota Municipal Code ("MMC") Section 17.16.030 allows churches within the R-1 zone district subject to the approval of a CUP. Currently, the site is occupied by an existing 2,100-SF structure, as well as a shed and unpaved parking area. All existing structures would be demolished as a part of the project. Under the current proposal, a new 4,440-SF EOC building would be constructed, along with a new parking area consisting of seven total parking stalls, as well as other site improvements. In order to provide more flexibility within the development standards on-site, the applicant has also applied for a Planned Development. The flexibility afforded to the applicant under this process will be discussed further within the Analysis section below.

ANALYSIS

SITE PLAN

A CUP involving new construction must be accompanied by a site plan depicting the proposed features along with any existing features on the site. A site plan, accompanied by a floor plan and elevations was submitted, depicting the proposed 4,440-SF building, its floor plan, and proposed site improvements in relation to the new building. Of note, the site plan depicts 144 total seats within the temple portion of the building. Staff have reviewed the site plan and have placed conditions on it, as appropriate.

PARKING

Pursuant to MMC Section 17.88.010(A)(9)(d)(ii), churches are required to provide one (1) parking stall for every 40 SF of floor area in the main hall or auditorium. The Project's temple area, excluding the choir area, storage rooms, and exits, has a floor area of approximately 1,764 SF. This results in a requirement for the project to provide 44 total off-street parking spaces. The project proposes a total of seven parking spaces, two of which would be accessible stalls. Accordingly, the number of off-street parking spaces provided is deficient by 37.

Due to site constraints, the applicant has requested that the project be approved despite the deficiency. Staff recognizes the difficulty that a church use, such as the one proposed, would have in complying with the off-street parking requirements on smaller-sized lots, such as those in residentially zoned areas of the City. Taking this into account staff have found that on-street parking may be utilized and counted towards the parking total for the project. It is estimated that the site's frontage could accommodate 14 parked cars. The remaining 23 parking spaces would be accommodated on-street throughout the surrounding neighborhood. Furthermore, a redesign is likely to be necessary to the parking lot area in order to provide a trash enclosure for the site. This could result in the loss of parking available within the proposed parking lot, increasing the project's reliance on on-street parking.

In order to ensure that public health, safety, and general welfare are preserved, conditions in regard to parking have been placed on the project. This includes the requirement for the EOC to sign an agreement with the City, drafted by the City Manager, or their designee, ensuring that public health, safety, and general welfare will be maintained in relation to parking conditions. Should the proposed use result in unsafe conditions as a result of on-street parking, the EOC will be given warnings. Should such conditions fail to improve, in the opinion of the Planning Commission, the CUP may be revoked. Failure to comply with the other conditions of approval, including for parking, shall be grounds for the revocation of the CUP as well.

LANDSCAPING

The applicant will be required to submit a landscaping plan to ensure compliance with State water efficient landscaping requirements. Review and approval of the submitted landscape plan and related irrigation plans are required prior to building permit issuance.

ELEVATIONS

The construction of the building approved under the CUP is conditioned to conform with the elevation drawings, including the color and materials schedule, submitted and approved by the Planning Commission.

PUBLIC INFRASTRUCTURE

As the abutting alleyway will provide for the sole access point to the project's parking lot, the project will be required to construct the alleyway to City standards along the project frontage. In order to ensure proper access, parking shall not be allowed off of the alley. Additionally, as mentioned above, the project is required to provide a trash enclosure, constructed to City standards. Pursuant to Senate Bill 1383, the trash enclosure must provide sufficient capacity for solid waste, recyclables, and organics.

PLANNED DEVELOPMENT

The project has applied for a Planned Development permit in order to be provided flexibility from certain required development standards. The two standards for which the project would deviate from are City standards for parking and building setbacks. Parking, which has been discussed above, will not meet the City's requirements for the intended use. As a result, and as a part of the approval of the Planned Development, the project will be able to use on-street parking to make up the deficiencies in what has been proposed versus what is required.

The project's primary entrance fronts 8th Street, and therefore this frontage is being considered for the site's "front yard". The required building setbacks within the R-1 zone district are as follows:

- Front Yard – 20 feet
- Alley Abutting Side Yard – 30 feet
- Street Side Yard – 10 feet
- Rear Yard – 20 feet

The proposed setbacks are as follows:

- Front Yard – Approximately 14 feet
- Alley Abutting Side Yard – Approximately 47 feet
- Street Side Yard – Approximately 5 feet
- Rear Yard – Approximately 7 feet

Under an approved Planned Development, the building setbacks would be reduced to as they are proposed on the site plan.

Planned Developments must also meet specific special conditions as contained in MMC Section 17.84.030. Paragraph B of this Section requires that Planned Developments provide 10 percent of the site area as reserved for open space (outside of required yard areas). It is unclear if the project, as proposed, would meet this requirement. In the instance that it cannot be shown that the project meets this requirement, the City shall consider the Parks and Recreation Development Impact Fee in lieu of providing open space on-site. The project meets the other specific conditions required of Planned Developments.

ENVIRONMENTAL

The first step in complying with the California Environmental Quality Act (CEQA) is to determine whether the activity in question constitutes a "project" as defined by CEQA, Public Resources Code Section 21000, et seq. and the CEQA Guidelines, California Code of Regulations Section 15000, et seq. The second step is to determine whether the project is subject to or exempt from the statute. This proposal qualifies as a project under CEQA because it involves the issuance to a person of a "lease, permit, license, certificate, or other entitlement for use" as described in CEQA Guidelines Section 15378. The Project would result in the construction of a new EOC building of 4,440 SF on a site that is 0.258 acres in size. Accordingly, staff recommends that the Planning Commission finds the project to be exempt

from CEQA under CEQA Guidelines Section 15332, In-Fill Development Projects. Under this Section, the project meets all of the qualifications to be absolved of further environmental review. If the project is approved, a Notice of Exemption for the project will be filed with the County Clerk and the State Clearinghouse approval.

PUBLIC NOTICE

In accordance with MMC Section 17.08.050(I)(1), a Notice of Public Hearing was published in *The Business Journal* on March 22, 2024. It was also sent via US Mail to property owners within 300 feet of the proposed project and posted at City Hall and on the City's website.

PLANNED DEVELOPMENT FINDINGS

Prior to the approval of a Planned Development, findings must be made in lieu of those ordinarily required for CUPs under MMC Section 17.08.050. The following findings, pursuant to MMC Section 17.84.050, have been made in relation to the Planned Development:

1. *The proposed planned development is consistent with the general plan and any applicable specific or community plan, including the density and intensity limitations that may apply.*

   The project proposes to construct a church on a residentially planned and zoned parcel. The proposed use is allowed within the underlying R-1 zone district. The R-1 zone district is consistent with the Medium Density Residential General Plan designation, which the project site is designated as. Therefore, the project is consistent with the General Plan.

2. *The subject site is physically suitable for the type and intensity of the development being proposed.*

   The project proposes a new 4,440-SF EOC building on a site of 0.258 acres in size. Under the planned development, the project would be provided flexibility in standards for parking and building setbacks. With the conditions placed on the project, staff have found that the subject site is suitable for the type and intensity of use proposed.

3. *Adequate transportation facilities, utilities, and public services exist or will be provided in accordance with the approval of the planned development to serve the proposed development, and approval of the planned development will not result in adverse impacts to existing facilities, utilities, or services so as to be a detriment to the public health, safety, or welfare.*

   The project proposes to construct a new EOC building with access provided off of the site's abutting alleyway. As proposed, the project is deficient 37 total parking spaces from what is required under the MMC. Under the approval of a planned development, the project would be afforded flexibility in parking standards, allowing on-street parking to be utilized. The project has been conditioned to provide a trash enclosure, meeting City standards. Other conditions, including those related to parking, will ensure that adequate facilities for transportation utilities, and public services will be provided for the project.

4. *The proposed development will not have a substantial adverse impact on surrounding land uses, and will be compatible with the existing and planned land use character of the surrounding area.*

   The project proposes a use that is conditionally allowed within the R-1 zone district. Compliance with the conditions of approval of the CUP will ensure that the proposed use is compatible with the land uses surrounding the site.

5. *The proposed development generally complies with any adopted design guidelines.*

   The project would not conflict with any adopted design guidelines.Without the flexibility provided by the Planned Development, the intended use would be substantially limited on the subject site to the point that the project would in all likelihood be infeasible. The project will result in the infill development and improvement of a site whereas without the approval of Planned Development, the site would remain as is. The benefits of the project outweigh the cost of affording the flexibility provided under the Planned Development.

FISCAL IMPACT

Costs for processes initiated by applicants are paid for through application fees. There is no impact to the General Fund or other City funds.

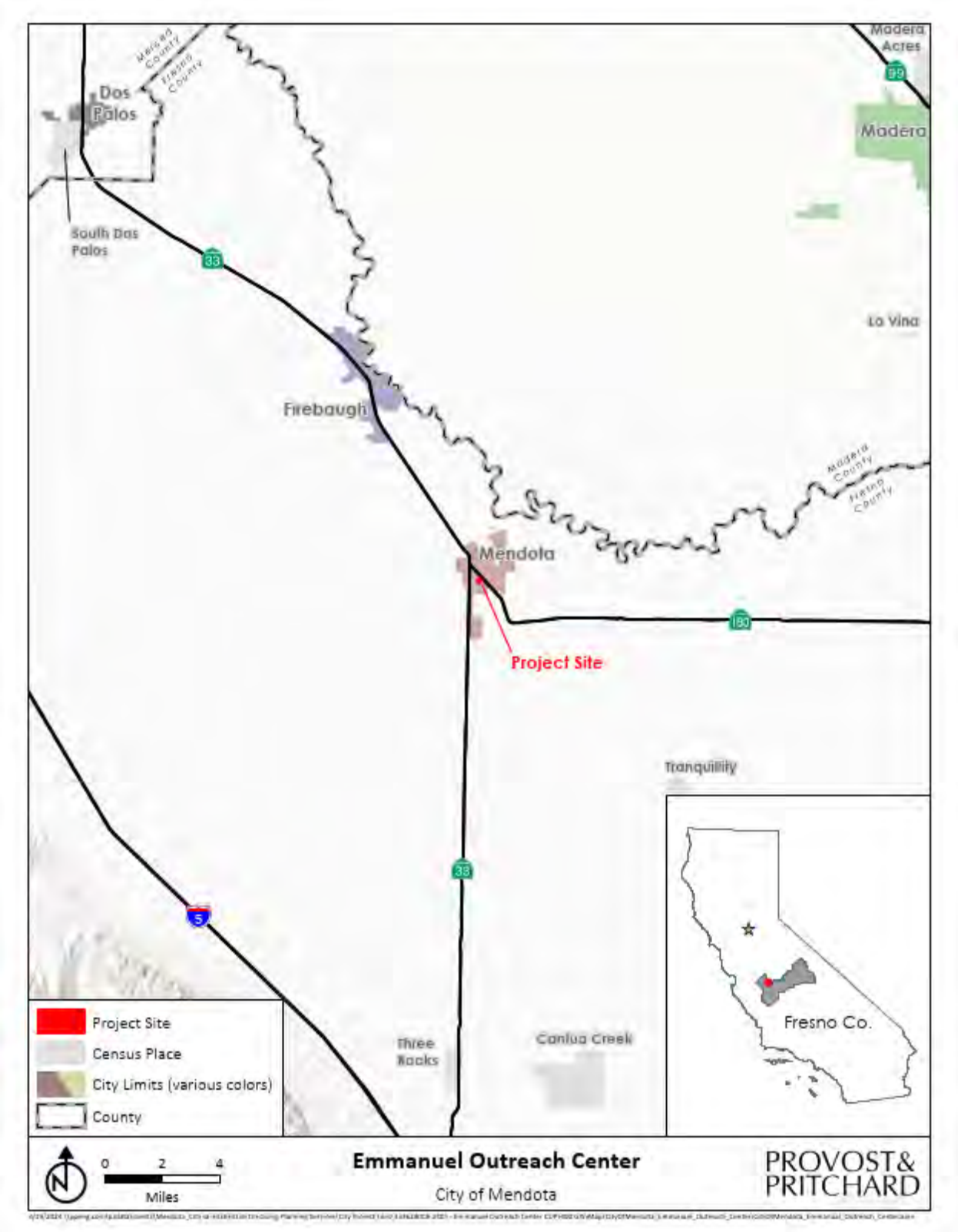
RECOMMENDATION

Staff recommends that the Planning Commission adopts Resolution No. PC 24-01, determining that the project is exempt from further environmental analysis under CEQA, approving a Planned Development for the project, and approving a CUP for the construction and operation of the proposed EOC building.

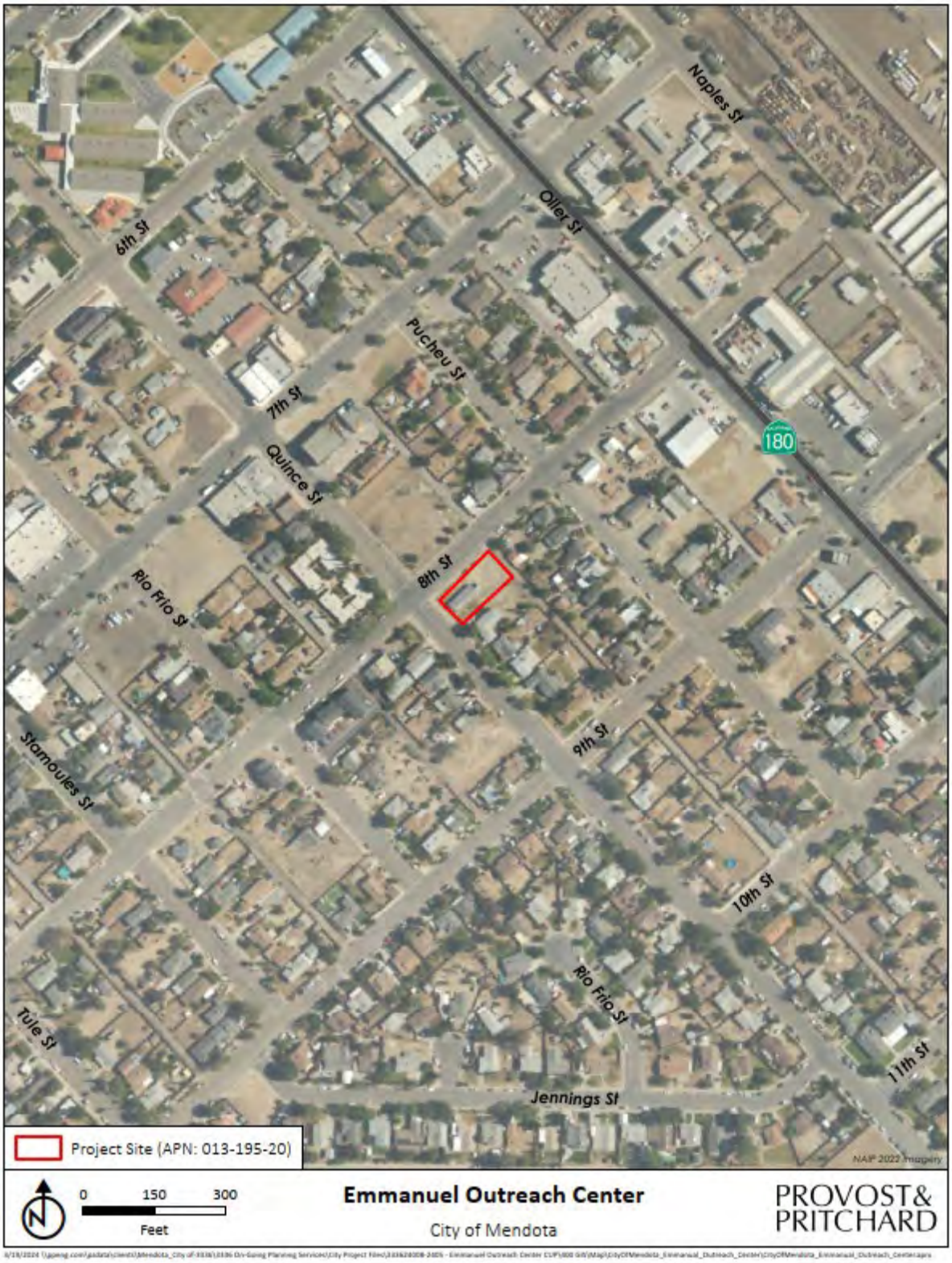
Attachments:

1. Vicinity Map
2. Aerial Map
3. General Plan Land Use Map
4. Zoning Map
5. Resolution No. PC 24-01

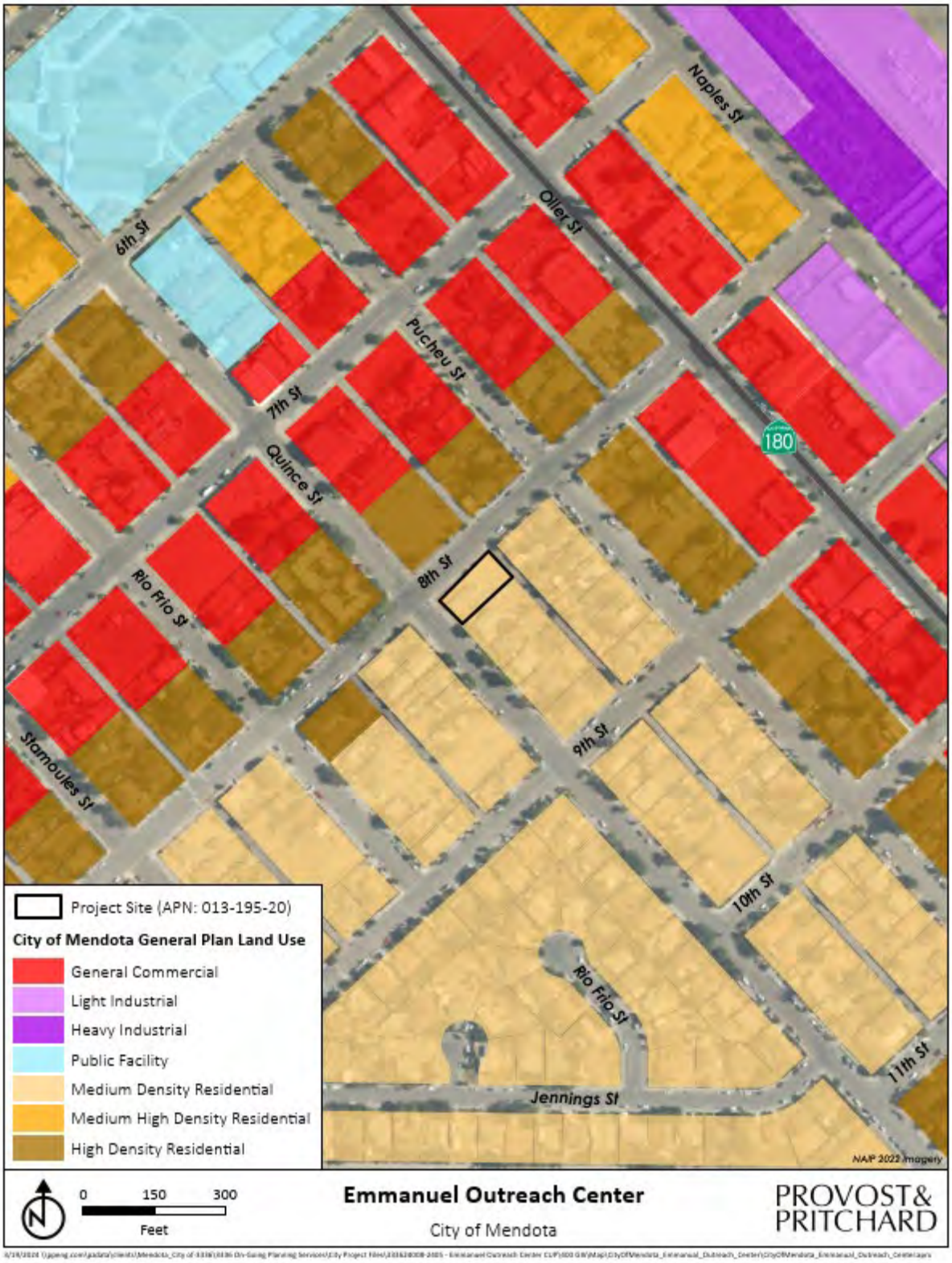
Attachment 1: Vicinity Map



Attachment 2: Aerial Map



Attachment 3: General Plan Land Use Map



Attachment 4: Zoning Map

Attachment 5: Resolution No. PC 24-01

AGENDA

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

RESOLUTION NO. PC 24-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENDOTA IN THE MATTER OF APPLICATION NO. 24-05, ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15332 AND APPROVING A PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT FOR THE EMMANUEL OUTREACH CENTER

WHEREAS, Jose Luis Nava ("Applicant"), on behalf of the Emmanuel Outreach Center ("EOC"), has submitted Application No. 24-05, which includes a Conditional Use Permit ("CUP") to construct and operate a new EOC building on Assessor's Parcel Number 013-195-120 ("Project Site"); and

WHEREAS, the EOC is the property owner of the Project Site; and

WHEREAS, the Project Site is 0.258 acres in size, designated Medium Density Residential by the City's General Plan Land Use Map, and designated R-1 (Single Family Medium Density Residential – Min. 6,000 Sq. Ft. Per Lot) by the City's Official Zoning Map; and

WHEREAS, the new EOC building would be approximately 4,440 square feet in size and include a new, unpaved parking area accommodating seven total parking stalls and other associated landscaping and public infrastructure improvements; and

WHEREAS, the new EOC building would primarily be used as a "Temple" and would be considered a church for review under the Mendota Municipal Code; and

WHEREAS, churches are conditionally allowed within the R-1 zone district, making the proposed use compatible with the surrounding properties; and

WHEREAS, the applicant has applied for a Planned Development under Application No. 24-05 in order to provide the project some flexibility within the property development standards, including required parking and setbacks; and

WHEREAS, the City has determined that the project is categorically exempt under the California Environmental Quality Act ("CEQA") in accordance with CEQA Guidelines Section 15332, In-Fill Development Projects, and that no additional environmental analysis is required; and

WHEREAS, at a special meeting on April 3, 2024, the Mendota Planning Commission conducted a public hearing to consider Application 24-05; and

WHEREAS, notice of said public hearing was published in the March 22, 2024, edition of *The Business Journal*, posted at City Hall and the City's website, sent to

property owners within 300 feet of the subject site via US Mail, and sent to interested parties via email; and

WHEREAS, the Planning Commission, after reviewing and considering the staff report, categorical exemption, and all evidence presented at the Planning Commission's special meeting on April 3, 2024, including oral and written public testimony on the project and the categorical exemption, and which is herein incorporated by reference, did make the following findings with regard to the Planned Development proposed under Application No. 24-05:

1. The proposed planned development is consistent with the general plan and any applicable specific or community plan, including the density and intensity limitations that may apply.
2. The subject site is physically suitable for the type and intensity of the development being proposed.
3. Adequate transportation facilities, utilities, and public services exist or will be provided in accordance with the approval of the planned development to serve the proposed development, and approval of the planned development will not result in adverse impacts to existing facilities, utilities, or services so as to be a detriment to the public health, safety, or welfare.
4. The proposed development will not have a substantial adverse impact on surrounding land uses, and will be compatible with the existing and planned land use character of the surrounding area.
5. The proposed development generally complies with any adopted design guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Mendota hereby:

1. Adopts a Class 32 categorical exemption, absolving the project of further environmental review under CEQA.
2. Approves a Planned Development as proposed under Application 24-05, subject to the conditions contained in Exhibit A, attached hereto.
3. Approves a CUP for the EOC and as proposed under Application 24-05, subject to the conditions contained in Exhibit A, attached hereto.

_____

Albert Escobedo, Chairperson

AGENDA

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the Planning Commission at a special meeting of said Commission held at Mendota City Hall on the 3rd day of April, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Celeste Cabrera-Garcia, City Clerk

"Exhibit A" TO RESOLUTION NO. PC 24-01
CONDITIONS OF APPROVAL
APPLICATION NO. 24-05; 807 QUINCE STREET (APN 013-195-20)
EMMANUEL OUTREACH CENTER

As may be used herein, the words "Applicant", "owner," "operator", and "developer" shall be interchangeable, excepting when the word is indicated in ***bold italics***. In that event, the condition of approval is specific to the entity named.

General

1. All conditions of approval shall be the sole financial responsibility of the Applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.

2. The Applicant shall submit to the City of Mendota Planning and Building Department a check in the amount necessary to file a Notice of Exemption at the Fresno County Clerk. This amount shall equal the Fresno County filing fee in effect at the time of filing. Such check shall be made payable to the Fresno County Clerk and submitted no later than three (3) days following action on Application 24-05.

3. The planned development detailed within Application No. 24-05 shall expire two (2) years following the date of its approval unless, prior to expiration, a building permit for the requested site modifications is issued by the City of Mendota and construction is commenced and being diligently pursued. At the discretion of the City Manager, and upon valid request not less than thirty (30) days prior to its expiration, this planned development may be extended for a period or periods not to exceed two (2) additional years in the aggregate.

4. The conditional use permit detailed within Application No. 24-05 shall expire one (1) year following the date of its approval unless, prior to expiration, a building permit for the requested site modifications is issued by the City of Mendota and construction is commenced and being diligently pursued. At the discretion of the City Manager, and upon valid request not less than thirty (30) days prior to its expiration, this conditional use permit may be extended for a period or periods not to exceed one (1) additional year in the aggregate.

5. Development shall comply with all applicable provisions of the City of Mendota General Plan and the Mendota Municipal Code (MMC), including but not limited to: potable water protection regulations (Chapter 13.30), business licensing requirements (Title 5), and Building Code Standards (Title 15); the Subdivision Ordinance (Title 16); the regulations of the applicable zone district(s) and other relevant portions of the Zoning Ordinance (Title 17); and the City of Mendota Standard Specifications and Standard Drawings, unless exceptions therefrom are approved by the City Engineer.

6. Approval of Application No. 24-05 and its associated site plan shall be considered null and void in the event of failure by the Applicant and/or the authorized

representative, engineer, or surveyor to disclose and delineate all facts and information relating to the subject property, and the proposed use.

7. Development of the Project Site shall be in substantial conformance with the Site Plan dated August 2023 as incorporated herein. The City Planner shall determine the extent to which incremental or minor changes to the site plan, the landscape plan, and/or the operational statement meet this requirement.

8. Use of the site shall conform to all applicable requirements for the R-1 Single Family Medium Density Residential – Min. 6,000 Sq. Ft. Per Lot Zone District, except as provided by the approval of the Planned Development.

9. The site plan shall be revised to reflect the comments contained on the “Redlined Site Plan”, attached hereto as “Attachment 1”.

10. Any proposed signs are subject to review and approval by the City Planner by means of a separate Sign Review process.

11. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Mendota Planning and Building Department.

12. All conditions shall be satisfied prior to occupancy approval for any portion of the project. Failure to comply with all conditions of approval shall be grounds for the imposition of penalties, suspension of the permit, modification of the permit, or revocation of the permit.

13. The City will monitor the operation for violations of conditions of approval. Penalty for violation may include but is not limited to warnings, fines, and/or permit revocation.

14. The operator shall keep the exterior premises free of trash and debris. Graffiti shall be removed or covered within 48 hours of its discovery by the Applicant.

15. Approval of Application No. 24-05 is not an authorization to commence construction. Construction drawings (building and improvement plans; site, grading, irrigation, and landscaping, as applicable) shall be submitted to the Planning and Building Department and City Engineer for review and approval. A building permit shall be acquired prior to start of any construction activities.

16. The contractor and any subcontractor(s) shall acquire a City of Mendota business license, including payment of any applicable business license fees, prior to commencing construction.

17. No use shall be permitted, and no process, equipment or materials shall be used that are found by the City to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried

waste, noise, vibration, illumination, glare, or unsightliness or to involve any hazard of fire or explosion.

Parking

18. Prior to acquisition of a building permit, the Applicant shall enter into an agreement with the City of Mendota, ensuring the City that the public health, safety, and general welfare of residents of the City will not be compromised as a result of the allowance of the project to utilize on-street parking towards its required off-street parking total of 44 stalls. Such agreement shall be drafted by the City Manager or their designee.

19. Public health, safety, and general welfare shall be maintained at all times in regard to the use of on-street parking.

20. On-street parking shall not be striped as a result of the project.

21. All on-site parking stalls shall be striped to current City standards. The minimum number of parking stalls required on-site shall be confirmed by the City Planner prior to acquisition of a building permit.

22. All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site, pursuant to current City standards.

23. Entrances and exits to parking lots shall be provided only at locations approved by the City.

24. Construction of any new parking stalls shall be reviewed and approved by the City Engineer prior to construction and the acquisition of building permits.

25. Parking shall not be permitted within the abutting alleyway.

Construction

26. All above-ground features including but not limited to lighting, fire hydrants, postal boxes, electrical and related boxes, and backflow devices shall be installed outside of the public-right-of-way. All new utilities shall be installed underground.

27. Hours of construction shall be limited to 6:00 AM to 7:00 PM, Monday through Saturday.

28. Construction debris shall be contained within an on-site trash bin and the Project Site shall be watered for dust control during construction.

29. Any non-structural fencing shall be subject to approval by the Community Development Department consistent with Standard Drawing Nos. M-3 through M-7.

30. The Applicant and contractor shall comply with all relevant components of the California Building Code and associated trade codes.

31. All signage must be approved pursuant to the standards and guidelines of the MMC prior to installation.

32. Development shall at all times respect existing or new easements by, for, and between all private and public entities, including but not limited to the City of Mendota.

33. It shall be the responsibility of the Applicant to grant/secure easements as necessary for the installation and maintenance of private utilities, including but not limited to electricity, gas, telephone, and cable television.

34. Construction of the proposed building shall conform to the approved elevations.

Engineering

35. The alley abutting the site shall be constructed to City standards along the project's frontage.

36. Accessible parking and site access from the public street right of way shall comply with the 2022 California Building Code Ch. 11B.

37. The Applicant shall provide a lighting plan for the review and approval of the City Engineer. All exterior lights shall be shielded or otherwise oriented to prevent disturbance to surrounding or neighboring properties or traffic on abutting rights-of-way.

38. Any work within the City of Mendota right-of-way shall require an encroachment permit.

39. The site is required to have a trash enclosure constructed to City standards. The trash enclosure shall provide sufficient capacity for solid waste, recyclables, and organic waste pursuant to Senate Bill 1383. The Applicant shall coordinate with the City Engineer and Mid Valley Disposal to establish necessary solid waste procedures and facilities.

40. A Grading and Site Improvement Plan for the proposed on-site improvements shall be submitted for review and approval by the City Engineer. The Applicant shall obtain a Grading and Site Improvement Permit once plans are approved. Improvement plans shall indicate the site can adequately drain to a City storm drain facility.

41. The approved site plan must adequately depict all existing and proposed water and sewer connections.

42. The Applicant shall pay the Regional Traffic Mitigation Fee to the Fresno Council of Governments.

43. Drive aisles shall be kept unobstructed at all times. Vehicles shall not block driveways.

San Joaquin Valley Air Pollution Control District

44. The Applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM10 Prohibitions) and Rule 9510 (Indirect Source Review).

Fire

45. The Applicant shall consult with and shall comply with the requirements of the Fresno County Fire Protection District/CAL FIRE, including but not limited to requirements related to sprinklers, fire hydrants, and fire access.

Cultural Resources

46. The developer shall comply with Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.98 and 21083.2 and related statutes regarding regulation of cultural and historical resources that may be discovered on the site.

Parks/Open Space

47. The Applicant shall improve at least 10 percent of the site, exclusive of required yards, as recreational area and/or open space for the use of the planned development or improve and dedicate an equal area to the City for public use. If, with the concurrence of the City Planner, this condition cannot be met due to site constraints, the Applicant may instead pay an in-lieu open space fee to the City equivalent to the cost of the otherwise-required improvements. Improvement costs are subject to review by the City Engineer. A combination of improvements and in-lieu fee may be acceptable.

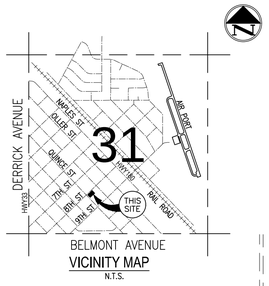
Other

48. Following any changes made to the site plan as a result of these conditions or other commentary, correspondence, or official requirement, the Applicant shall submit a copy of the final site plan as revised to the Planning and Building Department for inclusion in the project file. Changes made pursuant to these conditions shall be considered minor or incremental.

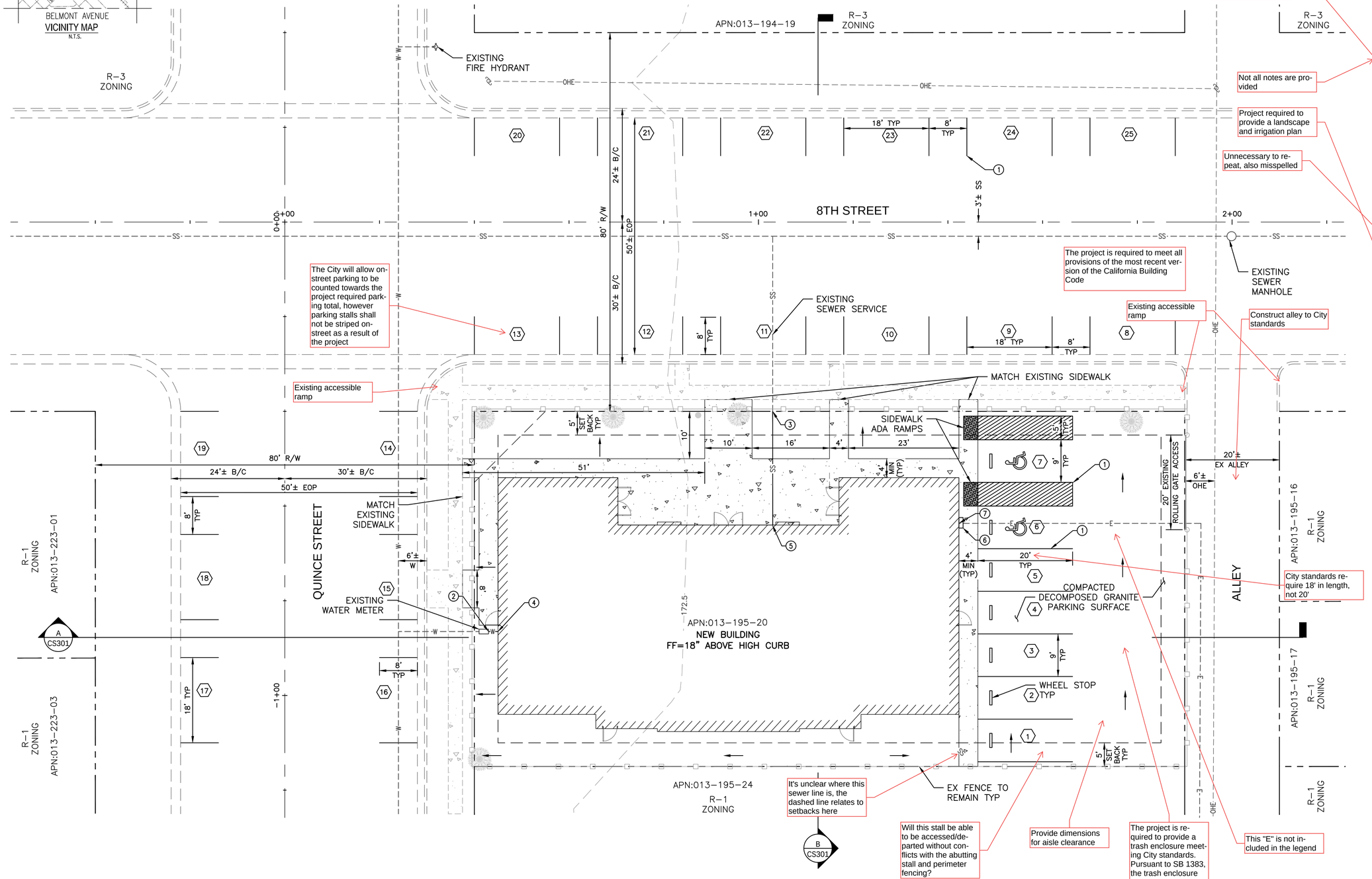
49. Prior to issuance of a certificate of occupancy, all relevant conditions of approval shall be verified as complete by the Planning Department, and any and all outstanding fees shall have been paid. Any discrepancy or difference in interpretation of the conditions between the Applicant and the Planning Department shall be subject to review and determination by the Planning Commission.

“ATTACHMENT 1” – REDLINED SITE PLAN

AGENDA



VICINITY MAP
N.T.S.



General note for the applicant to consider address after approval. The "front yard" for the project is being considered off of 8th St.

Not all notes are provided

Project required to provide a landscape and irrigation plan

Unnecessary to repeat, also misspelled

The City will allow on-street parking to be counted towards the project required parking total, however parking stalls shall not be striped on-street as a result of the project

The project is required to meet all provisions of the most recent version of the California Building Code

Existing accessible ramp

Construct alley to City standards

Existing accessible ramp

City standards require 18' in length, not 20'

It's unclear where this sewer line is, the dashed line relates to setbacks here

Will this stall be able to be accessed/departed without conflicts with the abutting stall and perimeter fencing?

Provide dimensions for aisle clearance

The project is required to provide a trash enclosure meeting City standards. Pursuant to SB 1383, the trash enclosure must provide sufficient capacity for solids, recyclables, and organics

This "E" is not included in the legend

10' 5' 0 10'
SCALE: 1" = 10'

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
—	CALF.	————————	02	05	

Michael Baker INTERNATIONAL
2929 NORTH CENTRAL AVE. SUITE 800
PHOENIX, AZ 85012-2794
602.279.1234 ★ FAX 602.279.1411★ www.MBAKERINTL.com

DATE: 08/07/2023 | DESIGN: A.N. | DRAWN: J.N. | CHECKED: J.M.

PRELIMINARY NOT FOR CONSTRUCTION

CONSTRUCTION NOTES

1. PARKING LOT LAYOUT PER COM STD DWG M-2, TYP.
2. RECONNECT TO EXISTING WATER METER
3. RECONNECT TO EXISTING SEWER SERVICE
4. NEW DOMESTIC WATER SERVICE LINE TO BUILDING
5. NEW PRIVATE SEWER SERVICE LINE TO BUILDING
6. NEW ELECTRICAL 300 AMP PANELS TO BUILDING
7. RECONNECT TO EXISTING SERVICE

PROPOSED SITE DATA :

APN:	013-195-20
ADDRESS:	807 QUINCE STREET MENDOTA, CALIFORNIA 93640
MAILING ADDRESS:	P.O. BOX 245 MENDOTA, CALIFORNIA 93640
LAND USE:	OUTREACH CENTER
ZONING:	R-1
ZONINH:	
LOT AREA:	11,250 SF
BUILDING AREA:	4,440 SF ~ 40% OF TOTAL SITE
PAVED AREA:	1,524 SF ~ 14% OF TOTAL SITE
DECOMPOSED GRANITE	3,275 SF ~ 29% OF TOTAL SITE
LANDSCAPE	1,937 SF ~ 17% OF TOTAL SITE
PARKING:	25 SPACES
HANDICAP PARKING:	2 SPACES
MAX BUILDING HEIGHT:	24 FT
PARKING TO FLOOR AREA:	1.35 RATIO
EXISTING TREES:	4 TOTAL TO REMAIN

LEGEND:

- PROPERTY LINE
- PROPOSED WATER
- PROPOSED SEWER
- EXISTING SETBACK
- EXISTING WATER
- EXISTING SEWER
- EXISTING OHE
- EXISTING ROAD
- EXISTING CHAINLINK FENCE
- PROPOSED CONCRETE
- EXISTING CONCRETE
- PROPOSED BUILDING
- EXISTING FIRE HYDRANT
- EXISTING POWER POLE
- EXISTING WATER METER
- EXISTING VEGETATION
- PROPOSED DRAINAGE FLOW

LEGAL DESCRIPTION:

SUBDIVIDED LAND & POR. SEC. 31, T13S, R15E OR THE M.D.B&M. (MOUNT DIABLO MERIDIAN) BK 8, PG 89, BLOCK NUMBER 195, PARCEL 20, LOTS 32, 31, 30 ZONING: R-1

GRADING NOTE:

1. GRADE SITE TO DRAIN TO STREET AT 1% MIN SLOPE.

GENERAL NOTES:

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF SECTION 3303.9 OF THE UNIFORM BUILDING CODE.
2. CONCTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES 48 HOURS IN ADVACED OF DEMOLITION SO UTILITY MAIN CAN BE PROTECTED AND DISCOVERED.
3. CAUTION OVERHEAD ELECTRIC LINES PRESENT.
4. CAUTION NATURAL GAS LINES PRESENT.
5. THE CONTRACTOR SHALL SECURE A BUILDING DEMOLITION PERMIT FROM THE CITY.

AS-BUILT CERTIFICATION

I HEREBY CERTIFY THAT THE "AS-BUILT DRAWING" AS SHOWN HEREON WERE MADE UNDER MY SUPERVISION OR AS NOTED AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED PROFESSIONAL ENGINEER (CIVIL) DATE

REGISTRATION NUMBER

REVISION BY CITY OF MENDOTA

NO.	DESCRIPTION	REV BY	CKD BY	DATE

CITY OF MENDOTA, CALIFORNIA
PLANNING AND BUILDING DEPARTMENT

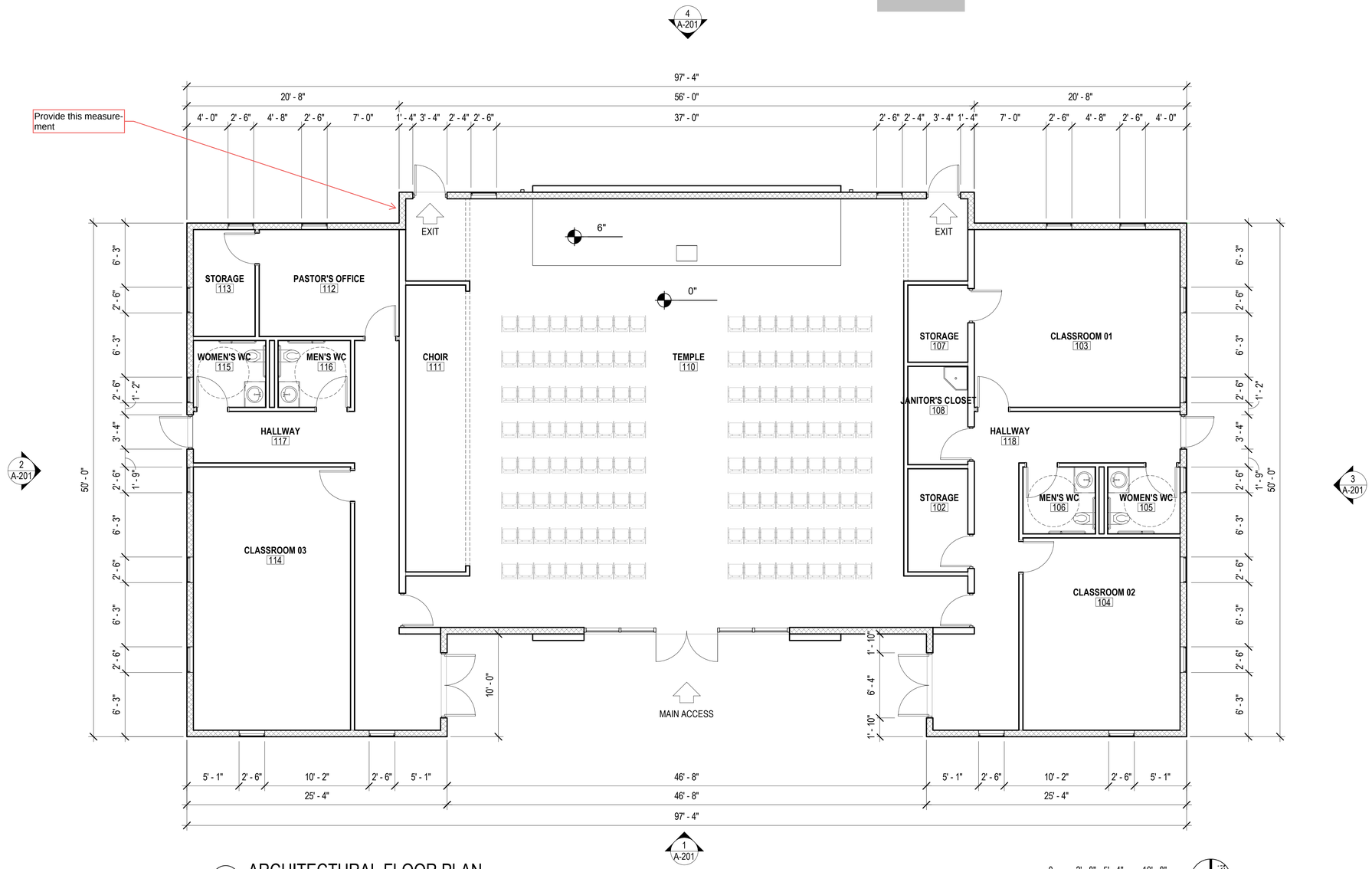
EMMANUEL OUTREACH CENTER

SITE PLAN
8TH STREET & QUINCE STREET, MENDOTA, CALIFORNIA
SECTION 31, TOWNSHIP 13S, RANGE 15E, APN:013-195-20

DR: J.N.	DES: A.N.	CK: J.M.	SHEET NO:	TOTAL SHEETS	AS BUILT
DATE:08/23	DATE: 08/23	DATE: 08/23			
SCALE: 1"=10' (H)		CS101	02	05	

W:\Water\Wastewater\Proj\17XXXX-Mendota Center\CAD\Improvement\17xxxx-CS101.dwg

AGENDA



1 ARCHITECTURAL FLOOR PLAN

SCALE: 3/16" = 1'-0"

0 2' - 8" 5' - 4" 10' - 8"

SCALE:3/16" = 1' - 0"

PLAN NORTH

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS-BUILT
____	CA.	-------	04	05	

Michael Baker INTERNATIONAL
2929 NORTH CENTRAL AVENUE SUITE 800
PHOENIX, ARIZONA 85012
(602) 279-1234 www.mbakerintl.com

Date:	08-04-2023	DESIGN:	A.N.	DRAWN:	A.P.	CKECKED:	J.M.

PRELIMINARY DESIGN
NOT FOR CONSTRUCTION

PROFESSIONAL SEAL

GENERAL NOTES:

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF SECTION 3303.9 OF THE UNIFORM BUILDING CODE.
2. CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES 48 HOURS IN ADVANCE OF DEMOLITION SO UTILITY MAIN CAN BE PROTECTED AND DISCOVERED.
3. CAUTION OVERHEAD ELECTRIC LINES PRESENT.
4. CAUTION NATURAL GAS LINES PRESENT.
5. THE CONTRACTOR SHALL SECURE A BUILDING DEMOLITION PERMIT FROM THE CITY.

REVISION BY CITY OF MENDOTA

NO.	DESCRIPTION	DATE

CITY OF MENDOTA, CALIFORNIA
PLANNING AND BUILDING DEPARTMENT

EMMANUEL OUTREACH CENTER

ARCHITECTURAL FLOOR PLAN

8TH STREET & QUINCE STREET, MENDOTA CALIFORNIA
SECTION 31, TOWNSHIP 13S, RANGE 15E, APN: 013-195-20

DR:	A.P.	DES:	A.N.	CK:	J.M.	SHEET NO:	TOTAL SHEETS:	AS BUILT:
DATE:	08/23	DATE:	08/23	DATE:	08/23			
Scale:	3/16" = 1'-0"		A-101			04	05	

C:\Users\amold.palacios\OneDrive - Michael Baker International\Desktop\AIP\BAKER\COWORKERS\ADRIAN NAVARRO\2023-06-17\OUTREACH WORSHIP CENTER.rvt

AGENDA

AGENDA ITEM – STAFF REPORT

TO: HONORABLE CHAIR AND COMMISSIONERS

FROM: JEFFREY O'NEAL, AICP, CITY PLANNER

BY: SARA ALLINDER, AICP, CONTRACT PLANNER

SUBJECT: ZONING TEXT AMENDMENT TO MENDOTA MUNICIPAL CODE TITLE 17

DATE: APRIL 3, 2024

ISSUE

Shall the Planning Commission adopt Resolution No. PC 24-02, recommending that the City Council amends Mendota Municipal Code Title 17 adding and modifying housing-related definitions, procedures, and regulated uses?

BACKGROUND

In 2016, the City adopted the 2015-2023 Housing Element, which included an evaluation of the City's regulations and practices, and recommended programs to demonstrate compliance with State-mandated requirements related to housing. Of these programs, Program 5 was developed and adopted with the intention of modifying the zoning ordinance to not only come into compliance with State law but to minimize governmental constraints for a variety of housing options, especially housing for special needs groups. The City is also in the process of updating its 6th Cycle Housing Element for the 2023-2031 planning period, which includes a similar program requiring amendments to the City's zoning ordinance for compliance with recent State legislation.

As a result, the City has initiated a Zoning Text Amendment ("ZTA") to Title 17 of the City's Municipal Code. This ZTA proposes to make the necessary modifications to implement the Housing Element, in addition to accommodating other housing-related regulations that have taken effect over the last several years. Accordingly, the Planning Commission is asked to review the proposed changes to Title 17 of the Mendota Municipal Code and make a recommendation to the City Council.

ANALYSIS

The proposed ZTA would add or clarify procedures, definitions, and use regulations for housing-related uses in zones that allow for residential uses. The amendments proposed under the ZTA comply with State housing laws designed to reduce the amount of subjectivity and discretion that agencies, including the City, can impose on certain housing developments. Following is a summary of the types of amendments reflected in the ZTA, included as Exhibit "A" to the attached Resolution No. PC 24-02.

Procedures. The following procedures have been updated or added to the zoning ordinance. Each of these procedures are required for compliance with specific State legislation.

- Accessory Dwelling Units

- Affordable Housing Density Bonus
- Reasonable Accommodations
- Streamlined Ministerial Multifamily Processing (Senate Bill 35)
- Preliminary Applications for Housing Development Projects

Definitions. The following definitions have been added or amended to the zoning ordinance for consistency with State mandated requirements.

- Accessory Dwelling Units
- Emergency Shelters
- Family
- Group Homes, Small and Large
- Lot Area
- Low Barrier Navigation Centers
- Residential Care Facilities
- Single Room Occupancy

Allowed Uses. The following uses have been added as permitted or conditionally permitted uses within the noted zone districts.

- Permitted uses in Open Space and Recreation District (O)
  - Farmworker Housing
- Permitted uses in Residential Districts (R-A, R-1-A, R-1, R-2, R-3, R-3-A, MHP)
  - Accessory Dwelling Units
  - Residential Care Facilities
  - Transitional Housing
  - Supportive Housing
  - Mobile homes within MHP only
- Conditionally Permitted uses in Residential Districts (R-A, R-1-A, R-1, R-2, R-3, R-3-A)
  - Mobile Home Parks
- Permitted uses in the Central Business and Shopping District (C-3)
  - Single Room Occupancy
  - Low Barrier Navigation Centers
  - Emergency Shelters
  - Accessory Dwelling Units
  - Transitional and Supportive Housing

Development Standards. Modifications to the following development standards are proposed to be consistent with State law for regulating parking and the manner in which design standards may be applied to mobile or manufactured homes.

- Parking for Emergency Shelters
- Architectural Standards in R-1 and R-1-A Districts

ENVIRONMENTAL

The first step in complying with the California Environmental Quality Act ("CEQA") is to determine whether the activity in question constitutes a "project" as defined by CEQA (Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq.). A "project" consists of the whole of an action (i.e., not the individual pieces or components) that may have a direct or reasonably foreseeable indirect effect on the environment. The second step is to determine whether the project is subject to or exempt from the statute. This proposal qualifies as a project under CEQA because it involves an amendment to the zoning ordinance as described in CEQA Guidelines Section 15378(a)(1).

The ZTA does not authorize any particular activity. Any proposed future development would be subject to CEQA analysis if subject to discretionary approvals. Therefore, staff supports a finding consistent with CEQA Guidelines Section 15061(b)(3). Under this "common sense" rule, if it can be shown with certainty that the project does not have the potential to have a significant effect on the environment, and therefore it is not subject to further environmental review.

PUBLIC NOTICE

Notice of the public hearing was published in the March 22, 2024 edition of *The Business Journal* and was posted at City Hall and the City's website.

FISCAL IMPACT

The City of Mendota was awarded an SB 2 Planning Grant through the Department of Housing and Community Development for the preparation of the ZTA documents. Staff and consultant time related to the ZTA is being funded by the Planning Grant with no fiscal impact to the City's general fund. The ZTA may assist in the development of housing affordable to the residents of Mendota and allow the City to continue to pursue funding sources that require a compliant Housing Element.

RECOMMENDATION

Staff recommends that the Planning Commission adopts Resolution No. PC 24-02, forwarding a recommendation to the City Council to amend Title 17 of the Mendota Municipal Code.

Attachment:

1. Resolution No. PC 24-02, including proposed ordinance language as Exhibit "A"

AGENDA

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

RESOLUTION NO. PC 24-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENDOTA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF MENDOTA AMEND MENDOTA MUNICIPAL CODE TITLE 17 REGARDING HOUSING RELATED DEFINITIONS, PROCEDURES AND REGULATED USES IN ZONE DISTRICTS THAT ALLOW HOUSING

WHEREAS, pursuant to the authority granted to the City of Mendota ("City") by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote public health, public morals, or public safety; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property within the City lie within the City's police power; and

WHEREAS, the City of Mendota 2015-2023 Housing Element Program 5 requires amendments to the zoning ordinance to comply with State law; and

WHEREAS, the City of Mendota initiated a Zoning Text Amendment ("ZTA") to Title 17 (Zoning) of the Mendota Municipal Code to address amendments required under Program 5 of the adopted Housing Element and to implement other housing-related regulations, and

WHEREAS, the proposed ZTA to Title 17 of the Mendota Municipal Code will have a positive impact on the City and its citizens by providing opportunities for additional housing options at a variety of income levels and bring the City into compliance with recent State legislation; and

WHEREAS, the City has determined that the project is exempt under the California Environmental Quality Act ("CEQA") in accordance with CEQA Guidelines Section 15061(b)(3) and that no additional environmental analysis is required; and

WHEREAS, at a special meeting on April 3, 2024, the Mendota Planning Commission conducted a public hearing to consider the ZTA; and

WHEREAS, notice of said public hearing was published in the March 22, 2024, edition of *The Business Journal* and posted at City Hall and the City's website; and

WHEREAS, the Planning Commission, after reviewing and considering the staff report, exemption, and all evidence presented at the Planning Commission's special meeting on April 3, 2024, including oral and written testimony received on the project, which is herein incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Mendota hereby:

1. Recommends to City Council adoption of a notice of exemption, absolving the project from further environmental review under CEQA.
2. Recommends to City Council approval of the ZTA amending the text of Mendota Municipal Code Title 17 in substantially the form contained in Exhibit "A" attached hereto with deletions shown in ~~strikethrough~~ and additions shown in underline.

_____
Albert Escobedo, Chairperson

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the Planning Commission at a special meeting of said Commission, held at Mendota City Hall on the 3rd day of April 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Celeste Cabrera-Garcia, City Clerk

EXHIBIT A

Title 17
ZONING

Chapters:

Chapter 17.04 GENERAL PROVISIONS AND DEFINITIONS

17.04.010 Title adoption.

There is adopted and codified in this title a zoning ordinance for the city of Mendota, state of California, said zoning ordinance establishing regulations pertaining to uses of land and uses, locations, height, bulk, size and types of buildings in certain districts of the city, specifying said districts; providing for the administration and enforcement of such regulations and prescribing penalties for violations thereof.

(Prior code § 13.01.001)

17.04.020 Purposes of title.

The zoning ordinance codified in this title is enacted to preserve and promote the public health, safety and welfare of the city and of the public generally and to facilitate development and expansion of the municipality in a precise and orderly manner. More specifically, the zoning ordinance is adopted in order to achieve the following objectives:

A. To foster a workable, stable and beneficial relationship among land uses, so as to achieve progressively the arrangement depicted on the general plan;

B. To promote the stability of existing land uses which conform to the district in which they occur;

C. To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city at large;

D. To prevent excessive population densities and overcrowding of the land with structures;

E. To promote a safe, effective traffic circulation system and the provision of adequate off-street parking and truck loading facilities;

F. To facilitate the appropriate location of community facilities and institutions;

G. To coordinate policies and regulations of the city relating to the use of land with such policies and regulations of the county of Fresno in order to facilitate transition from county to municipal jurisdiction;

H. To protect agricultural producers in areas of planned urban expansion.

(Prior code § 13.01.002)

17.04.030 Components of the zoning ordinance.

This zoning ordinance shall consist of a zoning map designating certain districts and these regulations, controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the open spaces about structures, the screening and landscaping of certain uses and structures, the areas and dimensions of sites and the provision of off-street parking and loading facilities.

A. The zoning map on file with the city clerk is made a part of this title by reference with the same force and effect as if the boundaries, notations, references and information shown on said map were specifically described in this title.

B. In order that zoning regulations be applied, all property in the city shall be considered to be classified in one of the districts established in this title, as approximately depicted on the official zoning map.

(Prior code § 13.01.003)

17.04.040 Establishment of zoning districts.

The districts established by the zoning ordinance and depicted on the zoning map are hereby designated as follows:

O — Open space and recreation district;

R-A — Single-family residential/agricultural district;

R-1-A — Single-family/low density residential district. Minimum twelve thousand (12,000) square feet per lot;

R-1 — Single-family/medium density residential district. Minimum six thousand (6,000) square feet per lot;

R-2 — Medium/high density residential district. Minimum three thousand (3,000) square feet;

R-3 — High density multiple family residential district. Minimum one thousand five hundred (1,500) square feet lot area per dwelling unit;

R-3-A — High density multiple family residential district — one story. Minimum one thousand five hundred (1,500) square feet lot area per dwelling unit;

MHP — Mobilehome park district;

C-1 — Neighborhood shopping center district;

C-2 — Community shopping center district;

C-3 — Central business and shopping district;

S-C — Special commercial district;

M-1 — Light manufacturing district;

M-2 — Heavy manufacturing district;

P — Off-street parking district;

A-D — Airport development district;

UR — Urban reserve district;

P-F— Public facilities district;

PUD— Planned unit development district.

(Prior code § 13.01.004)

17.04.050 Determination of district boundaries.

Whenever any uncertainty exists as to the boundary of a district as shown on the zoning map, the following regulations shall control:

A. Where a boundary is indicated as a street, alley, railroad right-of-way, canal or other watercourse, the center line of such shall be considered to be the boundary line. In the event of abandonment, the property shall immediately become classified in the same district as the property adjoining the former street, alley, railroad right-of-way, canal or watercourse.

B. Where a boundary line is indicated as following a lot or property line, it shall be construed as coinciding with the property ownership line.

C. Where neither subsection A or B of this section applies, the boundary line shall be determined by the use of the scale designated on the zoning map.

D. If further uncertainty exists, the planning commission, upon written request or on its own motion, shall determine the location of the boundary in question.

(Prior code § 13.01.005)

17.04.060 Changes of district boundaries due to annexation.

A. Where property annexed to the city was previously in a particular zoning district of the county of Fresno, it may be retained in the similar city classification if such district is also provided for by this title.

B. Where property annexed to the city has been classified by the city pursuant to prezoning provisions, such prezoning classification shall become effective at the same time that the annexation becomes effective. The method of accomplishing prezoning (determining the zoning that will apply to such property in the event of subsequent annexation to the city) shall be the same as that for the zoning of property within the city as provided by this title. Prezoning shall be recorded on the official zoning map in the same manner as zoning amendments but shall be identified by the use of parentheses enclosing the district symbols.

C. Where property annexed to the city was not prezoned by the city nor classified in a county of Fresno zoning district which is also provided by this title, it shall be classified in the O district (open space and recreation district) until otherwise zoned pursuant to the amendment procedures prescribed in Chapter 17.08 of this code.

(Prior code § 13.01.006)

17.04.070 Amendments to zoning map.

Amendment to the zoning map shall be adopted in the manner provided for changing district boundaries as prescribed in Chapter 17.08 of this code. Amendments shall be recorded on the official zoning map in the office of the city clerk and identified by a number corresponding to the ordinance adopting the amendment.

(Prior code § 13.01.007)

17.04.080 Application of title.

This title shall apply to all property whether owned by private persons, firms, corporations or organizations; by the United States of America or any of its agencies; by the state of California or any of its agencies or political subdivisions; by any city or county, including the city of Mendota, or any of its agencies; or by an authority or district organized under the laws of the state of California, all subject to the following exceptions:

A. Public streets and alleys;

B. Underground utility lines and facilities;

C. Underground and overhead communication lines;

D. Overhead electric distribution and transmission lines, not to include transmission and distribution substations;

E. Railroad rights-of-way.

(Prior code § 13.01.008)

17.04.090 Interpretation of title.

A. In their interpretation and application, the provisions of this title shall be held to be minimum requirements.

B. Interpretations.

1. Authority to Interpret. Where uncertainty exists regarding the interpretation of any provision of this Title or its application to a specific site, the city planner shall have the authority and responsibility to interpret such terms, provisions, and requirements.
2. Record of Interpretation. Code interpretations shall be made in writing and shall state the facts upon which the city planner relied to make the determination. The Department shall keep a record of interpretations made pursuant to this section on file for future reference.
3. Applicability of Interpretation. Code interpretations shall be applied in all future cases, provided that any interpretation may be superseded by a later interpretation when the city planner determines that the earlier interpretation was in error or no longer applicable under the current circumstances.
4. Right to Appeal. A code interpretation by the city planner may be appealed to the Planning Commission as provided in section 17.08.050(H)(4).

~~B~~C. No provision of this title is intended to abrogate, repeal, annul or interfere with any existing ordinance of the city, except as specifically stated herein, or deed restriction, covenant, easement or other agreement between parties, provided that where this title imposes greater restrictions or regulations, this title shall control.

~~C~~D. Except as otherwise provided in this title, these regulations shall be considered a continuance of Ordinance 180 as amended.

(Prior code § 13.01.009)

17.04.100 Effect of regulations.

A. All valid special use permits and valid variances heretofore issued pursuant to the provisions of Ordinance 180 shall continue in effect until otherwise revoked or terminated and shall be subject to all conditions governing the same and also subject to the provisions relating to such similar permits as set forth in this title.

B. Any use or structure existing in violation of said ordinance or any nonconforming use or structure which is also a violation or nonconforming use or structure by the provisions of this title, shall be deemed a continuing violation or nonconforming situation.

C. Any structure or part thereof erected, altered or moved into any district, on any site, lot or property shall be used only for the purposes and in the manner intended as permitted or conditional, and all structures or sites, or any portion thereof, shall be developed or maintained only in complete conformity to the area, frontage, width, coverage, yard, height, separation, parking and other property development standards hereinafter designated for the district in which such structure or site is located.

D. Contiguous properties may be combined and used as a single site or property and may be subdivided or split into separate sites provided that the parcels resultant from the combination or division are equal to or exceed the requirements of this title.

(Prior code § 13.01.010)

17.04.110 Definitions.

A. Construction and Terminology. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this title.

1. Words used in the present tense include the future tense.
2. Words used in the singular include the plural, and words used in the plural include the singular.
3. The word "shall" is mandatory; the word "may" is permissive.
4. The word "used" includes the words "arranged for, designed for, occupied or intended to be occupied for."

B. General Terminology.

1. The word "assessor" means the county assessor of the county of Fresno.
2. The word "building" means and includes the word "structure."
3. The word "city" means the city of Mendota.
4. The word "commission" means the planning commission of the city.
5. The words "council" or "city council" mean the city council of the city.
6. The word "county" means the county of Fresno.
7. The words "county recorder" mean the county recorder of the county of Fresno.
8. The word "federal" means the government of the United States.
9. The words "planning official" mean and refer to the planning director or planning consultant. If there is no planning director or consultant, it shall refer to the city manager, building official, city clerk or other employee of the city designated by the commission to act in the capacity of planning official.
10. The word "state" means the state of California.

11. The words "zone map" mean the official zone map of the city which is a part of the comprehensive zoning ordinance of the city.

12. The words "zoning ordinance" or "ordinance" mean the comprehensive zoning ordinance of the city.

13. The words "special permit," when used in reference to a procedure provided in this zoning ordinance, mean a conditional use permit, site plan approval or variance, as the case may be.

C. Specific Definitions. Certain words are defined below to clarify their use for the purposes of this title. Where a definition is not supplied or where a question of interpretation is raised, the definition shall be the normal meaning of the word within the context of its use, or as clarified by the planning commission.

"Abut" means as follows: two adjoining parcels of property, with a common property line, are considered in this title as one parcel abutting the other, except where two 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 parcels measures not less than eight feet in a single direction.

"Access or access way" means the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this zoning ordinance.

"Accessory building" means a building or structure which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same lot. Except in the case of garden structures, if an accessory building is attached to the main building by a common wall or a connecting roof, such accessory building shall be deemed to be a part of the main building.

"Accessory dwelling unit" means an attached or a detached dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the primary dwelling unit is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and a manufactured home, as defined in California Health and Safety Code Section 18007.

"Accessory living quarters" means living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

"Accessory use," "accessory building," or "accessory structure" means a use, building, or structure that is incidental, related, appropriate, and clearly subordinate to, and which does not alter, the principal use of the subject lot.

"Acre" means a full acre containing forty-three thousand five hundred sixty (43,560) square feet of area within property lines of a lot or parcel.

"Adjacent" means near, close or abutting; for example, an industrial district across the street or highway from a residential district shall be considered as adjacent.

"Advertising structure" means any notice or advertisement, pictorial or otherwise and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such advertising structure.

"Alley" means any dedicated way intended for vehicular service to the rear or side of property served by a street. Buildings facing an alley shall not be construed as satisfying the requirements of this title related to frontage on a dedicated street.

"Alter" means to make any change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders or floor joists, which will prolong the life of the structure.

"Amendment" means a change in the wording, context or substance of this title, and addition or deletion or a change in the zone district boundaries or classifications upon the zoning map.

"Apartment dwelling, three-family or triplex" means a building containing not more than three kitchens, designed and/or used to house not more than three families, living independently of each other, including all necessary domestic household employees of each such family.

"Apartment hotel" means a multiple dwelling which, in addition to dwelling units, has one or more guest rooms.

"Auto accessory parts (new) retail sales means and includes the sale of differential and transmission assemblies, engine blocks or heads and similar hard parts, radiators, tires and wheels, and tail pipes and mufflers. There shall be no machine work or repairs or installation of merchandise permitted on the premises, nor shall there be a service garage or automobile service of any kind.

"Automobile service station" means an occupancy which provides for the servicing of motor vehicles and operations incidental thereto and limited to:

1. Retail sale of gasoline, oil, tires, batteries and new accessories;
2. Automobile washing, not including mechanical car wash or steam cleaning;
3. Incidental washing and polishing;
4. Tire changing and repairing (but not including recapping);
5. Battery service, charging and replacement but not including repair or rebuilding;
6. Radiator cleaning and flushing, but not including repair or steam cleaning;
7. Installation of minor accessories;
8. The following aspirations if conducted wholly within an enclosed building:
    a. Lubrication of motor vehicles,
    b. Brake adjustment, replacement of brake cylinders and brake fluid lines,
    c. The testing, adjustment and replacement of carburetors, coils, condensers, distributor caps, fan belts, generators, points, rotors, spark plugs, voltage regulators, fuel pumps, water hoses or wheel balancing.

"Automobile wrecking yard" means a site or portions of a site on which the dismantling or wrecking of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of three or more motor vehicles which have not been capable of operating normally for thirty (30) days or more shall constitute prima facie evidence of a motor vehicle wrecking yard.

"Bakery, retail" means establishments primarily engaged in the retail sale of bakery products such as bread, cakes and pies and which produce some or all of the products on the premises.

"Bar" means any business at which alcoholic beverages are consumed on site including establishments serving food as well as alcoholic beverages. Any business which is by this definition a bar is also a commercial use.

"Basement" means a space wholly or partly underground, and having more than one-half of its height, measuring from its floor to its ceiling, below the average adjoining finished grade; if the finished floor level directly above a basement is more than six feet above finished grade at any point, such space shall be considered a story.

"Bicycle shop" means a business devoted to retail sales, service or repair of bicycles which are not powered by any type of mechanical device.

"Billboard" means the same as an "advertising structure."

"Block" means properties abutting one side of a street and lying between the two nearest intersecting or intercepting streets and railroad right-of-way, unsubdivided land or watercourse.

"Boarding or rooming house" means the rental or leasing of space within a residential building for sleeping and/or other lodging purposes, to three or more persons:

1. Each of whom pays compensation independent of the payment of compensation by the other paying occupant(s) of the premises; and
2. The paying occupants of the premises share the use of common areas, including one or more of the following: living room(s), bedroom(s), hallway(s), kitchen area(s), bathroom(s) and exterior entrance(s).

Boarding or rooming houses do not include rest homes.

"Breezeway" means a roofed passageway, open on at least two sides where the roof is structurally integrated with the structure of the main building. A fence or wall not exceeding six feet in height may be permitted on one side of said breezeway.

"Building" means a permanently located structure, having a roof, for the housing or enclosure of persons, chattels or property of any kind. House trailers and other vehicles, unless permanently immobilized and on permanent foundation, shall not be deemed to be buildings.

"Building, area of" means the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

"Building, height of" means the vertical distance measured from the adjoining curb level to the highest point of the structure, exclusive of chimneys and ventilators; 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.

"Building, main" means a building within which is conducted the principal use permitted on the lot or site as provided by this title.

"Building, setback line" means the minimum distance as prescribed by this title between any property line and the closest point of the foundation of any building or structure related thereto.

"Building site" means a lot or parcel of land, in single or joint ownership, occupied or to be occupied by a main building and accessory buildings or by a dwelling group and its accessory buildings, together with such open space as is required by the terms of this title, and having its principal frontage on a street, road, highway or waterway.

"Business, retail" means the retail sale of any article, substance or commodity for profit or livelihood, conducted within a building, but not including the sale of lumber or other building materials or the sale of used or secondhand goods or materials of any kind.

"Business, wholesale" means the wholesale handling of any article, substance or commodity for profit or livelihood, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

"Caretaker's residence" means a single-family residence on the same property with, or an abutting property owned by the owner of, a commercial or manufacturing use which residence is occupied by one or more persons charged with care or protection of facilities used in such commercial or manufacturing use, and which residence is provided to the occupant as compensation for such services and for which he does not pay money or other thing of value other than his service.

"Carnival" means a group of two or more devices or acts subject to council approval, operated or conducted for five days or less from time of set up and, in conjunction with an established business for the purpose of attracting the public or to advertise a product, idea or program.

"Carport" means an accessory structure or portion of a main structure open on two or more sides, designed for the storage of motor vehicles, without full enclosure.

"Car wash, self service" means any occupancy which provides for automobile washing to be done by the customer. There shall be no employees other than servicemen who check and maintain equipment and supervise the use of the facility. Equipment shall be limited to a water softener, water heater, soap mixing tank, low pressure vacuum units and one horsepower electric motor and pump for each stall or similar equipment which shall produce only a low volume of sound.

"Cemetery" means land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

"Certified recycling facility" or "certified processor" shall mean a recycling facility certified by the State of California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

"Church" means 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.

"Clinic" means a place for the provision of group medical services, not involving overnight housing of patients.

"Club" means an association of persons for some common nonprofit purposes, but not including groups organized primarily to render service which is customarily carried on as a business.

"College" means an educational institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.

"Commercial districts" means the C-1, C-2, C-3 and SC zoning districts.

"Commercial office" means any administrative or clerical office maintained as a business or any office established by a public service over which this title has jurisdiction, other than a professional office.

"Communications equipment building" means a building housing electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.

"Contiguous" means the same as "abut."

"Convalescent home" means "rest home."

"Convenience market" means and includes a liquor store, within which all or the majority of the floor area for retail sales is located for the sale of alcoholic beverages. This category, however, does not include a full-service grocery store containing less than five thousand (5,000) square feet.

"Corner cut-off" means the provision for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys or private driveways.

"Cottage food operation" shall hold the same definition as contained in Section 113758 of the California Health and Safety Code.

"Coverage" means the same as "lot coverage."

"Crime prevention plan" means a written implementation plan developed by the applicant in conjunction with the police chief which outlines a crime prevention program and other safety enhancement measures to be incorporated into a development.

Cul-de-sac. See "Lot, cul-de-sac."

Curve lot. See "Lot, curve."

"Dairy farm" means any place or premises upon which milk is produced for sale or other distribution and where more than two cows or six goats are in location.

"Day" means a calendar day.

"Day nursery" or "child care nursery" means any group of buildings, building or portion thereof used primarily for the daytime care of children with or without compensation.

"Directional signs" means any sign which contains only the name, location of building, services and/or occupants that are not located on the parcel upon which the sign is located. Said signs are separate from and are not to be construed as an advertising structure.

"District" means a zoning district established by this zoning ordinance.

"Drainage channel" means any existing or proposed open ditch, open culvert or open channel, naturally created or designed to transmit water for flood control or irrigation purposes.

"Drugstore" means a retail store engaged in the sale of prescription drugs and patent medicines, carrying related items such as cosmetics and toiletries and such unrelated items as tobacco and novelty merchandise. Such as may also include a soda fountain or lunch counter.

"Dump" means a place used for the disposal, abandonment or discarding of garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals.

"Duplex" means the same as "dwelling, two-family."

"Dwelling" means a building or portion thereof designed exclusively for residential purposes, including one-family and multiple dwellings, but not including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes, nursing homes, child care nurseries, or mobile homes (with or without wheels) except in the MHP district.

"Dwelling, one-family" means a detached building designed exclusively for occupancy by or occupied by one family for residential purposes.

"Dwelling, multifamily" or "multiple" means a building designed exclusively for occupancy by or occupied by two or more families living independently of each other, e.g. duplexes, triplexes, townhouses or apartments.

"Dwelling, two-family" means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

"Dwelling unit" means one or more rooms and a kitchen designed for occupancy by one family for living and sleeping purposes.

"Easement" means a space on a lot or parcel of land reserved for or used for public uses.

"Educational institutions" means public or other nonprofit institutions conducting regular academic instruction at pre-school, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, nonprofit research and religious institutions. Such institutions do not include schools, academies or institutes, incorporated or otherwise, which operate for a profit nor does it include commercial or trade schools.

"Electric distribution substations" means an assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a subtransmission voltage and transformed to a lower voltage for distribution for general consumer use.

"Electrical transmission substation" means an assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a low subtransmission voltage for purposes of supplying electric power to large individual

consumers, interchange connections with other power-producing agencies or electric distribution substations for transformation to still lower voltages for distribution to smaller individual users.

"Emergency shelter" means housing with minimal support for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Medical assistance, counseling, and meals may be provided. Emergency shelter also means navigation centers, bridge housing, and respite or recuperative care.

"Family" means ~~an individual, two or more persons who are related by blood or marriage or a group of not more than five persons not necessarily related by blood or marriage,~~one or more persons living ~~together~~ in a dwelling.

"Farm labor camp" means the same as "labor camp, farm."

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

"Fence" means any structural device forming a physical barrier which is so constructed that not less than fifty (50) percent of the vertical surface is open to permit the transmission of light, air or vision through said surface in the horizontal plane.

"Filling station" means the same as "automobile service station."

"Flood control channel" means the same as "drainage channel."

"Floor area." Whenever the term "floor area" is used in this zoning ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, 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.

"Frontage" means the property line of a site abutting on a street, other than the side line of a corner lot.

"Garage, private" means a detached accessory building or a portion of a main building on the same lot as a dwelling for five but not more than fifteen (15) persons other than members of the resident family, excepting a nursing home as defined in this section.

"Garage, repair" means a building other than a private garage used for the care, repair or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

"Garage, storage" means any premises used exclusively for the storage of vehicles.

"Grade" means the gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five (25) percent (See also "slope").

"Greenhouse" means a building or structure constructed chiefly of glass, glass-like translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

"Group home, small" means shared living quarters for six or fewer persons without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis.

"Group home, large" means shared living quarters for seven or more persons without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis.

"Guest" means any transient person who occupies a room for sleeping purposes.

"Guest house" means the same as "accessory living quarters."

"Guest room" means a room which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

"Half-story" means a story under a gable, hip or gambrel roof, parts of which are not more than three feet above the floor of such story.

"Hedge" means a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

"Height of building" means the same as "building, height of."

"Home for the aged" means the same as "rest home."

"Home occupation" shall mean a limited commercial or office profession conducted entirely within a dwelling and carried on by the inhabitant(s) thereof, which use is clearly incidental and secondary to the residential use of the property. For purposes of determining its compatibility with an underlying residential zoning district, a home occupation shall not in and of itself be considered a "commercial use."

"Hotel" means any building or portion thereof designed or used, or containing six or more guest rooms or suites of rooms, but not including any institutions in which human beings are housed or detained under legal restraint.

"Household pets" means the keeping of animals, fish, fowl, small birds; provided that there shall be not more than two mature animals, fowl and small birds of any one species provided that they shall be kept in a safe and sanitary manner; and keeping of other pets, provided that such other pets which are not kept exclusively within a dwelling shall be limited to not more than three adult animals, until such time that the keeping of animals as identified above becomes a commercial use as determined by the city council.

Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine or ruminant animals, pigs, predatory wild animals, ducks, geese, turkeys, game birds and fowl which normally constitute an agricultural use. The keeping of household pets or other animals is lawful only in those districts where the use is listed as a permitted use or when any household pets are kept as an accessory use to lawfully maintain residences in other districts. The keeping of any animal not described in this section as a household pet shall not be deemed an accessory residential use.

"House trailer" means the same as "mobile home."

"Housing for the elderly" means housing consisting of at least eight units restricted to a person/persons sixty (60) years of age or older, or to a person/persons sixty (60) years or older plus spouse then residing with said elderly person.

"Industrial districts" means the M-1 and M-2 zoning districts.

"Industry" means 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.

"Intent" and "purpose" means that the commission and council, by the adoption of this zoning ordinance, have made a finding that the health, safety and welfare of the community will be served by the creation of the district and by the regulations therein.

<u>“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.</u>

"Kitchen" means any room or area intended or designed to be used for or maintained for the cooking, storing and preparation of food.

Labor Camp.

1. "Labor camp" means any living quarters, dwellings, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, or other housing accommodations, including employee housing or labor supply camp, maintained in connection with any work or place where work is being performed, whether or not rent is involved, and the premises upon which they are situated or the are set aside and provide for parking of mobilehomes or camping of five or more employees by the employer.
2. "Labor camp" as used in this title also includes any portion of any housing accommodation or property upon which housing accommodations are located, if all of the following factors exist:
    a. The housing accommodations or property are located in a rural area;
    b. The housing accommodations or property are not maintained in connection with any work or workplace; and
    c. The housing accommodations or property are provided by someone other than an agricultural employer or employers for any of the following:
        i. Temporary or seasonal residency,
        ii. Permanent residency, if the housing structure is a mobilehome or recreational vehicle, or
        iii. Permanent residency, if the housing structure is more than thirty (30) years old and at least fifty-one (51) percent of the units in the structure are occupied by agricultural employees.
3. Labor camp, as defined by this section, does not include a hotel, motel, inn, tourist hotel or permanent housing.

"Landscaping" means and includes planting of vegetation of all types and the continued maintenance thereof in a normal, healthy condition and also includes exterior decoration, furniture and structures required by and indicated upon a site plan.

"Loading" means the removal or placement of any commodity in, on or from a vehicle of any type.

"Loading space" means an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley or other appropriate means of ingress or egress.

"Local street" means a street or road primarily for service to abutting property.

"Lot" means:

1. A single parcel of land for which a legal description is filed on record or the boundaries of which are shown on a subdivision map or record of survey map filed in the office of the county recorder.
2. The term "lot" includes a part of a single parcel of land when such part is used as though a separate lot for all of the purposes of this title.
3. The term "lot" includes two or more abutting lots when combined and used as though a single lot.

"Lot area" means the total horizontal area within the lot lines of a lot.

"Lot, corner" means a lot situated at the intersection of two or more streets which have an angle of intersection of not more than one hundred and thirty-five (135) degrees.

"Lot, corner, reversed" means 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.

"Lot, cul-de-sac" means a lot fronting on, or with more than one-half of its lot width fronting on, the turn-around end of a cul-de-sac street.

"Lot, curve" means 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.

"Lot depth" means the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines, but in no case shall the minimum lot depth and width required in any district take precedence over the minimum lot area required in that district. Lot depth shall also mean the average horizontal distance between the front and rear lot lines, measured at right angles to the lot width at a point midway between the side lot lines.

"Lot, interior" means a lot other than a corner lot.

"Lot line" means any line bounding a lot as defined in this section.

"Lot line, front" means the property line abutting a street.

"Lot line, rear" means a lot line not abutting a street which is opposite and most distant from the front lot line.

"Lot line, side" means any lot line not a front lot line or rear lot line.

"Lot, nonconforming" means a lot having less area or dimension than required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the county recorder, which does not abut a public road or public right-of-way or approved private road right-of-way and which was lawfully created prior to March 23, 1965.

"Lot width" means 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.

"Lot, through" means a lot having frontage on two dedicated streets, not including a corner or reversed corner lot.

"Lot of record" means a lot held in separate ownership as shown on the records of the county recorder at the time of the passage of an ordinance or regulation establishing the zoning district in which the lot is located.

"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.

"Low barrier navigation center" means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. ~~"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.~~

"Major street" or "major highway" means a highway with intersections at grade and on which partial control of access and geometric design and traffic control measures are used to expedite the safe movement of traffic.

"Medical building" means clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths or similar practitioners of the healing arts; including accessory laboratory and prescription pharmacy uses, but not including offices for veterinarians.

"Minor" means any person under the age of majority as determined by the state of California.

"Mobilehome" or "manufactured home" means a residential building or dwelling unit which is either wholly or partially constructed or assembled off the site in accordance with regulations adopted by the Commission of Housing and Community Development of the state. Manufactured homes shall be placed on a permanent foundation.

"Mobilehome park" means any area or tract of land where two or more mobilehomes or mobilehome sites are rented or leased to accommodate residential use.

"Motel" means a building or group of buildings containing individual sleeping or living units, designed primarily for use by automobile tourists or transients, where a majority of such units open individually and directly to the outside. An establishment shall be considered a motel, in any case, when required by the Health and Safety Code of the state of California to obtain the name and address of the guests and a description of their vehicle and license.

"Nonconforming building" means a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

"Nonconforming use" means a lawful use when established but which does not conform to subsequently established zoning or zoning regulations.

"Nursery school" means the same as "day care."

"Nursing home" means a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

"Office" means a business or commercial establishment for the rendering of service, administration or consultation but excluding retail services.

"Outdoor advertising structure" means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, and either:

1. Advertising a use not located on the site or a product not produced on the site where it is located; or

2. Exceeding three hundred (300) square feet in area. See "advertising structure" and "sign."

"Parking area, private" means an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use, but shall not include parking provided for residential uses unless such parking spaces are for more than four cars.

"Parking area, public" means an area, other than a private parking area or street, used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

"Parking district" means the same as the P district.

"Parking space" means an area, other than a street or alley, reserved for the parking of an automobile, plus such additional area as is necessary to afford adequate access thereto.

"Patio, covered" means the same as "structure."

Pets. See "household pets."

"Permanent" means to endure, remain, to continue or endure without fundamental or marked change.

"Person" means any natural person, partnership, cooperative association, private corporation, public corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Pharmacy. See "drug store."

"Planned unit development" means developments which may combine permitted and conditional uses of the district, a variety of dwelling types and/or, where appropriate, other related uses in a manner which might not be possible by strict adherence to the regulations of this title but which, because of careful design and arrangement, are made harmonious and functional uses within the site, the vicinity and the district in which they are located.

"Professional office" means any building or portion thereof used or intended to be used as an office for a lawyer, architect, engineer, land surveyor, accountant, optometrist, doctor, dentist and other similar professions but shall not include other medical buildings or commercial offices.

"Property line" means the same as "lot line."

"Public building and uses" means buildings, structures and use of land, maintained by federal, state, county or city government or agency thereof, or by any school district or other special district created by law, in either a governmental or proprietary capacity.

"Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

"Railroad right-of-way" means a strip of land of a maximum width of one hundred (100) feet only for the accommodation of mainline or branch line railroad tracks, switching equipment and signals, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, employee housing, yards or other uses are located.

"Ramada" means an arbor or pergola-like structure.

"Recreation vehicle" means a motorhome, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty (220) square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

"Recycling facility" shall mean a facility for the collection and/or processing of recyclable materials. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated on those premises. Recycling facilities may include the following:

1. "Collection facility." A collection facility shall mean a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as indicated in "Recycling facilities criteria and standards" as adopted or amended by the city council. Collection facilities may include the following:
    a. Reverse vending machine;
    b. Small collection facilities occupying not more than five hundred (500) square feet, which may include:
        i. A mobile unit;
        ii. Bulk reverse vending machines occupying more than fifty (50) square feet;

iii. Kiosk-type units that may include permanent structures;

iv. Unattended containers placed for the donation of recyclable materials.

c. Large collection facilities that occupy an area greater than five hundred (500) square feet and may include permanent structures.

2. "Processing facility." A processing facility means a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and/or remanufacturing. Processing facilities include the following:

a. A light processing facility occupies an area under twenty thousand (20,000) square feet of gross collection, processing, and/or storage, and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to bailing, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous materials other than food and beverage containers.

b. A heavy processing facility means any processing facility other than a light processing facility.

"Residence" means a building used, designed or intended to be used as a home or dwelling place, for one or more families. "Residential districts" means the following districts: R-A, R-1-A, R-1, R-2, R-3, R-3-A and MHP.

"Residential care facility" means a facility that is licensed by the State of California to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions.

"Restaurant" means an establishment which serves food or beverages only to persons seated within the building. This includes cafes and tea rooms.

"Restaurant/bar" means any establishment which, under this section is a bar, but which has met the requirements of this definition. An establishment may be classified as a restaurant/bar if, but only if:

1. Pursuant to the applicable CUP process, classification as a restaurant/bar is requested;

2. At least fifty-one (51) percent of the establishment's annual on-site sales is related to on-site food sales; and

3. At least seventy-five (75) percent of the establishment's floor area is dedicated for use as a restaurant.

As part of the classification application, the applicant shall provide such books and records to the city finance director so that the city finance director may report to the planning commission as to compliance with requirement 2. above. In addition, the planning commission may, at its option, but no more often than annually, require an audit of the establishment to insure compliance with requirement 2. above. The serving of alcoholic beverages in a restaurant/bar is expressly subject to such restrictions, including the regulation of the times during which such activity is permitted, as provided in Section 17.08.050(G)(4).

"Rest homes" means an establishment or home intended primarily for the care and nursing of invalids and aged persons; excluding cases of communicable diseases and surgical or obstetrical operations. The term shall not include nursing homes.

"Reverse vending machine" shall mean an automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles, and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of a certified recycling facility, grouping of multiple reverse vending machines may be necessary.

"Rezoning" means the same as "zoning district, change of."

"Road" means the same as "street."

"Room" means an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways and service porches.

"School, elementary, junior or high" means public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels.

"School, trade" means schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools and similar commercial establishments operated by a nongovernmental organization.

"Servant's quarters (separate)" means complete living quarters either attached or detached from that of the main dwelling, including kitchen facilities but not rented or used for permanent or temporary living quarters by members of the family.

"Service station" means the same as "automobile service station."

"Setback line, front yard" means the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.

"Setback line, rear yard or side yard" means 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 district.

"Sign" means any lettering or symbol made of paint, paper, wood, metal or any other material, which is painted, attached, constructed or otherwise placed where it is visible from the exterior of any buildings or enclosed fenced areas, but not including window display signs which are not directly affixed to or painted on the window surface.

"Sign area" means the total exterior surface of a sign, including all sides of a sign having more than one surface unless otherwise specified, and including spaces between or within letters and symbols.

"Significant tobacco retailer" means any tobacco retailer engaged in the sale and/or distribution of tobacco products or paraphernalia to the general public, excluding wholesale business, that either devotes twenty (20) percent or more of floor area or display area to, or derives seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

"Single Room Occupancy (SRO)" means a residential facility containing housing units that may have individual or shared kitchen and/or bathroom facilities and are guest rooms or efficiency units as defined by the California Health and Safety Code. Each housing unit is offered on a monthly rental basis or longer.

"Site" means a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure. Generally used with the same meaning as "lot."

"Site plan" means a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a specific parcel of land.

"Site plan review" means the review by a site plan which shows the manner in which the applicant intends to use and develop the property.

"Slope" means a natural or artificial incline, as a hill-side or terrace. Slope is usually expressed as a ratio.

"Smoke detector" means a device which detects visible or invisible particles of combustion.

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

"Street" means a public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the pre-mapal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this zoning ordinance.

"Structure" means anything constructed or erected which requires a fixed location on the ground, including a building, but not including a fence, a wall used as a fence, landscaping or other improvements excepted by this title.

"Supportive housing " means 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 residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing is a residential use, and is allowed in all districts that allow residential uses subject only to the requirements and restrictions that apply to other residential uses of the same type in the same district.

"Swimming pool" means a structure containing a body of water intended for swimming, wading, and related activities. A swimming pool may be a primary structure or an accessory structure within the context of the overall use of a site. Swimming pool shall include wading pools and hot tubs. It does not include facilities that are temporary in nature and/or those that can be set up and removed annually.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code § 4500 et seq.), and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

"Temporary" means a short period of time as reasonable within the context or for the use.

"Temporary sign" means a sign that is installed, erected, or displayed on the property of a business advertising the opening, establishment, or new location of a business, change of ownership of the business, or sales related to the opening or closing of that business.

"Tire, battery and accessory parts retail sales and service store" means an occupancy for the retail sale and installation of automobile tires, batteries and other automobile parts and accessories wherein all activity including storage, shall be conducted completely within a building designed and intended for this purpose. Such occupancy shall exclude the sale and installation of differential and transmission assemblies, engine blocks or heads, and similar hard parts and radiators, and shall also exclude machine work, tire recapping, retreading, rebuilding and vulcanizing, battery repair or rebuilding, or general automobile repair, except as permitted in an automobile service station.

"Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, use or ingestion of tobacco products.

"Tobacco products" means any substance containing any tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

"Tobacco retailer" means any person who sells, offers for sale, or offers to exchange for any form of consideration, tobacco, tobacco products, and/or tobacco paraphernalia.

"Trailer sales and service lot" means an open area where trailers or mobilehomes are sold, leased or rented, but where no repairs, repainting or remodeling are done and where no trailers or mobilehomes are occupied as a dwelling.

"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing is a residential use, and is allowed in all districts that allow residential uses subject only to the requirements and restrictions that apply to other residential uses of the same type in the same district.

"Travel trailer" means a vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

"Travel trailer park" means any area or tract of land where one or more travel trailer sites are rented or leased to accommodate travel trailers.

"Truck parking" means the parking of trucks including "bob tail" trucks in the rear yard only, but restricting five-ton or greater diesel trucks or rigs in designated districts. All other trucks allowed on streets or lots in conformance with the city truck ordinance.

"Truck service station" means an occupancy which provides especially for the servicing of trucks with incidental operations similar to those permitted for "automobile service stations."

"Use" means the purpose for which a site or structure is designed or intended or for which either a site or structure is or may be occupied and maintained.

"Utility easement" means the same as "easement."

"Wading pool" means the same as "swimming pool."

"Wall" means 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.

"Warehousing" means a building or buildings used for the storage of goods of any type, when such building or buildings contains more than five hundred (500) square feet of storage space, and where no retail operation is conducted.

"Wholesaling" means the selling of any type of goods for the purpose of resale.

"Yard" means a space on a lot on which no structures are allowed. A required yard extends across the full width or length of a lot parallel to the lot lines from which such yards are required.

"Yard, front determination" means the narrowest portion of lot, abutting a street. In no case shall the front yard be determined by the placement of a structure, or include an alley accessway or railroad right-of-way.

"Yard, front" means a space between the front yard setback line and the front lot line or highway setback line and extending the full width of the lot.

"Yard, rear" means a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

"Yard, side" means a space extending from the front yard, or from the front lot line where no front yard is required by this zoning ordinance, to the rear yard or rear lot line, between a side lot line and the side yard setback line.

"Zone" means the same as "district," as defined and described in this section.

"Zoning district, change of" means the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the official zone map of the city.

(Ord. 03-02 (part), 2003; Ord. 99-01 § 1, 1999; Amended during 1995 codification; Ord. 91-02 § 1, 1991; Ord. 94-07 § 1, 1994; Ord. 93-10 § 1, 1993; prior code § 13.01.011)

(Ord. No. 11-01, §§ 3, 4, 3-22-2011; Ord. No. 12-05, § 2, 4-24-2012; Ord. No. 14-05, § 2, 9-9-2014; Ord. No. 15-04, § 2, 4-28-2015; Ord. No. 15-08, § 1, 7-14-2015; Ord. No. 17-04, § 1, 4-25-2017)

Chapter 17.08 ADMINISTRATIVE PROVISIONS

17.08.010 Application of chapter.

The general provisions and exceptions set forth in this chapter where applicable shall apply in all zone districts.

(Prior code Art. 13.21 (part))

17.08.020 Administration.

A. Schedule of Filing Fees. Filing fees shall be paid by the applicant to the city to cover the expenses of processing, posting, advertising or other costs incidental to the several procedures in this title. The filing fees shall be set by a resolution of the city council. Said fees shall be reviewed on an annual basis to ensure their currency.

B. Legal Procedures. This section is in addition to other provisions of this title and other city ordinances relating to the legal status of conditions and activities in the city.

   1. If any portion of a privilege authorized by the issuance of a conditional use permit or variance is utilized, all terms and conditions attached thereto shall immediately become effective and shall be complied with. Violation of any such term or condition shall constitute a nuisance and violation of this title and shall be subject to the same penalties as any other violation of this code.

   2. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title, any use of land, building or premises established, conducted or operated, or maintained contrary to the provision of this title shall be and the same is declared to be unlawful and a public nuisance and the matter may be abated or corrected by court process, by action of city forces or by the filing of a criminal action for violation of this title; said remedies to be cumulative.

C. Injunction. Any resident or property owner in the city and any resident or property owner within one mile of the city limits shall have standing to obtain a mandatory, prohibitory injunction to prevent the violation of this title.

(Prior code § 13.21.011)

17.08.030 Addition of permitted uses.

A. Procedure. When the classification of an unlisted use is requested, it shall be the duty of the city planner (or the planning commission or city council in case of an appeal) to ascertain all the pertinent facts concerning such use, set forth in writing its findings and the reasons for designating a specific classification for such use.

1. The applicant shall file a request with the city planner for a decision. The planning commission and the city council also may initiate an application.

2. The city planner shall render a written decision not less than thirty (30) days after such application is made and shall notify the applicant, any person requesting such notice, the planning commission, and the city council of such decision.

3. An appeal may be filed by any aggrieved person within fifteen (15) days after the mailing of the notice of such a decision.

4. The planning commission, or the city council upon further appeal, shall hear such appeal of the decision within forty (40) days after the date of the filing of such appeal.

5. The planning commission, or the city council upon further appeal, shall render a decision within fifteen (15) days after the hearing of such appeal.

6. The applicant shall be notified in writing at the address shown on the application of the planning commission's decision and the city council's decision if such appeal is made.

B. Findings.

1. Criteria. Upon application or on his own initiative, the city planner may add a use to the list of permitted uses prescribed in Chapters 17.12 through 17.84 of this code upon making the following findings:

a. That the addition of the use to the list of permitted uses will be in accordance with the purposes of the district in which the use is proposed;

b. That the use has the same basic characteristics as the uses permitted;

c. That the use will not be detrimental to the public health, safety or welfare;

d. That the use will not adversely affect the character of the district;

e. That the uses will not create more odor, dust, smoke, noise, vibration, illumination, glare, fire or explosion hazard, or unsightliness, or any other objectionable influence, than that normally created by any of the uses permitted in the district.

2. Classification. The city planner (or planning commission or city council in case of an appeal) shall classify such use as to permitting such use by right or permitting such use subject to a conditional use permit.

3. Effect of Determination. Uses classified pursuant to this section shall be regarded as listed uses. The city shall maintain an up-to-date list of all such classifications.

C. Similarity. It is recognized that not every conceivable use can be identified in this title. The city planner may determine that a proposed use is substantively similar to, is a subcategory of, or is otherwise inseparable from a use already permitted or conditionally permitted within the subject zone such that the proposed use can be permitted or conditionally permitted without formally classifying it pursuant to this section.

(Prior code § 13.21.001)

(Ord. No. 14-02, § 7, 2-11-2014)

17.08.040 Amendments to the zoning ordinance.

A. Scope. An amendment to this title which changes any property from one district to another, or imposes any regulation not heretofore imposed, or removes or modifies any such regulations heretofore imposed shall be initiated and adopted by the following procedure.

B. Initiation. Amendments to this title may be initiated in the following manner:

1. The commission, council, or staff may propose an amendment by scheduling a public hearing before the commission to consider the proposed amendment;

2. A property owner or the authorized representative of an owner may propose an amendment to change property from one district to another by filing a verified petition with the commission; provided, however, such a petition shall be signed by the owners of at least sixty (60) percent of the area directly affected by such proposed amendment.

C. Petitions.

1. Form of Petition. The commission shall prescribe the form in which applications for changes of districts are made. The commission may prepare and provide blanks for such purpose and may prescribe the type of data and information to be provided by the petitioner to assist in determining the validity of the request. No application shall be received unless it is full and complete and complies with such requirements.

2. Verification of Petition. The city manager shall verify the accuracy and completeness of the application and the date of verification shall be noted on the application.

3. Change of C-1, C-2, C-3 or SC Districts. In addition, the applicant may provide to the commission such data and information as will assist the city manager in making a recommendation to the commission to justify its findings to the council as to the location and size of the proposed rezoning. Such data may include:

a. Economic studies and surveys;

b. Traffic studies;

c. Population studies; and

d. Any other information deemed pertinent.

D. Filing Fee. When an application to change property from one district to another is filed, a fee shall be paid for the purpose of defraying the costs incidental to the proceedings.

E. Administrative Investigation. The city manager shall study the proposed amendment and shall provide the information necessary for action consistent with the intent and purpose of this chapter and the general plan.

F. Notice of Public Hearing.

1. If amendments are proposed by petition, the secretary shall set the matter for public hearing no less than ten (10) days nor more than sixty (60) days after the verification of the proposal.

2. Notices of required public hearings shall contain a description of the property under consideration, the nature of the proposed change, the time and place of the hearing, the body presiding over the hearing, the recommendation of the commission, if applicable, and any other pertinent data. Notice shall be given by at least one publication in a newspaper of general circulation in the city at least ten (10) days before the hearing.

3. When the amendment involves the reclassification of property, additional notice shall be given by mailing a notice not less than ten (10) days prior to the date of the hearing to the owners of property

within a radius of three hundred (300) feet from the external boundaries of the property described in the application, using for this purpose the last known name and address of such owners as shown on the latest adopted tax roll of the county or by posting of the property not less than ten (10) days before the hearing.

4. Any failure to make notices as aforesaid shall not invalidate any proceedings taken for amendments under this chapter.

G. Commission Public Hearings—Recommendations and Notice Thereof.

1. The commission shall, not less than ten (10) days after the publication of the legal notice of a public hearing on an amendment, hold such hearing.

2. If, for any reason, testimony on any case set for public hearing cannot be completed on the day set for such hearing, the commissioner presiding at such public hearing may, before the adjournment or recess thereof, publicly announce the time and place to and at which such hearings will be continued, and such announcement shall serve as sufficient notice.

3. Upon the completion of a public hearing, the commission shall, not later than forty (40) days thereafter, render its decision on the matter so heard. Failure to so act within said forty (40) days shall serve to automatically and immediately refer the whole matter to the council for such action as it deems warranted under the circumstances. In the event of such failure on the part of the commission to act, the city manager shall immediately deliver to the council all of the records of the matter involved.

4. The recommendation for the approval of any amendment shall be by resolution of the commission carried by the affirmative votes of not less than a majority of its total voting members. A resolution for recommendation which receives a majority vote of the members present and voting but not a majority vote of the total voting members of the commission may, with the consent of the applicant, if any, and by majority vote of the members present, be continued until the next regular or special meeting of the commission; however, if the majority of the members present do not vote to continue the matter or the applicant does not consent thereto, then the action shall constitute disapproval. A resolution for the approval of any amendment which fails to carry by reason of no votes of a majority of the members present shall be deemed a disapproval.

5. The commission shall announce and record its action by formal resolution. Such resolution shall be filed with the council.

6. Not later than ten (10) days after final action by the commission on an application, notice of the decision shall be mailed to the applicant.

7. A denial by the commission shall be final unless appealed to the council within fifteen (15) days of the date such resolution is filed with the council.

8. An appeal may be initiated by the applicant or by any aggrieved person.

H. Council Public Hearing. The hearing date of the council public hearing shall be set by the city clerk for not less than ten (10) days or more than sixty (60) days after the filing of the commission's resolution with the council. Notice shall be given as provided in Section 17.08.040(F).

I. Notice of Council Public Hearing—Decision and Notice Thereof.

1. The council shall, not less than ten (10) days after the legal notice of a public hearing on a proposed amendment, hold such public hearing.

2. The council may approve the proposed amendment and enact it by ordinance or disapprove it. The council shall not alter the proposed amendment without referral back to the commission unless such alteration was previously considered by the commission and unless, in the case of a district change,

such alteration is more restrictive or reduces the area under consideration. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. When the proposed amendment is referred back to the commission, the commission shall render a report to the council within forty (40) days of such referral, and the council shall render its decision within forty (40) days of the receipt of the report of the commission.

J. Appeals on Denials.

1. The council, not more than forty (40) days after the denial by the commission, shall hear such appeal after giving notice pursuant to Section 17.08.040(F).

2. The council shall refer any proposed reversal of such denial back to the commission for a report.

3. The commission shall render such report to the council within forty (40) days of such referral.

4. The council shall render its decision within forty (40) days of the receipt of the report from the commission.

K. Reapplications for District Amendments. No person, including the original applicant, shall reapply for the same change of district on the same lot or lots within a period of one year from the date of the final decision on such previous application unless such decision is a denial without prejudice.

L. Appeals—Time Limits. Appeals, if any, to a court of competent jurisdiction shall be made within thirty (30) days after the final decision by the council. In the event such action is not appealed within thirty (30) days following the council's decision, it shall be presumed that the petitioner to a court has not acted with due diligence in asserting his rights, and the action of the city shall be deemed to be final.

M. Conditional Zoning.

1. The council may impose conditions to the zoning reclassification of property, to be given an appropriate designation on the zone map, where such conditions are essential to:

a. The community's protection against potentially harmful effects of the proposed use; or

b. Where such conditions are required to adjust the proposed use to the community's needs.

2. In the event conditions to zoning are imposed, a site plan review shall be required prior to development as provided in Section 17.08.090.

(Amended during 1995 codification; prior code § 13.21.002)

(Ord. No. 19-02, § 3, 4-9-2019)

17.08.050 Application for conditional use permit.

A. Purpose. The purpose of a conditional use permit is to allow for enhanced review of particular uses that are not permitted in a particular zone district by right due to characteristics of those uses that may require additional mitigation in order to reduce their potential for impacting other proximal uses.

B. Filing, Form, and Content. Application for a conditional use permit shall be filed by the owner or lessee of the property for which the permit is sought, or by the authorized representative of the owner or lessee. Application shall be made on a form prescribed by the planning commission, and except as may be modified herein, shall otherwise meet the requirements of Section 17.08.090 of this title.

C. Verification. The city planner shall verify the accuracy and completeness of the application.

D. Formal Acceptance. Within thirty (30) days after submission of the application, the city planner shall notify the applicant in writing of the completeness of the application. If the application is not complete, the

communication shall state the manner in which the application needs to be supplemented in order to be complete. When the application is found to be complete, it shall formally be accepted for processing. The date of formal acceptance shall be noted on the application. Acceptance of the application as complete shall not constitute an indication of approval.

E. Filing Fee. When the application for a conditional use permit is filed, the applicant shall pay a fee in an amount fixed by resolution of the city council for the purpose of defraying the costs associated with review and consideration of the application.

F. Administrative Investigation. The city planner shall investigate the facts bearing on the application, including as necessary information from utilities purveyors, service providers, and/or other public or private entities whose functions are integral to the operation of, or that may be affected by, the proposed use.

G. Minor and Major Conditional Use Permits. There shall be two classes of conditional use permit: minor and major. As part of the application process, the city planner shall make the determination of how a particular proposal shall be classified.

1. Minor Conditional Use Permit. A proposal may be considered for a minor conditional use permit if it meets one or more of the following criteria:

a. The use involves no new construction, excluding fences and/or signs.

b. The use will occupy an existing structure and involves no modifications to the building or site aside from those for aesthetic purposes or to provide compliance with city, state, or federal regulatory requirements; or

c. The use involves expansion of an existing structure by less than ten (10) percent of its existing size.

2. Major Conditional Use Permit. Any proposal not meeting the criteria described in [subsections] (G)(1)(a), (b), or (c) above shall be classified as a major conditional use permit. Further, if a project meets criteria (G)(1)(a), (b), and/or (c) above, but the city planner determines that there are extenuating circumstances related to the project's potential to adversely impact nearby properties or facilities, the city planner may determine that said project be processed as a major conditional use permit.

H. Minor Conditional Use Permit Notice and Action.

1. Following completion of the administrative investigation, the city planner shall determine the date on which the application will be considered. Not less than ten (10) days prior to the date of consideration, the city planner shall provide notification pursuant to California Government Code § 65091.

2. On the date of consideration stated in the public notice, the city planner shall consider the application, including all information gathered during the administrative investigation and public notice period.

3. The city planner shall make a determination to approve, approve with conditions, or deny the application. In approving a conditional use permit, the city planner shall find that:

a. The site for the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features to adjust such use with the land and uses in the neighborhood;

b. That the site for proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

c. That the proposed use will have no adverse effect on abutting property or the permitted use thereof;

d. That the conditions stated in the project approval are deemed necessary to protect the public health, safety and general welfare. Such conditions may include:

i. Special yards, spaces and buffers;

ii. Fences and walls;

iii. Surfacing of parking areas subject to specifications;

iv. Requiring street dedications and improvements (or bonds) subject to the provisions of site plan review, Section 17.08.090, including service to roads or alleys when practical;

v. Regulation of points of vehicular ingress and egress;

vi. Regulation of signs;

vii. Requiring landscaping and the maintenance thereof;

viii. Requiring the maintenance of the grounds;

ix. Regulation of noise, vibration, odors, etc.;

x. Regulation of time for certain activities;

xi. The time period within which the proposed use shall be developed;

xii. A bond for the removal of such use within a specified period of time;

xiii. 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 purpose set forth in this title.

4. Appeal to the Planning Commission. The applicant or any aggrieved person may appeal the decision of the city planner to the planning commission. The appeal shall be in writing and shall state the reason(s) for the appeal. The appeal shall be filed with the clerk within fifteen (15) days after the date on which the city planner made the determination regarding the project.

5. Notice of Planning Commission Hearing. Notice of the public hearing before the planning commission shall be given according to subsection (H)(1). The planning commission shall conduct a public hearing on the conditional use permit, and shall uphold or deny the appeal based on the findings listed in subsection (H)(3). The decision of the planning commission may be appealed to the city council as provided in subsections (H)(4) and (H)(5). herein.

I. Major Conditional Use Permit. Following the administrative investigation by the city planner, the planning commission shall hold a public hearing to consider a major conditional use permit.

1. Notice of Commission Hearing. Notice of hearing for a major conditional use permit shall be in accordance with California Government Code § 65091.

2. Public Hearing Procedure. The city planner shall make a written report to the planning commission detailing the proposal and providing a recommendation for approval, approval with conditions, or denial, including a statement to support such recommendation. The planning commission shall review the report and the statement and shall receive pertinent evidence and testimony concerning the proposal and the conditions under which it would be operated and maintained.

3. Planning Commission Determination. Based upon the recommendation from the city planner and any evidence and/or testimony received during the public hearing, the planning commission shall approve, approve with conditions, or deny the proposal. The commission shall announce its determination by resolution within forty (40) days after the conclusion of the public hearings. Such resolution shall set forth the findings contained within subsection (H)(3) herein and any recommended conditions, including time limits, deemed necessary to protect the health, safety and welfare of persons in the

neighborhood and in the community as a whole. The resolution shall be mailed to the applicant at the address shown in the application. The applicant, or any aggrieved person, may appeal any decision of the commission to the city council as provided in subsections (H)(4) and (H)(5) herein.

J. Effect of Decision. Unless an appeal is submitted to the city clerk as provided in subsections (H)(4) and (H)(5) herein, the decision of the approving entity shall be final and effective. An appellate body may affirm, reverse, or modify a decision, provided, however, that if a decision denying a use permit is reversed or a decision granting a use permit is modified, the appellate body shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings prerequisite to the granting of a use permit as prescribed in Section 17.08.050(H)(3).

K. Building Permits and Occupancy. Before a building permit shall be issued for any building or structure proposed within a conditional use permit, the building department shall secure written verification from the city planner that any proposed building location(s) is in conformity with the approved site plan, if applicable, and any conditions of approval have been met. Before a building may be occupied, the building inspector shall verify to the city planner that the site has been developed in conformity with the approved site plan, if applicable, and any conditions of approval.

L. Lapse of Use Permit. A use permit shall lapse and shall become void one year following the date on which the use permit became effective unless, by conditions of the use permit a greater time is prescribed or unless, prior to the expiration, a building permit is issued by the building official and construction is commenced and being diligently pursued in accordance with the use permit. A use permit may be renewed for an additional period of one year or for a lesser or greater period as may be specified, provided that a written request for renewal is filed with the city planner not less than thirty (30) days prior to the expiration of the previous time period granted. The city planner may grant or deny a request for renewal. Such determination shall be in writing, and shall contain the basis for the determination.

M. Mapping. Within thirty (30) days after the granting of a conditional use permit the city planner shall indicate on the zone map the lots affected by such conditional use permit. Such indication shall show the file number of such permit.

N. Revocation. A conditional use permit may be revoked for failure to comply with conditions of approval, violation of this code, or violations of state or federal statute or regulations as applicable to the use(s) described in the conditional use permit. Upon violation of any applicable provision, the use permit shall be suspended automatically. Notice of suspension shall be sent immediately by the planning official to the applicant or person responsible for noncompliance, and all construction or action relating to the violation shall cease. Within thirty (30) days of the notice of suspension, the planning commission shall consider the suspension. Proceedings for consideration of revocation of a conditional use permit shall be as described in Section 17.08.050(I). If not satisfied that the regulations, provisions or conditions are being fully complied with, the commission shall revoke the use permit or take such action as may be necessary to ensure compliance.

O. Conditional Use Permit to Run With the Land. A use permit granted pursuant to the provisions of this title shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application. Conditions of approval associated with the original granting of the use permit shall apply to all successors.

P. New Application. Following the denial of a conditional use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same use on the same site shall be filed within one year from the date of denial or revocation of the use permit.

(Amended during 1995 codification; prior code § 13.21.003)

(Ord. No. 14-02, §§ 1, 2, 2-11-2014)

17.08.060 Application for ~~second~~ accessory dwelling unit permit.

A. Purpose. This section establishes development and operations standards for accessory dwelling units and establishes a ministerial review process for the approval of such accessory dwelling units consistent with Government Code Section 66310, as may be amended from time to time. implements Government Code 66310 as may be amended from time to time.

B. Density and Consistency. Accessory dwelling units that confirm to the requirements of this section and with the requirements of Government Code Section 66310 shall:

1. Not be considered for the purposes of evaluating the density requirements established in the General Plan.
2. Be found consistent with the existing General Plan designation and zoning for the lot.
3. Not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

~~A.~~C. ~~A.~~ Application. Application for a permit for an ~~second~~ accessory dwelling unit or a junior accessory dwelling unit shall be the same as application for a building permit for a single-family residence.

~~B.~~D. ~~B.~~ Filing Fee. The filing fee associated with an ~~second~~ accessory dwelling unit or a junior accessory dwelling unit shall be the calculated in the same manner as the filing fee associated within a single-family residence.

E. ~~C.~~ Mandatory Approval ADUs. The following types of ADUs shall be permitted in residential or mixed-use zones, unless specifically stated otherwise, and shall comply with the following criteria. No additional developments standards shall apply.

1. Detached Accessory Dwelling Units.
   a. Location.
      (1) Detached ADUs must be accompanied by a proposed or existing single-family or multifamily dwelling.
      (2) Detached ADUs may be located in an existing accessory structure.
   b. Maximum Number of Detached ADUs.
      (1) When accompanied by a proposed or existing single-family dwelling, the maximum number of detached ADUs shall be one. The detached ADU may be in addition to an existing or proposed attached ADU and an existing or proposed JADU.
      (2) When accompanied by a proposed or existing multi-family dwelling, the maximum number of detached ADUs shall be two per lot. Detached ADUs are not required to be detached from each other but must be detached from the multifamily dwelling.
      (3) In no case shall the total number of primary dwelling and accessory dwelling units exceed four on any given lot zoned for single-family residential uses.
   c. Floor Area.
      (1) The minimum floor area shall be 150 square feet, or the equivalent of an efficiency unit, whichever is greater.
      (2) When accompanied by an existing or proposed single-family dwelling, the maximum floor area shall be no more than 1,200 square feet.
      (3) When an existing accessory structure is converted to a detached ADU, the maximum square feet may exceed 1,200 square feet to an amount equal to the square footage of the existing accessory structure to be converted.
   d. Minimum Setbacks. 4-foot side, street side, and rear yard, except when converting or replacing an existing accessory structure that is less than 4 feet from the side, street side, or rear yard.
   e. Maximum Height. The maximum height of detached ADUs shall be as follows:
      (1) For one story detached ADUs, the maximum height shall be 16 feet. Where the detached ADU is located within one-half mile walking distance of a major transit stop or a high-quality transit

corridor or with an existing or proposed multifamily dwelling of more than one story, the maximum height shall be 18 feet.

(2) For two story detached ADUs, the maximum height shall be 25 feet.

(3) Height Exceptions.

(a) An additional two feet in height shall be allowed to accommodate a roof pitch on an accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

(b) When an existing accessory structure is converted to a detached ADU, the maximum height may exceed the limits of Section 17.08.60(D)(1)(c) to an amount equal to the height of the existing accessory structure to be converted.

f. Parking.

(1) One parking space shall be required for use by the detached ADU in addition to the minimum parking required for the primary single-family or multifamily dwelling(s). The surface of the parking space shall be improved and may be covered or uncovered.

(2) Exceptions. No parking shall be required in any of the following circumstances:

(a) The detached ADU is located within one-half mile walking distance of public transit.

(b) The detached ADU is located within an architecturally and historically significant historic district.

(c) The detached ADU is part of the proposed or existing primary residence or an accessory structure.

(d) On-street parking permits are required but not offered to the occupant of the detached ADU.

(e) There is a car share vehicle located within one block of the detached ADU.

g. Occupancy. If permitted after January 1, 2025, owner-occupancy shall be required in the primary dwelling or the newly created detached ADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

h. Development Standards. Detached ADUs shall comply with all applicable base zone district development standards, including lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, unless application of any one or more of these standards precludes construction of at least an 800 square foot detached ADU.

2. Attached ADUs.

a. Location. Attached ADUs must be accompanied by a proposed or existing single-family or multifamily dwelling.

b. Maximum Number of Detached ADUs.

(1) When accompanied by a proposed or existing single-family dwelling, the maximum number of attached ADUs shall be one. The attached ADU may be in addition to an existing or proposed detached ADU and an existing or proposed JADU.

(2) In no case shall the total number of primary dwelling and accessory dwelling units exceed four on any given lot zoned for single-family residential uses.

c. Floor Area.

(1) The minimum floor area shall be 150 square feet, or the equivalent of an efficiency unit, whichever is greater.

(2) The maximum floor area shall be 50% of the primary dwelling unit floor area, or 1,200 square feet, whichever is greater.

d. Minimum Setbacks. 4-foot side, street side, and rear yard, except when converting or replacing an existing accessory structure that is less than 4 feet from the side, street side, or rear yard.

e. Maximum Height. The maximum height of attached ADUs shall be two stories and 25 feet or the maximum height specified by the base zone district, whichever is lower.

f. Parking.

(1) One parking space shall be required for use by the attached ADU in addition to the minimum parking required for the primary single-family dwelling. The surface of the parking space shall be

improved and may be covered or uncovered. If the proposed or existing single-family dwelling provides two parking spaces on-site, no additional parking shall be required.

(2) Exceptions. No parking shall be required in any of the following circumstances:

(a) The attached ADU is located within one-half mile walking distance of public transit.

(b) The attached ADU is located within an architecturally and historically significant historic district.

(c) The attached ADU is part of the proposed or existing primary residence or an accessory structure.

(d) On-street parking permits are required but not offered to the occupant of the attached ADU.

(e) There is a car share vehicle located within one block of the attached ADU.

g. Occupancy. If permitted after January 1, 2025, owner-occupancy shall be required in either the remaining portion of the primary dwelling or the newly created attached ADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

h. Development Standards. Attached ADUs shall comply with all applicable base zone district development standards, including lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, unless application of any one or more of these standards precludes construction of at least an 800 square foot attached ADU.

3. Conversion ADUs.

a. Location. Conversion ADUs are permitted within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

b. Maximum Number of Conversion ADUs. The maximum number of conversion ADUs allowed shall be no more than 25% of the number of existing or proposed multifamily units. However, in no case shall less than one conversion ADU be allowed.

c. Floor Area.

(1) The minimum floor area shall be 150 square feet, or the equivalent of an efficiency unit, whichever is greater.

(2) The maximum floor area shall be 50% of the primary dwelling unit floor area, or 1,200 square feet, whichever is greater.

d. Minimum Setbacks. 4-foot side, street side, and rear yard, except when converting existing and eligible square footage that is less than 4 feet from the side, street side, or rear yard.

e. Parking. No additional parking shall be required.

4. Junior ADUs (JADUs).

a. Location. JADUs must be accompanied by a proposed or existing single-family dwelling on a lot zoned for single-family use. A JADU must be located within the walls of the primary single-family dwelling, including but not limited to, an attached garage.

b. Maximum Number of JADUs.

(1) When accompanied by a proposed or existing single-family dwelling, the maximum number of JADUs shall be one. The JADU may be in addition to an existing or proposed detached ADU and an existing or proposed attached ADU.

(2) In no case shall the total number of primary dwelling and accessory dwelling units exceed four on any given lot zoned for single-family residential uses.

c. Floor Area.

(1) The minimum floor area shall be 150 square feet, or the equivalent of an efficiency unit, whichever is greater.

(2) The maximum floor area shall be 500 square feet.

d. Parking. No parking shall be required for the JADU.

e. Exterior Access. Access shall be provided to the JADU independent from the primary dwelling.

f. Sanitation Facilities. Sanitation facilities may be separate or shared with the primary dwelling. If shared with the primary dwelling, the JADU shall provide an interior entry to the living area of the primary dwelling, separate from the exterior access required to the JADU.

g. Kitchen Features. An efficiency kitchen shall be provided, including the following minimum features:

(1) A cooktop, refrigerator, and compact sink. A removable hot plate may be considered a cooktop for purposes of this requirement. Appliances shall require no more than a 120-volt electrical connection.

(2) Food preparation counter space of a minimum 24 inches in width and a minimum of one food storage cabinet of a minimum 24 inches in width.

h. Occupancy. Owner-occupancy shall be required in either the remaining portion of the primary dwelling or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

i. Deed Restriction. A deed restriction shall be recorded on the property which shall run with the land, and a copy of which shall be provided to the planning department. The deed restriction shall include both of the following:

(1) A prohibition on the sale of the JADU separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers.

(2) A restriction on the size and attributes of the JADU that conforms with this section.

5. Development and Occupancy Standards. The following standards shall apply to detached ADUs, attached ADUs, conversion ADUs, and JADUs.

a. Fire Sprinklers. Fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary dwelling(s). The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in an existing single-family or multifamily dwelling.

b. Long-Term Rentals Only. Rental of the accessory dwelling unit created pursuant to this section shall be for a term longer than 30 days.

~~Standards of Approval. The building department shall issue a building permit for a second unit ministerially and without discretionary review upon finding that it complies with the following standards:~~

~~1. That the second unit is not intended for sale and may be rented;~~

~~2. That the lot is zoned R-A, R-1-A, R-1, R-2, R-3, R-3-A and has an area exceeding six thousand (6,000) square feet;~~

~~3. That the lot contains an existing single-family detached unit or that it will contain a single-family detached unit prior to occupancy of the second unit;~~

~~4. That the second units is either attached to the existing residence and located within the living area of the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling;~~

~~5. That the increase in floor area, if any, of an attached unit shall not exceed thirty (30) percent of the existing living area;~~

~~6. The total area of floor space of a detached second unit shall not exceed one thousand two hundred (1,200) square feet.~~

~~7. That any additional construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges and any other requirements applicable to residential construction in the R-A, R-1-A, R-1, R-2, R-3, R-3-A, as may be applicable;~~

~~8. That all local building code requirements which apply to detached dwellings shall be met, as appropriate;~~

~~9. That the application provide for separate water and sewer utilities connections for the primary unit and the second unit;~~

~~10. That the applicant for such permit be an occupant of either dwelling. At all times subsequent to approval of the second unit, the current owner of the property shall occupy one of the two dwellings;~~

~~11. A minimum of one permanent covered parking space shall be provided onsite for each of the dwellings.~~

~~12. As used in this title "floor space " means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure.~~

~~D. Violation. If, at any time following approval of the second unit permit, the owner or occupant fails to maintain compliance with subsection (C) herein, the city planner shall notify the responsible party of said violation in writing, and provide a time period to allow correction of said violation(s). If said violation(s) are not corrected within the allowed time period, the general penalty shall apply.~~

(Ord. No. 14-02, §§ 3, 4, 2-11-2014)

Editor's note(s)—Section 3 of Ord. No. 14-02, adopted Feb. 11, 2014, repealed § 17.08.060 and § 4 of said ordinance enacted new provisions as set out herein. Former § 17.08.060 pertained to application for conditional use permit (second units), and derived from prior code § 13.21.012.

17.08.070 Application for variance.

A. Purposes. The planning commission has authority to grant variances and to specify terms and conditions thereof, pursuant to the provisions of this title. The granting of any variance, and the conditions attached to such a grant, shall assure that such variance does not constitute a special privilege inconsistent with the limitations on other properties in the vicinity and zone in which the property is situated. Variance shall apply to regulations regarding structures and any physical conditions on the site, but shall not apply to types of uses where the conditional use permit or zoning amendment is a more appropriate procedure.

B. Conditions Necessary to Granting Variances. A variance may be granted only when all of the following conditions exist in reference to the property being considered:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of an applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification;
3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and
4. The granting of such a variance will not be contrary to the objectives of the general plan.

C. Procedure.

1. Initiation of Proceedings. A proceeding for the consideration of variance may be initiated by the commission, council or by a verified application.
2. Administrative investigation. The city manager shall investigate the facts bearing on each case to provide the information necessary for action consistent with the intent and purpose of this title.
3. Formal Acceptance. If the application is found to be accurate and complete, it shall be formally accepted. The date of formal acceptance shall be noted on the application. Acceptance of the application shall not constitute an indication of approval.

D. Filing Fee. When the application for a variance is filed, a fee as provided for by resolution shall be paid for the purpose of defraying the costs incidental to the proceedings.

E. Applications.

1. Filing. Application for variances shall be filed by the owners or lessees of the property for which the variance is sought or by the authorized representative of either the owner or lessee.

2. Form and Content. Such applications shall be made to the commission on forms furnished by the department and shall set forth in detail the reasons for the requested variance, shall show how the conditions set forth in subsection B of this section are satisfied, and shall provide other information as may be prescribed by the commission to assist in determining the validity of the request.

3. Verification. The city manager shall verify the accuracy and completeness of the application. The date of verification shall be noted on the application. Such verification shall be made within fifteen (15) days of the date of the application.

a. Not In Scope. In cases where the city manager considers the reasons set forth in the application not all within the scope of the variance procedure, the application is filed and the fees are accepted, the application shall be signed by the applicant to the effect that he was so informed.

F. Public Hearing.

1. The planning commission shall hold a public hearing on each variance application. Notice and procedures shall be in accordance with the provisions of Section 17.08.050(D) and (E).

2. The commission may deny an application for a variance, may grant the variance as requested or may grant a variance subject to such conditions and limitations as the commission may prescribe.

G. Effect of Decision and Other Procedures. The effect of the commission's action, appeal to the city council, granting of building permits, lapse of variance, revocation, applicability and new applications shall be governed by the same procedures as conditional use permits, Section 17.08.050(H), (I), (J), (K), (L), (M), (N) and (O).

(Amended during 1995 codification; prior code § 13.21.004)

17.08.080 Application for minor variance.

A. Purpose and Procedure.

1. A minor variance may be granted by the city manager upon written request, subject to such conditions as he may impose without any notice or appeal if he finds that to do so would not be detrimental to the public welfare or injurious to property and improvements in the areas in which the property is located. When in the public interest, the city manager may consider and render decisions on applications involving minor deviations from the provisions of this title, limited to the following:

a. Area and lot dimension requirements may be reduced by not more than ten (10) percent of that required in the district.

b. Yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten (10) percent of the area required.

c. Maximum building height requirement may be increased by not more than ten (10) percent.

d. Permission to utilize exterior metal siding or roofing materials on a one-family dwelling, one-family manufactured home or one-family mobile home, provided that before said permission is granted, the zoning administrator shall make a finding that the metal siding or roofing is

compatible with the siding or roofing material used on other one-family dwellings, one-family manufactured homes or one-family mobile homes in the surrounding neighborhood.

B. Application and Fee. The provisions of Section 17.08.070(B), (C), (D) and (E) shall apply.

(Amended during 1995 codification; Ord. 94-07 § 4, 1994; prior code § 13.21.005)

(Ord. No. 14-02, § 14, 2-11-2014)

17.08.090 Application for site plan review.

A. Purpose. The purpose of site plan review is to provide an avenue for expeditious approval of projects that are listed as permitted uses within the subject zone district, and that are therefore presumed to be consistent with both the zoning ordinance and the general plan of the city of Mendota.

B. Filing, Form, and Content. Application for site plan review shall be filed by the owner or lessee of the property for which the permit is sought or by the authorized representative of the owner or lessee. Application shall be made on a form prescribed by the planning commission which shall include the legal description of the property, a site plan, drawings, photographs, and such other pertinent information that may be required by the city planner. The information listed in items (1) through (25) shall be illustrated on the site plan as appropriate or otherwise submitted with the application for site plan review:

1. Name and address of applicant;
2. Statement that the applicant is the owner or lessee of the property or is the authorized representative of the owner or lessee, or is the plaintiff in an action in eminent domain to condemn the property;
3. Address or description of the property;
4. Lot dimensions;
5. Location, elevation, size, height, and proposed use of all buildings and structures;
6. Yards and spaces between buildings;
7. Walls and fences: locations, height, and materials;
8. Off-street parking: location, number of spaces, dimensions of parking area and internal circulation pattern;
9. Access: pedestrian, vehicular and service, points of ingress and egress and internal circulation;
10. Location, size and height of all signs;
11. Loading: locations, dimensions, number of spaces and internal circulation;
12. Lighting: location, general nature and hooding devices;
13. Street dedications and improvements;
14. Location of trash pickup facilities and screening;
15. Location, species, and maturity of landscaping and irrigation system;
16. Existing and proposed utilities, including offsite utilities that will serve the project site;
17. Composition of material comprising exterior surfaces of buildings;
18. Adjacent public rights-of-way, including median island detail where applicable;
19. Proposed surfacing of all paved areas;

20. Proposed drainage of the site;
21. Any proposed phasing;
22. Preliminary title or lot book report for the parcel;
23. Environmental supplement application;
24. Roof-mounted equipment and screening, existing and proposed;
25. Location of mail delivery system.

C. Verification. The city planner shall verify the accuracy and completeness of the application.

D. Formal Acceptance. Within thirty (30) days after submission of the application, the city planner shall notify the applicant in writing of the completeness of the application. If the application is not complete, the communication shall state the manner in which the application needs to be supplemented in order to be complete. When the application is found to be complete, it shall be formally accepted for processing. The date of formal acceptance shall be noted on the application. Acceptance of the application as complete shall not constitute an indication of approval.

E. Filing Fee. When the application for a site plan review is filed, the applicant shall pay a fee in an amount fixed by resolution of the city council for the purpose of defraying the costs associated with review and consideration of the application.

F. Administrative Investigation. The city planner shall investigate the facts bearing on the application, including as necessary information from utilities purveyors, service providers, and/or other public or private entities whose functions are integral to the operation of, or that may be affected by, the proposed use.

G. Public Notice and Action.

1. Following completion of the administrative investigation, the city planner shall determine the date on which the application will be considered. Not less than ten (10) days prior to the date of consideration, the city planner shall provide notification pursuant to California Government Code § 65091.
2. On the date of consideration stated in the public notice, the city planner shall consider the application, including all information gathered during the administrative investigation and public notice period.
3. The city planner shall make a determination to approve, approve with conditions, or deny the application. In approving a site plan, the city planner shall find that:
    a. The site plan is consistent with the requirements of the zoning ordinance;
    b. The site plan is consistent with the general plan;
    c. The following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety are protected, and there will be no significant adverse effect on surrounding properties or the environment:
        i. Facilities and improvements;
        ii. Vehicular ingress, egress, and internal circulation;
        iii. Setbacks;
        iv. Height of buildings;
        v. Location of services;
        vi. Walls;
        vii. Landscaping;

viii. Lighting is so arranged as to reflect light away from adjoining properties; and

ix. Signs.

The city planner's decision shall be final unless appealed to the planning commission.

H. Reserved.

I. Reserved.

J. Appeal to the Planning Commission. The applicant or any aggrieved person may appeal the decision of the city planner to the planning commission. The appeal shall be in writing and shall state the reason(s) for the appeal. The appeal shall be filed with the clerk within fifteen (15) days after the date on which the city planner made the determination regarding the project.

K. Notice of Planning Commission Hearing. Notice of the public hearing before the planning commission shall be given according to subsection (G)(1). The planning commission shall conduct a public hearing on the site plan, and shall uphold or deny the appeal based on the findings listed in subsection (G)(3). The decision of the planning commission may be appealed to the city council as provided in subsections (J) and (K) herein.

L. Minor Site Plan Review. A minor site plan review is a site plan review consisting only of the expansion or conversion of an existing building or structure by less than ten (10) percent of its floor area or of minor building and/or site improvements intended to bring the site into compliance with city requirements.

1. A minor site plan review shall be filed, submitted and reviewed in the same manner as other site plan reviews, except that the city planner shall approve, approve with conditions or disapprove the minor site plan review without notice, provided that written findings are made that the proposal will not be detrimental to the public welfare or injurious to property and/or improvements in the vicinity of the project.

2. Appeal to Planning Commission. The determination of the city planner may be appealed to planning commission as provided in subsections (J) and (K) herein.

3. Appeal to City Council. The determination of the planning commission on appeal may be appealed to the city council as provided in subsections (J) and (K) herein.

M. Expiration of Site Plan Approval. An approved site plan shall lapse and become null and void two years following the date of approval unless, prior to the expiration of two years, a building permit is issued by the building department and construction is being diligently pursued. For phased site plans that are not also subject to a development agreement, the city planner may provide an alternative duration of site plan validity, not to exceed five years following the date of approval.

N. Street Dedications and Improvements Required. Because of changes that may occur in neighborhood due to increases in vehicular traffic generated by facilities requiring a site plan review, and upon the principle that all development projects should provide street dedications and improvements in proportion to the increased vehicular traffic resulting from such development project, but should not be required to provide street facilities for non-related traffic, the following dedications and improvements may be deemed necessary and may be required as conditions to the approval of site plan review.

1. When the Development Borders or is Traversed by an Existing Street.

a. Minor Streets, Local Streets and Culs-De-Sac. Dedicate all necessary rights-of-way to widen the street to its ultimate width as shown on any master or precise plan of streets and highways; install curbs and gutters, drainage facilities, sidewalks, street trees, street signs, street lights, required utilities, and street pavement from curb to existing pavement.

b. Major and Collector Streets. Dedicate all necessary rights-of-way to widen the street to its ultimate width as established by any master plan or precise plan of streets and highways or

where the ultimate right-of-way lines are otherwise determinable and the grades have been established or can be determined; install curbs and gutters, drainage facilities, sidewalks, street trees, street signs, street lights, required utilities, and street pavement for a minimum of one parking lane and one travel lane abutting the development. In no case shall a person be required to dedicate or improve the right-of-way for a half street for a distance in excess of forty-two (42) feet as measured from the ultimate right-of-way line.

c. Major Thoroughfares (Expressways, Freeways, State Highways). Set back all facilities the required distance from the ultimate property line as shown on any master or precise plan of streets and highways; install curbs and gutters, drainage facilities, sidewalks, street trees, street signs, street lights, and required utilities, and street paving. No other dedications or improvements shall be required.

2. Frontage and Other New Roads. All frontage roads or new roads of any class made necessary by the development shall be dedicated and fully graded and improved with curbs and gutters, drainage facilities, sidewalks, street trees, street signs, street lights, required utilities, grading and paving; provided, that where the street involved is indicated as an eventual major street or major thoroughfare upon any master or precise plan of streets and highways, the amount of grading and paving shall not exceed that required for such existing streets under subsection (e)1[(N)(1)]. Where a frontage road is provided and improved, the improvements in subsection (e)1.B.[(N)(1)(b)] will not be required.

3. All improvements shall be to city standards.

O. Building Permits and Occupancy. Before a building permit shall be issued for any building or structure proposed within a site plan, the building department shall secure written verification from the city planner that the proposed building location(s) is in conformity with the approved site plan and any conditions of approval have been met. Before a building may be occupied, the building inspector shall verify to the city planner that the site has been developed in conformity with the approved site plan and any conditions of approval.

(Ord. No. 14-02, §§ 5, 6, 2-11-2014)

Editor's note(s)—Section 5 of Ord. No. 14-02, adopted Feb. 11, 2014, repealed § 17.08.090 and § 6 of said ordinance enacted new provisions as set out herein. Former § 17.08.090 pertained to similar subject matter, and derived from prior code § 13.21.006; and Ord. 9901, § 1, adopted in 1999.

17.08.100 Building permits.

A. Before a building permit shall be issued for any such building or structure, the city manager shall secure a certificate that:

1. The proposed building is in conformity with the site plan and conditions approved by the city manager;

2. All required on-site (outside the city right-of-way) improvements shall have been completed. If the off-site improvements have not been completed, the permittee shall have entered into an agreement with the city to complete such work within six months from the date of the issuance of the permit. The city manager may extend the completion date for such off-site improvements one additional six-month period upon the written request of the permittee upon a showing of good cause therefor. Such an agreement shall be secured either by cash deposited with the city, a cash deposit in an irrevocable escrow approved by the city manager or other financial security approved by the city manager as the equivalent thereof. Such security shall be in the amount of one hundred (100) percent of the estimated costs of completion, such costs to be determined by the city manager. In the event such work is not completed within the period provided, or any extension thereof, the city shall be authorized to take all necessary action to enforce the agreement, including the use of security, to cause the completion of all

required improvements. Moneys deposited with the city or in escrow may be partially released to the depositor by the city manager during the progress of the work so long as the same ratio of security is maintained on deposit to secure all uncompleted work; and

3. All existing hotels, motels and multiple-family residential units; and all existing single-family residential units upon sale, rental or repairs in excess of one thousand dollars ($1,000.00) in cost must have smoke detectors installed. Smoke detectors must be installed in conformance with the requirements of this code, except that approved battery powered smoke detectors may be installed in existing structures.

B. Filing Fees. Filing fees shall be paid by the applicant to the city to defray the expenses of postage, posting, advertising and processing applications according to the several procedures provided in this title in such amounts as the council may fix by resolution.

C. Form of Applications. The commission shall prescribe the form of all applications provided for in this title, which forms shall, among other things, indicate the accompanying data to be furnished by the applicant so as to assure the fullest practicable presentation of the facts for the proper consideration of the matter involved in each case and for a permanent record thereof. Each application provided for in this title shall be signed by one or more owners or lessees of the property in respect to which the application is filed. In all cases, such applications shall be provided at the City Hall.

D. Public Hearings. The commission may establish its own rules for the conduct of public hearings, and the member of the commission presiding at such hearings shall have the power to administer oaths to any person testifying. The commission may, for any reason, when it deems such action necessary or desirable, continue any hearing to a certain date, time and place, and the public announcement of such date, time and place of the hearing to be continued shall, for all purposes, be sufficient notice thereof to all persons.

E. Legal Procedure. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title, and any use of land, buildings or premises established, conducted, operated or maintained contrary to the provision of this title shall be and the same is declared to be unlawful; and the city attorney, at the request of the planning commission, shall immediately commence action or proceedings for the abatement and removal and the enjoining thereof in the manner prescribed by law. The remedies provided in this title shall be cumulative.

F. Penalties for Violations. Any person, firm or corporation, whether principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00), or by imprisonment for a term not to exceed six months, or by both such fine and imprisonment, unless otherwise provided. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this title is committed or continued by such person, firm or corporation and shall be punishable as herein provided.

G. Validity. If any section, sentence, clause or phrase of this title is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this title or of any section hereof. The council declares that it would have passed and does hereby pass this title, and each section, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared invalid or unconstitutional.

(Amended during 1995 codification; prior code § 13.21.007)

17.08.110 Application for administrative review permit.

A. Application.

1. Filling. Application for Administrative Review Permit shall be filed by the owners or lessees of property for which the permit is sought or by the authorized representatives of either the owner or lessee.
2. Form and Contents. Application for Administrative Review Permit shall be made to the city manager or his or her designee on a form prescribed by the city manager which shall include the following data:
    a. Name and address of applicant;
    b. Statement that the applicant is the owner of the property or is the authorized agent of the owner or has the permission of the owner to file for an administrative review permit;
    c. Address or description of property;
    d. A drawing of the site, including buildings, and the site's relationship to streets and alleys, driveways, property lines, and adjoining development;
    e. Such other data as may be necessary for the city manager to make the required findings.
3. Verification. The city manager or his or her designee shall verify the accuracy and completeness of the application. The date of verification shall be noted on the application.
4. Formal Acceptance. If the application is found to be accurate and complete, it shall be formally accepted. Acceptance of the application shall not be considered an indication of approval.

B. Filing Fee. When the application for an administrative review permit is filed, a fee of an amount fixed by resolution shall be paid for the purpose of offsetting the staff time required to process the application.

C. Administrative Investigation. The city manager or his or her designee shall investigate the facts bearing on the case to provide the information necessary for action consistent with the intent of this title and the general plan.

D. Action by City Manager. The city manager or his or her designee shall approve or disapprove an application for an administrative review permit based upon the required findings listed below within fifteen (15) days of the formal acceptance of the application.

E. Findings and conditions. The city manager or his or her designee shall make the following findings.
1. That the proposed site is adequate in size and shape to accommodate the proposed use;
2. That the proposed site relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
3. That proposed use will have no adverse effect on abutting property or the permitted uses thereof;
4. That the conditions stated in the approval letter by the city manager or his or her designee are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include:
    a. Surfacing of parking areas subject to specifications;
    b. Fences and walls;
    c. Regulation of points of vehicular ingress and egress;
    d. Regulation of signs;
    e. Requiring the maintenance of the grounds;
    f. Mitigation of noise, vibration, odors, and other factors;
    g. The time period within which the proposed use may operate and/or be developed;
    h. Any other conditions determined to be necessary to adjust the proposed use with respect to adjoining property and development.

F. Revocability. An Administrative Review Permit may be revocable, may be granted for a limited period, or may be granted subject to such conditions as the city manager or his or her designee may prescribe. The city manager or his or her designee may deny an application for an administrative review permit.

G. Effect of Decision. The city manager or his or her designee shall inform the applicant of his or her decision in writing. Unless a written appeal stating the reasons for the appeal and request for reconsideration by the planning commission is submitted to the city clerk within ten (10) days of the date of the city manager's written decision, the decision of the city manager is final. In the event of an appeal by any party, the application shall be scheduled for consideration by the planning commission at its next available meeting. The planning commission shall consider the city manager's recommendation and any evidence or testimony presented before it related to the application. The decision of the planning commission is final and is not subject to appeal to the city council.

H. Building and Other Permits. Before a building, electrical, plumbing, or other permit proposed as part of the approved administrative review permit is issued, the building official shall determine that said permit complies with the administrative review permit and any conditions.

I. Lapse of Permit. An administrative review permit shall lapse and shall become void after the time designation on the permit.

J. Revocation. Upon violation of any applicable provision of this title or conditions of the administrative review permit, the use shall be suspended automatically. Notice of suspension shall be sent immediately by the city manager or his or her designee to the applicant or person responsible for noncompliance, and all action relating to the violation shall cease. The applicant may correct the violations or surrender the administrative review permit. The city manager's determination regarding whether a violation exists is not appealable.

K. Administrative Review Permit is Specific to the Applicant. An administrative review permit is specific to the applicant to which it is granted and is not transferable to a different party or property.

17.08.120 Application for reasonable accommodation.

A. Purpose. This purpose of this section is to provide a procedure for individuals with disabilities to request reasonable accommodations in seeking equal access to housing under the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “Acts”) in the application of zoning laws and other land use regulations, policies, practices, and procedures. This provision also establishes the criteria to be used when considering requests for reasonable accommodations.

B. Applicability.

1. A request for reasonable accommodation may be made by any individual with a disability, his/her/their representative, or a developer or provider of housing for individuals with disabilities, when a requirement of this zoning code or other requirement, regulation, policy, or practice acts as a barrier to fair housing opportunities. This chapter is intended to apply to individuals with disabilities as “disability” is defined under the Acts.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures for the siting, development, use of housing or housing-related facilities, and any other land use requirements that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his/her/their choice.

3. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

4. A reasonable accommodation shall be a ministerial grant in compliance with this Title without the need for the approval of a variance, conditional use permit, special use permit or other exception process.

C. Procedure.

1. A request for reasonable accommodation shall be submitted on an application form provided by the City or in the form of a letter to the city planner, and shall contain the following information:

   a. The applicant's name, address, and telephone number;

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

   c. The current use of the property;

   d. The basis for the claim that the individual is considered disabled under the Acts or that the housing which is the subject of the request will be used by an individual with a disability (protected health information including a specific diagnosis is not required to verify disability status);

   e. The zoning code or land use provision, regulation, policy or procedure for which reasonable accommodation is being requested; and

   f. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

2. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including a conditional use permit, design review, etc.), then the applicant shall file the information required by subsection (1) of this section for concurrent review with the application for discretionary approval.

3. A request for reasonable accommodation shall be reviewed by the city planner or their designee, if no approval is sought other than the request for reasonable accommodation. The city planner or their designee shall make a written determination within 30 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

4. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

D. Approval Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following findings:

1. Whether the individual requesting the accommodation has a disability as defined under the Act or the housing which is the subject of the request will be used by an individual with a disability;

2. Whether the requested accommodation is necessary for the individual to have equal opportunity to use and enjoyment of the housing and housing-related services;

3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City; and

4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

E. Iterative Process. Prior to denying a request for reasonable accommodation, the city planner shall engage in the interactive process to discuss with the applicant an alternative accommodation that will meet the needs of the individual.

F. Appeals.

1. Only an aggrieved applicant and abutting property owners who receive notice of the reasonable accommodation determination have a right to appeal the decision. An appeal to the Planning

Commission or City Council must be filed within 15 calendar days of the date of mailing the written notice of the decision. An appeal shall be made in writing and shall specify the reasons for the appeal and the grounds asserted for relief. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review of the action against which the complaint is made shall be deemed to have been waived.

2. The City Council may, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed has been paid. Households considered low-income (making 80 percent of less of median income) per California state law shall have the appeal fee waived.

3. After filing an appeal, the appropriate hearing body shall conduct a public hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of hearing shall be given to the appellant, the applicant; the owner(s) of the property involved; owners of abutting properties; the City having jurisdiction over the area in which the property is located; the chairperson of any design review or plan review board having jurisdiction over the area in which the property is located; and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and the applicant at least 15 days prior to the hearing.

4. The Planning Commission or City Council shall review de novo the entire proceeding or proceedings relating to the decision, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.

5. At the conclusion of the hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant. The city planner may refer appeals of reasonable accommodation decisions to the Planning Commission for review. Decisions on appeals shall occur within 45 days of the initial determination.

17.08.130 Application for density bonus.

A. Applicability. The provisions of this section are applicable only to residential projects of five (5) or more units, and senior housing projects of thirty-five (35) or more units.

B. General Provisions.

1. State Law Governs. The provisions of this section shall be governed by the requirements of Government Code Section 65915 et seq., as amended. Where conflict occurs between the provisions of this chapter and State law, the State law shall govern.

2. Availability. Affordable housing units shall be constructed concurrently with~~,~~ and made available for qualified occupants at the same time as the market-rate housing units within the same project unless both the city and the developer agree to an alternative schedule for development.

3. Effect of Granting Density Bonus. The granting of a density bonus shall not, in and of itself, require a General Plan amendment, zoning change, or other discretionary approval.

4. Income Levels. For purposes of determining income levels of households under this chapter, the city shall use the Fresno County income limits in Title 25, Section 6932 of the California Code of Regulations or other income limits adopted by the City Council if the State department of Housing and Community Development fails to provide timely updates of the income limits in the California Code of Regulations.

5. Duration of Affordability. All affordable housing units shall be kept affordable for a minimum period of fifty-five (55) years or such other term approved by the city, consistent with State law.

6. Regulatory Agreement Required. All affordable housing projects shall be subject to the approval of an agreement pursuant to conforming to the provisions of Sections 65864 to 65869 of the Government Code. The terms of the agreement shall be reviewed and revised as appropriate by the city planner and/or City Attorney, who shall formulate a recommendation to the decision-making body for final approval. This agreement shall include, but is not limited to, the following:

   a. Number of Units. The total number of units approved for the projects, including the number of affordable housing units.

   b. Target Units. The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.

   c. Household Income Group. A description of the household income groups to be accommodated by the project and a calculation of the Affordable Sales Price.

   d. Certification Procedures. The party responsible for certifying sales prices or annual rental rates, and the process that will be used for certification.

   e. Schedule. A schedule for the completion and occupancy of the affordable housing units.

   f. Required Term of Affordability. Duration of affordability of the housing units. Provisions shall also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.

   g. Expiration of Agreement. Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the city and/or the distribution of accrued equity for for-sale units.

   h. Remedies for Breach. A description of the remedies for breach of the Agreement by either party.

   i. If applicable, affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, shall not be imposed on a housing development's affordable units.

   j. Other Provisions. Other provisions to ensure implementation and compliance with this section.

   k. For Sale Units. In the case of dwelling units available for sale, the Regulatory Agreement shall provide for the following conditions governing the initial resale and use of affordable housing units:

      (1) Target units shall, upon initial sale, be sold to eligible Very Low, Lower, or Moderate Income Households at an Affordable Sales Price and Housing Cost.

      (2) Target units shall be initially owner-occupied by eligible Very Low or Lower Income Households.

      (3) Upon resale, the seller of a target unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture its

proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in Health and Safety Code Section 33334.2. The city's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.

7. Rental Housing Developments. In the case of rental housing developments, the Regulatory Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:

   a. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining Target Units for qualified tenants.

   b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter.

   c. Provisions requiring owners to submit an annual report to the city, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.

C. Lower Income Student Housing Standards

1. All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

2. The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

3. The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.

D. Density Bonus.

1. Minimum Density Bonus and Composition of Qualifying Projects. Pursuant to Government Code Section 65915, the city shall grant a density bonus in the amounts in Table 17.08.130 over the otherwise allowable maximum residential density permitted by this section and the General Plan, and one (1) or more additional concessions or incentives, consistent with Government Code Section 65915 and this section, if the applicant applies for and proposes to construct any one (1) of the following in the percentages described below in Table 17.08.130:

a. Lower Income Units.

b. Very Low Income Units.

c. Senior Citizen Housing Development.

d. Moderate Income Units.

e. Lower Income Student Housing.

f. Foster Youth, Disabled Veterans, or Homeless Units.

g. Land Donation. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(1) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(3) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(4) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government before the time of transfer.

(5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent subdivision (B), which shall be recorded on the property at the time of the transfer.

(6) The land is transferred to the city or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(7) The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.

(8) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

TABLE 17.08.130

DENSITY BONUS BY BASE DENSITY AFFORDABLE UNIT PERCENTAGE

Affordable Unit Percentage (%)	Density Bonus						
	Very Low Income	Low Income	Moderate Income[1]	Land Donation	Senior Citizen Housing	Foster Youth, Disabled Veterans, Homeless	Lower Income Students
5	20	0	0	0	20	0	0
6	22.5						
7	25						
8	27.5						
9	30						
10	32.5	20	5	15		20	
11	35	21.5	6	16			
12	38.75	23	7	17			
13	42.5	24.5	8	18			
14	46.25	26	9	19			
15	50	27.5	10	20			
16		29	11	21			
17		30.5	12	22			
18		32	13	23			
19		33.5	14	24			
20		35	15	25			35
21		38.75	16	26			
22		42.5	17	27			
23		46.25	18	28			

Affordable Unit Percentage (%)	Density Bonus						
	Very Low Income	Low Income	Moderate Income[1]	Land Donation	Senior Citizen Housing	Foster Youth, Disabled Veterans, Homeless	Lower Income Students
24			19	29			
25			20	30			
26			21	31			
27			22	32			
28			23	33			
29			24	34			
30			25				
31			26				
32			27				
33			28				
34		50	29				
35			30				
36			31				
37			32	35			
38			33				
39			34				
40			35				
41			38.75				
42			42.5				
43			46.25				
44			50				

Affordable Unit Percentage (%)	Density Bonus						
	Very Low Income	Low Income	Moderate Income[1]	Land Donation	Senior Citizen Housing	Foster Youth, Disabled Veterans, Homeless	Lower Income Students
100[2]	80	80	80				

[1] Moderate Income units may be for sale or for rent.

[2] 100% affordable projects located within one-half mile of a major transit stop or in a very low vehicle travel area, the city shall not impose any limit on density.

2. Calculation of Density Bonus Units. When calculating the number of permitted density bonus units, all fractional units shall be rounded to the next higher whole number. The applicant who requests a density bonus for a project that meets two (2) or more of the eligibility requirements depicted in paragraph (1) shall specify whether the bonus shall be awarded on the basis of Section 17.08.130(D), Minimum Density Bonus and Composition of Qualifying Projects. The density bonus shall not be included when determining the number of target units to be provided in a development project.

3. Optional Density Bonus. The city may grant a proportionally lower density bonus and/or provide concessions and/or incentives set forth in Section 17.08.130(F), Affordable Housing Concessions and Incentives, if an applicant agrees to construct a development containing less than the percentage of housing for lower or very low income households than provided in Subsection (1) of this section.

E. State Childcare Facility Density Bonus.

1. Basic Requirements. When an applicant proposes to construct a housing development that conforms to the requirements of the State Density Bonus law and includes a childcare facility other than a Family Day Care Home that will be located on the premises of, as part of, or adjacent to, the project, the city shall grant either of the following:

   a. Additional Density Bonus. A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility. For example, a 5,000 square foot childcare facility would result in a density bonus of 5,000 square feet of dwelling units.

   b. Additional Concession or Incentive. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

2. Conditions of Approval. The city shall require, as a condition of approving the housing development that the following occur:

   a. Length of Operation. The childcare facility remains in operation for a period of time that is as long as, or longer than the length of time during which the affordable housing units shall remain affordable.

b. Attending Children. The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage of dwelling units in the project that are required for households at each income level.

3. Exceptions. The city shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.

F. Affordable Housing Concessions and Incentives.

1. Number of Incentives or Concessions. Pursuant to Government Code Section 65915, an applicant is entitled to receive incentives and/or concessions as follows:

a. One (1) incentive or concession for projects that include at least ten (10) percent of the total units for lower income households, at least five (5) percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a condominium or planned development; or

b. One (1) incentive or concession for senior citizen housing developments; or

c. One (1) incentive or concession for projects that include at least 20 percent of the total units for lower income students in a student housing development; or

d. Two (2) incentives or concessions for projects that include at least twenty (20) percent of the total units for lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a condominium or planned development; or

e. Three (3) incentives or concessions for projects that include at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent for very low income households, or at least thirty (30) percent for persons and families of moderate income in a condominium or planned development; or

f. Four (4) incentives or concessions for projects with one-hundred (100) percent of the total units for lower income households, or at least eighty (80) percent lower income and the remaining amount for persons and families of moderate income in a condominium or planned development. If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

g. The applicant who requests incentives or concessions for a mixed-income project shall specify whether the incentives or concessions shall be awarded on the basis of paragraphs (a) through (f) of this section.

2. Proposal of Incentives and Findings. An applicant may propose specific incentives or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this section and State law. In addition to any increase in density to which an applicant is entitled, the city shall grant one (1) or more incentives and/or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to Subsection (1), unless the city makes a written finding that either:

a. The concession or incentive is not necessary in order to provide the proposed targeted units, or

b. The concession or incentive would have a specific adverse impact that cannot be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.

c. Notwithstanding the restriction in Subsection (F)(1) above, the applicant may propose and the city may approve additional incentives and concessions for an eligible project that provides targeted units that meet two (2) or more of the eligibility requirements based on a written finding that the additional incentives or concessions are necessary in order to make the project economically feasible.

3. Types of Affordable Housing Incentives. Affordable housing incentives may consist of any combination of the items listed below:

a. Reduction of Modification of Development Standards. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that still meet or exceed the minimum building code standards and fire code standards, including, but not limited to:

(1) Reduced minimum lot sizes and/or dimensions.

(2) Reduced minimum building setbacks and building separation requirements.

(3) Reduced minimum outdoor and/or private usable open space requirements.

(4) Increased maximum lot coverage.

(5) Increased maximum building height.

b. Parking. Upon the applicant's request, the following maximum parking standards, inclusive of handicapped and guest parking, shall apply to the entire project. Further reductions in required parking may be requested as one (1) of the incentives allowed under Subsection (a).

(1) One (1) on-site space for studios to one (1) bedroom units;

(2) Two (2) on-site spaces for two (2) to three (3) bedroom units; and

(3) Two and a half (2.5) on-site spaces for four (4) more bedroom units.

(4) For purposes of this section, at the applicant's request, on-site parking may be provided through tandem parking or uncovered parking but not through on-street parking.

c. Mixed Use Zoning. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and such uses are compatible with the housing project and the surrounding area.

d. Other Incentives. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable cost reductions or avoidance, including the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this subdivision (2).

G. Application Requirements and Review.

1. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted in conjunction with the project application and shall be processed concurrently with all other applications required for the project. The application shall be

submitted on a form provided by the city or, if the city has not prepared a form, the following information shall be provided:

a. A site plan showing the total number of units, the number and location of the units dedicated pursuant to California Government Code Section 65915(b), and the number and location of the proposed density bonus units;

b. The level of affordability of the dedicated units;

c. A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards and evidence demonstrating that the application of the subject standard or requirement would preclude construction of the project at the densities provided for in California Government Code Section 65915 and that the waiver or modification is necessary to make development of the project financially feasible at the densities provided for in California Government Code Section 65915. Preparation of an additional report or study not otherwise required by state law shall not be required;

d. If a density bonus is requested for a land donation pursuant to California Government Code Section 65915(h), the application shall show the location of the land to be dedicated and provide evidence that the requirements of Section 65915(h) have been met, thus entitling the project to the requested density bonus; and

e. If a density bonus is requested for construction of a child care facility pursuant to California Government Code Section 65915(i), the application shall show the location and square footage of the proposed facility and provide evidence that the requirements of Section 65915(i) have been met, thus entitling the project to the requested density bonus.

2. Completeness review shall be limited to the items requested in the form or, if the city has not prepared a form, the information in subdivision (G)(1). Revisions to the application shall apply prospectively and not to existing applications.

3. If the application has been determined to be incomplete, the city shall provide the applicant with an exhaustive list of items that were not complete. That list shall be limited to those items actually required on the city's submittal requirement checklist. In any subsequent review, the city shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete. Appeals of this determination can be made in accordance with the appeals procedure of Section 17.08.050 subsection (H)(4), except that a final written determination shall be made no later than sixty (60) days after receipt of the applicant's written appeal.

4. If the applicant has been determined to be complete, the city shall immediately transmit its written determination to the applicant.

5. If the city does not transmit to the applicant its written determination within thirty (30) days, the application shall be deemed complete and processing shall commence.

6. Upon mutual agreeance between the city and the applicant, an extension of these timeframes shall be permitted.

H. Density Bonus Review. After the application has been deemed complete, the city shall provide the applicant with a determination as to the following matters:

1. The amount of density bonus for which the applicant is eligible;

2. The parking ratio for which the applicant is eligible, if requested;

3. Whether the applicant has provided adequate information for the city to make a determination as to the incentives, concessions, or waiver or reduction of developments requested by the applicant.

4. Appeals. Decisions to deny an incentive, concession, or waiver may be appealed in accordance with the appeal procedures of Section 17.08.050 subsection (H)(4).

I. Definitions.

1. "Affordable Sales Price" means a sales price at which lower or very low income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for development.

2. "Housing Cost" means the sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowners' association fees, and a reasonable allowance for utilities.

3. "Target Unit" means a dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low, lower or moderate income, or senior citizen households.

4. "Lower Income Units" means units that are affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

5. "Very Low Income Units" means units that are affordable to very low income households, as defined in Section 50105 of the Health and Safety Code.

6. "Senior Citizen Housing Development" means a housing development that qualifies as a Senior Citizen Housing Development, as defined in Section 51.3 of the Civil Code.

7. "Moderate Income Units" means units in a condominium project, or in a Planned Development, as defined in Subdivision (k) of Section 1351 of the Civil Code, that are affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

8. "Lower Income Student Housing" means units in a student housing development are affordable for lower income students.

9. "Foster Youth, Disabled Veterans, or Homeless Units" means units that are affordable for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

17.08.140 Application for streamlined ministerial multifamily approval.

A. Applicability.

1. Size and Dwelling Requirements. A project is eligible for streamlined ministerial approval if the following criteria are met:

   a. At least two-thirds of the square footage of the development is designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Government Code Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

   b. Project is a multifamily housing development that contains at least two dwellings. For purposes of this section, a single family residence with an attached dwelling unit or junior accessory dwelling unit qualifies as a multifamily housing development.

2. Jurisdiction. Notwithstanding any law, for purposes of this section and for development in compliance with the requirements of this section on property owned by or leased to the state, the Department of General Services may act in the place of a locality or city, at the discretion of the California Department of Housing and Community Development.

3. Locational Requirements. A project is eligible if the following criteria are met:

   a. The site is a legal parcel(s).

   b. 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. Parcels that are only separated by a street or highway shall be considered to be adjoined.

   c. The project site satisfies any of the following:

      (1) The site is zoned for residential use or residential mixed-use development.

      (2) The site has a general plan designation that allows residential use or a mix of residential and nonresidential uses.

      (3) The site meets the requirements of the Middle Class Housing Act of 2022 (Gov. Code. Section 65852.24).

   d. The project site is not on either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

   e. The project site is not located on wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

   f. The project site is not located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within the state responsibility area, as defined in Public Resources Code Section 4102. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions:

      (1) Public Resources Code Section 4291 or Government Code Section 51182, as applicable.

      (2) Public Resources Code Section 4290.

(3) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).

g. The project site is not located on a hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, unless either of the following apply:

(1) The site is an underground storage tank site that received a uniform closure letter issued pursuant to Health and Safety Code Section 25296.10 subdivision (g) based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Government Code Section 65962.5.

(2) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to Health and Safety Code Section 25296.10 subdivision (c), has otherwise determined that the site is suitable for residential use or residential mixed uses.

h. The project site is not located within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

i. The project site is not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a city shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

(1) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

(2) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

j. The project site is not located within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

k. The project site is not located on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan

pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

l. The project site does not contain habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

m. The project site is not under a conservation easement.

n. The project site does not contain a tribal cultural resource that is on a national, state, tribal, or local historic register list.

o. The project site does not have a potential tribal cultural resource that could be affected by the proposed development and the parties to a scoping consultation conducted pursuant to this subdivision do not document an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in subclause (6) of clause (b) of subparagraph (2) of paragraph (D).

p. The project site is not an existing parcel of land or site that is governed under any of the following:

(1) The Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(2) The Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code).

(3) The Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

B. Parking Standards.

1. Parking. A minimum of one parking space per unit shall be provided, except that no parking spaces shall be required if any of the following instances apply:

a. The development is located within one-half mile of public transit.

b. The development is located within an architecturally and historically significant historic district.

c. When on-street parking permits are required but not offered to the occupants of the development.

d. When there is a car share vehicle located within one block of the development.

C. Affordability and Labor Requirements.

1. Affordability Requirements. A minimum percentage of below market rate units shall be mandated as follows.

a. 10 percent Affordability. If the city 1) did not adopt a housing element pursuant to Section 65588 that has been found in substantial compliance with the housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3) by the department, 2) did not submit its latest production report to the department by the time period required by Government Code Section 65400, or 3) that production report submitted to the department reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period:

(1) Rental units. The project shall dedicate a minimum of ten (10) percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 50 percent of the area median income.

(2) Owner units. The project shall dedicate a minimum of ten (10) percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 80 percent of the area median income.

(3) Small project exemption. Projects of 10 units or less shall not be subject to the affordability requirement.

b. 50 percent Affordability. If the city's latest production report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period, the project shall dedicate fifty (50) percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 80 percent of the area median income.

c. The development proponent shall commit to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate income housing units required pursuant to this section shall remain available at affordable housing costs or rent to persons and families of lower or moderate income for no less than the following periods of time:

(1) Rental units. Fifty-five (55) years.

(2) Owned units. Forty-five (45) years.

2. Labor Requirements.

a. Small Projects. Projects of 10 units or less and are not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code are exempt from any requirement to pay prevailing wages, use a workforce participating in an apprenticeship, or provide health care expenditures.

b. For projects of more than 10 units, the development proponent shall require in contracts with construction contractors, and shall certify to the city, that the following standards specified in this paragraph will be met in project construction, as applicable:

(1) Prevailing Wage Requirements. A development that is not in its entirety a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code and approved by the city pursuant to Article 2 (commencing with Section 65912.110) or Article 3 (commencing with Section 65912.120) shall be subject to all of the following:

(a) All construction workers employed in the execution of the development shall be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(b) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work for those portions of the development that are not a public work.

(c) All contractors and subcontractors for those portions of the development that are not a public work shall comply with both of the following:

(i) Pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(ii) Maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section. This subclause does not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subclause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(2) Enforcement.

(a) The obligation of the contractors and subcontractors to pay prevailing wages pursuant to this paragraph may be enforced by any of the following:

(i) The Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development.

(ii) An underpaid worker through an administrative complaint or civil action.

(iii) A joint labor-management committee through a civil action under Section 1771.2 of the Labor Code.

(b) If a civil wage and penalty assessment is issued pursuant to this paragraph, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(c) This paragraph does not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(3) Large Projects. A development of 50 or more housing units approved by the city pursuant to this section shall meet all of the following labor standards:

(a) The development proponent shall require in contracts with construction contractors and shall certify to the city that each contractor of any tier who will employ construction craft employees or will let subcontracts for at least 1,000 hours shall satisfy the requirements in subclauses (b) and (c). A construction contractor is deemed in compliance with subclauses (b) and (c) if it is signatory to a valid collective bargaining agreement that requires utilization of registered apprentices and expenditures on health care for employees and dependents.

(b) A contractor with construction craft employees shall either participate in an apprenticeship program approved by the California Division of Apprenticeship Standards pursuant to Section 3075 of the Labor Code, or request the dispatch of apprentices from a state-approved apprenticeship program under the terms and conditions set forth in Section

1777.5 of the Labor Code. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this clause.

(c) Each contractor with construction craft employees shall make health care expenditures for each employee in an amount per hour worked on the development equivalent to at least the hourly pro rata cost of a Covered California Platinum level plan for two adults 40 years of age and two dependents 0 to 14 years of age for the Covered California rating area in which the development is located. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this clause. Qualifying expenditures shall be credited toward compliance with prevailing wage payment requirements set forth in this paragraph.

(d) Reporting.

(i) The development proponent shall provide to the city, on a monthly basis while its construction contracts on the development are being performed, a report demonstrating compliance with subclauses (b) and (c). The reports shall be considered public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) and shall be open to public inspection.

(ii) A development proponent that fails to provide the monthly report shall be subject to a civil penalty for each month for which the report has not been provided, in the amount of 10 percent of the dollar value of construction work performed by that contractor on the development in the month in question, up to a maximum of ten thousand dollars ($10,000). Any contractor or subcontractor that fails to comply with subclauses (b) and (c) shall be subject to a civil penalty of two hundred dollars ($200) per day for each worker employed in contravention of clauses (b) and (c).

(iii) Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the procedures for issuance of civil wage and penalty assessments specified in Section 1741 of the Labor Code, and may be reviewed pursuant to Section 1742 of the Labor Code. Penalties shall be deposited in the State Public Works Enforcement Fund established pursuant to Section 1771.3 of the Labor Code.

(e) Recordkeeping. Each construction contractor shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code. Each construction contractor shall submit payroll records directly to the Labor Commissioner at least monthly in a format prescribed by the Labor Commissioner in accordance with subparagraph (A) of paragraph (3) of subdivision (a) of Section 1771.4 of the Labor Code. The records shall include a statement of fringe benefits. Upon request by a joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a), the records shall be provided pursuant to subdivision (e) of Section 1776 of the Labor Code.

(f) All construction contractors shall report any change in apprenticeship program participation or health care expenditures to the city within 10 business days, and shall reflect those changes on the monthly report. The reports shall be considered public records pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) and shall be open to public inspection.

(g) A joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a) shall have standing to sue a construction contractor for failure to make health care expenditures pursuant to subclause (c) in accordance with Section 218.7 or 218.8 of the Labor Code.

(4) Tall Projects. For any project over 85 feet in height above grade, the following skilled and trained workforce provisions apply:

(a) Except as provided in subclause (b), the developer shall enter into construction contracts with prime contractors only if all of the following are satisfied:

(i) The contract contains an enforceable commitment that the prime contractor and subcontractors at every tier will use a skilled and trained workforce, as defined in Section 2601 of the Public Contract Code, to perform work on the project that falls within an apprenticeable occupation in the building and construction trades. However, this enforceable commitment requirement shall not apply to any scopes of work where new bids are accepted pursuant to subclause (b).

(ii) The developer or prime contractor shall establish minimum bidding requirements for subcontractors that are objective to the maximum extent possible. The developer or prime contractor shall not impose any obstacles in the bid process for subcontractors that go beyond what is reasonable and commercially customary. The developer or prime contractor must accept bids submitted by any bidder that meets the minimum criteria set forth in the bid solicitation.

(iii) The prime contractor has provided an affidavit under penalty of perjury that, in compliance with this subparagraph, it will use a skilled and trained workforce and will obtain from its subcontractors an enforceable commitment to use a skilled and trained workforce for each scope of work in which it receives at least three bids attesting to satisfaction of the skilled and trained workforce requirements.

(iv) When a prime contractor or subcontractor is required to provide an enforceable commitment that a skilled and trained workforce will be used to complete a contract or project, the commitment shall be made in an enforceable agreement with the developer that provides the following:

1. The prime contractor and subcontractors at every tier will comply with this chapter.

2. The prime contractor will provide the developer, on a monthly basis while the project or contract is being performed, a report demonstrating compliance by the prime contractor.

3. The prime contractor shall provide the developer, on a monthly basis while the project or contract is being performed, the monthly reports demonstrating compliance submitted to the prime contractor by the affected subcontractors.

(b) Insufficient Skilled and Trained Workforce.

(i) If a prime contractor fails to receive at least three bids in a scope of construction work from subcontractors that attest to satisfying the skilled and trained workforce requirements as described in this subparagraph, the prime contractor may accept new bids for that scope of work. The prime contractor need not require that a skilled and trained workforce be used by the subcontractors for that scope of work.

(ii) The requirements of this subparagraph shall not apply if all contractors, subcontractors, and craft unions performing work on the development are subject to a multicraft project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. The multicraft project labor agreement shall include all construction crafts with applicable coverage determinations for the specified scopes of work on the project pursuant to Section 1773

of the Labor Code and shall be executed by all applicable labor organizations regardless of affiliation. For purposes of this clause, "project labor agreement" means a prehire collective bargaining agreement that establishes terms and conditions of employment for a specific construction project or projects and is an agreement described in Section 158(f) of Title 29 of the United States Code.

(iii) Requirements set forth in this subparagraph shall not apply to projects where 100 percent of the units, exclusive of a manager's unit or units, are dedicated to lower income households, as defined by Section 50079.5 of the Health and Safety Code.

(c) If the skilled and trained workforce requirements of this subparagraph apply, the prime contractor shall require subcontractors to provide, and subcontractors on the project shall provide, the following to the prime contractor:

(i) An affidavit signed under penalty of perjury that a skilled and trained workforce shall be employed on the project.

(ii) Reports on a monthly basis, while the project or contract is being performed, demonstrating compliance with this chapter.

(iii) Upon issuing any invitation or bid solicitation for the project, but no less than seven days before the bid is due, the developer shall send a notice of the invitation or solicitation that describes the project to the following entities within the jurisdiction of the proposed project site:

1. Any bona fide labor organization representing workers in the building and construction trades who may perform work necessary to complete the project and the local building and construction trades council.

2. Any organization representing contractors that may perform work necessary to complete the project, including any contractors' association or regional builders' exchange.

3. For purposes of establishing the total number of units in a development under this chapter, a development or development project includes both of the following:

a. All projects developed on a site, regardless of when those developments occur.

b. All projects developed on sites adjacent to a site developed pursuant to this chapter if the adjacent site had been subdivided from the site developed pursuant to this chapter.

D. Implementation.

1. Applicability of other regulations. This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by the city.

2. Submittal Process.

a. Before submitting an application for a development subject to the streamlined, ministerial approval process, the development proponent shall submit to the city a notice of its intent to submit an application. The notice of intent shall be in the form of a preliminary application that includes all of the information described in Section 17.08.150 Preliminary vesting right application for housing development projects.

b. Tribal Scoping Consultation.

(1) The city shall engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, of the proposed

development. In order to expedite compliance with this subdivision, the city shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.

(2) The timeline for noticing and commencing a scoping consultation in accordance with this subdivision shall be as follows:

(a) The city shall provide a formal notice of a development proponent's notice of intent to submit an application described in clause (a) to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development within 30 days of receiving that notice of intent. The formal notice provided pursuant to this subclause shall include all of the following:

(i) A description of the proposed development.

(ii) The location of the proposed development.

(iii) An invitation to engage in a scoping consultation in accordance with this subdivision.

(b) Each California Native American tribe that receives a formal notice pursuant to this clause shall have 30 days from the receipt of that notice to accept the invitation to engage in a scoping consultation.

(c) The city shall commence the scoping consultation within 30 days of receiving a response accepting an invitation to engage in a scoping consultation pursuant to this subdivision.

(3) The scoping consultation shall recognize that California Native American tribes traditionally and culturally affiliated with a geographic area have knowledge and expertise concerning the resources at issue and shall take into account the cultural significance of the resource to the culturally affiliated California Native American tribe.

(4) Parties to Scoping Consultation.

(a) The parties to a scoping consultation conducted pursuant to this subdivision shall be the city and any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development. More than one California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development may participate in the scoping consultation. However, the city, upon the request of any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development, shall engage in a separate scoping consultation with that California Native American tribe.

(b) The development proponent and its consultants may participate in a scoping consultation process conducted pursuant to this subdivision if all of the following conditions are met:

(i) The development proponent and its consultants agree to respect the principles set forth in this subdivision.

(ii) The development proponent and its consultants engage in the scoping consultation in good faith.

(iii) The California Native American tribe participating in the scoping consultation approves the participation of the development proponent and its consultants. The California Native American tribe may rescind its approval at any time during the scoping consultation, either for the duration of the scoping consultation or with respect to any particular meeting or discussion held as part of the scoping consultation.

(5) Confidentiality. The participants to a scoping consultation pursuant to this subdivision shall comply with all of the following confidentiality requirements:

(a) Government Code Section 7927.000.

(b) Government Code Section 7927.005.

(c) Public Resources Code Section 21082.3, subdivision (c).

(d) California Code of Regulations, Title 14, Secretion 15120, subdivision (d).

(e) Any additional confidentiality standards adopted by the California Native American tribe participating in the scoping consultation.

(6) Conclusion to Scoping Consultation.

(a) A scoping consultation shall be deemed to be concluded if either of the following occur:

(i) The parties to the scoping consultation document an enforceable agreement concerning methods, measures, and conditions to avoid or address potential impacts to tribal cultural resources that are or may be present.

(ii) One or more parties to the scoping consultation, acting in good faith and after reasonable effort, conclude that a mutual agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources that are or may be present cannot be reached.

(b) If the parties find that no potential tribal cultural resource would be affected by the proposed development, the development proponent may submit an application for the proposed development.

(c) If the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is documented between the California Native American tribe and the city on methods, measures, and conditions for tribal cultural resource treatment, the development proponent may submit the application for a development subject to the streamlined ministerial approval process. The city shall ensure that the enforceable agreement is included in the requirements and conditions for the proposed development.

(d) If the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is not documented between the California Native American tribe and the city regarding methods, measures, and conditions for tribal cultural resource treatment, the development shall not be eligible for the streamlined, ministerial approval process. The city shall provide written documentation of that fact, and provide the following:

(i) An explanation of the reason for which the project is not eligible, to the development proponent and to any California Native American tribe that is a party to that scoping consultation:

1. There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.

2. The parties to the scoping consultation have not documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment.

3. The parties to the scoping consultation do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.

(ii) Information on how the development proponent may seek a conditional use permit or other discretionary approval of the development from the city.

(e) If the development or environmental setting substantially changes after the completion of the scoping consultation, the city shall notify the California Native American tribe of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribe.

(7) Application Acceptance. A city may only accept an application for streamlined, ministerial approval pursuant to this section if one of the following applies:

(a) A California Native American tribe that received a formal notice of the development proponent's notice of intent to submit an application did not accept the invitation to engage in a scoping consultation.

(b) The California Native American tribe accepted an invitation to engage in a scoping consultation but substantially failed to engage in the scoping consultation after repeated documented attempts by the city to engage the California Native American tribe.

(c) The parties to a scoping consultation pursuant to this subdivision find that no potential tribal cultural resource will be affected by the proposed development.

(d) A scoping consultation between a California Native American tribe and the city has occurred and resulted in agreement.

3. Objective Planning Standard Review.

a. If the city planner determines that a development submitted is consistent with the objective planning standards, the City shall approve the development.

b. Upon a determination that a development submitted pursuant to this section is in conflict with any of the objective planning standards, the city planner shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(1) Within 60 days of submittal of the development to the City pursuant to this section if the development contains 150 or fewer housing units.

(2) Within 90 days of submittal of the development to the ~~c~~City pursuant to this section if the development contains more than 150 housing units.

(3) If the city planner fails to provide the required documentation, the development shall be deemed to satisfy the objective planning standards.

c. A development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards. City shall not determine that a development, including an application for a modification under subparagraph (8) of paragraph (D), is in conflict with the objective planning standards on the basis that application materials are not included, if the application contains substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

d. All City departments that are required to issue an approval of the development prior to the granting of an entitlement shall comply with the requirements of this section within the time periods specified in paragraph (1).

e. The development, excluding any additional density or any other concessions, incentives, or waivers of development standards for which the development is eligible pursuant to the Density Bonus Law in

Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the City pursuant to this section, or at the time a notice of intent is submitted pursuant to clause (a) of subparagraph (2) of paragraph (D), whichever occurs earlier. For purposes of this paragraph, "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(1) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(2) In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(3) A project that satisfies the requirements of Government Code Section 65852.24 shall be deemed consistent with objective zoning standards, objective design standards, and objective subdivision standards if the project is consistent with the provisions of subdivision (b) of Government Code Section 65852.24 and if none of the square footage in the project is designated for hotel, motel, bed and breakfast inn, or other transient lodging use, except for a residential hotel.

4. Design Review.

a. Any design review of the development may be conducted by Planning Commission or any equivalent board or commission responsible for design review. Design review shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review shall be completed, and if the development is consistent with all objective standards, the City shall approve the development as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submittal of the development to the City pursuant to this section if the development contains 150 or fewer housing units.

(2) Within 180 days of submittal of the development to the City pursuant to this section if the development contains more than 150 housing units.

b. If the development is consistent with the requirements of clause (a) of subparagraph (2) of paragraph (C) and is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and shall be subject to the public oversight timelines set forth in clause (a).

c. If the City determines that a development submitted pursuant to this section is in conflict with any of the standards imposed, it shall provide the development proponent written documentation of which

objective standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that objective standard or standards consistent with the timelines described in clause (a).

5. Expiration of Approvals.

a. Three Years. Unless otherwise applicable under clause (b), approval shall remain valid for three years from the date of the final action establishing that approval, or if litigation is filed challenging that approval, from the date of the final judgment upholding that approval. Approval shall remain valid for a project provided construction activity, including demolition and grading activity, on the development site has begun pursuant to a permit issued by the local jurisdiction and is in progress. For purposes of this subdivision, "in progress" means one of the following:

(1) The construction has begun and has not ceased for more than 180 days.

(2) If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.

b. Maximum One-Year Discretionary Extension. The City may grant a project a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

c. No Expiration. Approval shall not expire if the project satisfies both of the following requirements:

(1) The project includes public investment in housing affordability, beyond tax credits.

(2) At least 50 percent of the units are affordable to households making at or below 80 percent of the area median income.

d. Project Modifications. If the development proponent requests a modification pursuant to subparagraph (8), then the time during which the approval shall remain valid shall be extended for the number of days between the submittal of a modification request and the date of its final approval, plus an additional 180 days to allow time to obtain a building permit. If litigation is filed relating to the modification request, the time shall be further extended during the pendency of the litigation. The extension required by this paragraph shall only apply to the first request for a modification submitted by the development proponent.

6. Public Meeting for Special Locations. For developments proposed in a census tract that is designated either as a moderate resource area, low resource area, or an area of high segregation and poverty on the most recent "CTCAC/HCD Opportunity Map" published by the California Tax Credit Allocation Committee and the Department of Housing and Community Development, within 45 days after receiving a notice of intent, as described in subparagraph (2) and before the development proponent submits an application for the proposed development that is subject to the streamlined, ministerial approval process, the City shall provide for a public meeting to be held by the City Council to provide an opportunity for the public and the ~~c~~City to comment on the development.

a. The public meeting shall be held at a regular meeting and be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5). If the City fails to hold the hearing within 45 days after receiving the notice of intent, the development proponent shall hold a public meeting on the proposed development before submitting an application pursuant to this section.

b. Comments may be provided by testimony during the meeting or in writing at any time before the meeting concludes.

c. The development proponent shall attest in writing that it attended the meeting described in subclause (a) and reviewed the public testimony and written comments from the meeting in its application for the proposed development that is subject to the streamlined, ministerial approval process described.

7. Environmental Review. The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to actions taken by the City or a state agency to:

(1) Lease, convey, or encumber land owned by the city; or,

(2) Facilitate the lease, conveyance, or encumbrance of land owned by the city; or,

(3) Any decisions associated with that lease, or to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(4) Approve improvements located on land owned by the city that are necessary to implement a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(5) an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Government Code Section 66410)), if the development is consistent with the requirements of this section and is consistent with all objective subdivision standards in the local subdivision ordinance.

(6) Determine whether an application for a development is subject to the streamlined ministerial approval process provided by this section.

(7) A scoping consultation conducted pursuant to this section.

8. Permit Modifications. A development proponent may request a modification to a development that has been approved under the streamlined, ministerial approval process if that request is submitted to the City before the issuance of the final building permit required for construction of the development.

a. Processing Time. Upon receipt of the development proponent's application requesting a modification, the City shall determine if the requested modification is consistent with the objective planning standard and either approve or deny the modification request within 60 days after submission of the modification, or within 90 days if design review is required.

b. Scope of Review.

(1) The City shall approve a modification if it determines that the modification is consistent with the objective planning standards that were in effect when the original development application was first submitted.

(a) Exception~~:~~. Objective planning standards adopted after the development application was first submitted to the requested modification may be used when any of the following instances apply:

(i) The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more. The calculation of the square footage of construction changes shall not include underground space.

(ii) The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more and it is necessary to subject the development to an objective standard beyond those in effect when the

development application was submitted in order to mitigate or avoid a specific, adverse impact, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Government Code Section 65589.5, upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact. The calculation of the square footage of construction changes shall not include underground space.

(2) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building, plumbing, electrical, fire, and grading codes, may be applied to all modification applications that are submitted prior to the first building permit application. Those standards may be applied to modification applications submitted after the first building permit application if agreed to by the development proponent.

(3) Review of a modification request shall be strictly limited to determining whether the modification, including any modification to previously approved density bonus concessions or waivers, modify the development's consistency with the objective planning standards and shall not reconsider prior determinations that are not affected by the modification.

E. Definitions. The following definitions shall apply to the interpretation and implementation of Section 17.08.140 Application for streamlined ministerial multifamily approval.

1. "Affordable housing cost" has the same meaning as set forth in Section 50052.5 of the Health and Safety Code.

2. "Affordable rent" has the same meaning as set forth in Section 50053 of the Health and Safety Code, unless the following scenarios apply:

a. For a development for which an application pursuant to this section was submitted prior to January 1, 2019, that includes 500 units or more of housing, and that dedicates 50 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at, or below, 80 percent of the area median income, affordable rent for at least 30 percent of these units shall be set at an affordable rent as defined in subparagraph (A) and "affordable rent" for the remainder of these units shall mean a rent that is consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

b. For a development that dedicates 100 percent of units, exclusive of a manager's unit or units, to lower income households, "affordable rent" shall mean a rent that is consistent with the maximum rent levels stipulated by the public program providing financing for the development.

3. "Completed entitlements" means a housing development that has received all the required land use approvals or entitlements necessary for the issuance of a building permit.

4. "Consultation" means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between the city and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural importance. A lead agency shall consult the tribal consultation best practices described in the "State of California Tribal Consultation Guidelines: Supplement to the General Plan Guidelines" prepared by the Office of Planning and Research. "Health care expenditures" include contributions under Section 401(a), 501(c), or 501(d) of the Internal Revenue Code and payments toward "medical care," as defined in Section 213(d)(1) of the Internal Revenue Code.

5. "Development proponent" means the developer who submits a housing development project application to a city under the streamlined ministerial review process pursuant to this section.

6. "Moderate-income housing units" means housing units with an affordable housing cost or affordable rent for persons and families of moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

7. "Production report" means the information reported pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Government Code Section 65400.

8. "Reporting period" means either of the following:

   a. The first half of the regional housing needs assessment cycle.

   b. The last half of the regional housing needs assessment cycle.

9. "Residential hotel" shall have the same meaning as defined in Section 50519 of the Health and Safety Code.

10. "Scoping" means the act of participating in early discussions or investigations between the city and California Native American tribe, and the development proponent if authorized by the California Native American tribe, regarding the potential effects a proposed development could have on a potential tribal cultural resource, as defined in Section 21074 of the Public Resources Code, or California Native American tribe, as defined in Section 21073 of the Public Resources Code.

11. "State agency" includes every state office, officer, department, division, bureau, board, and commission, but does not include the California State University or the University of California.

12. "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

17.08.150 Preliminary vesting rights application for housing development projects.

A. Applicability. Projects that include any of the following are eligible to submit a preliminary application:

1. Projects with at least two (2) residential units.

2. Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

3. Transitional housing or supportive housing.

B. Application. A preliminary application shall include the following items, in addition to the processing fees applicable to the project:

1. The specific location, including parcel numbers, a legal description, and site address, if applicable;

2. The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located;

3. A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied;

4. The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance;

5. The proposed number of parking spaces;

6. Any proposed point sources of air or water pollutants;

7. Any species of special concern known to occur on the property;

8. Whether a portion of the property is located within any of the following:

a. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178;

b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993);

c. A hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of Division 45 of the Health and Safety Code;

d. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency;

e. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2;

f. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code;

9. Any historic or cultural resources known to exist on the property;

10. The number of proposed below market rate units and their affordability levels;

11. The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 17.08.130;

12. Whether any approvals under Title 16, Subdivisions, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested;

13. The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application;

14. The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied;

15. A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands;

16. The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way.

C. Application Review. Preliminary applications are not subject to the Permit Streamlining Act (Government Code Section 65943) and shall not require an affirmative determination by the City.

D. Post-submittal Revisions. After submittal of a preliminary application, should the applicant revise the project such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the housing development project shall not be deemed to have submitted a preliminary application that satisfies this section until the development proponent resubmits the information required by subdivision (B) so that it reflects the revisions.

E. Expiration of Preliminary Application.

1. A preliminary application shall expire if the applicant does not submit an application for the development project that includes all of the information required to process the development application consistent with Government Code Sections 65940, 65941, and 65941.5 within 180 calendar days of submittal of the preliminary application.

2. If the city planner determines that the application for the development project is not complete pursuant to Government Code Section 65943, the applicant shall submit the specific information needed to complete the application within 90 days of receiving the city planner's written identification of the necessary information. If the applicant does not submit this information within the 90-day period, the preliminary application shall expire and have no further force or effect.

~~(Ord. 00-03 § 1, 2000)~~

Chapter 17.12 O OPEN SPACE AND RECREATION DISTRICT

17.12.010 Purposes.

The O open space and recreation district is intended primarily for application to those areas of the city where it is necessary and desirable to:

A. Provide permanent open spaces, whether public or private, which are necessary to safeguard the health, safety and welfare of the people;

B. Provide spaces for the location and preservation of public facilities such as parks, playgrounds and other public uses or private uses of a similar nature;

C. Reserve in substantially undeveloped state areas planned for future urban use where, because of locations lacking public services and facilities or because need for such urban expansion is not immediate, it is necessary to prevent uses or structures from being developed which might be inappropriate or premature to their eventual zoning classification.

(Prior code § 13.02.001)

17.12.020 Permitted uses.

In the O open space and recreation district, permitted uses are as follows:

A. Flood control channels, spreading grounds, settling basins, parkways, park drives and buffers;

B. Recreation areas, parks, playgrounds, wildlife preserves, horseback riding areas, golf courses, swimming pools;

C. Agricultural uses including grazing and raising of field crops, fruit and nut trees, vines, horticultural specialties, livestock and poultry, as permitted in the R-A district;

D. Temporary or permanent telephone booths;

E. Incidental and accessory structures and uses, including required off-street parking or signs as permitted in the R-1 district;

F. Carnival (Reference definition in Section 17.04.110);

G. Farmworker housing.

(Prior code § 13.02.002)

17.12.030 Uses permitted subject to conditional use permit.

In the O open space and recreation district, uses permitted subject to conditional use permit are as follows:

A. Caretaker's dwelling and necessary accessory buildings for uses permitted in Section 17.12.020; B. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks;

C. Microwave relay stations;

D. Cemeteries;

E. Removal of natural resources;

F. Riding or boarding stables and pasture areas;

G. Accessory structure and uses located on the same site as a conditional use;

H. Fair, rodeo or festival grounds.

(Prior code § 13.02.003)

17.12.040 Uses expressly prohibited.

The following uses are expressly prohibited in the O open space and recreation district:

A. Residential uses, except as provided for in Section 17.12.030(A) of this chapter.

B. Commercial uses other than those related to and under the regulations of city, county, state or federal recreation agencies;

C. Industrial uses;

D. Advertising structures;

E. Bars.

(Prior code § 13.02.004)

17.12.050 Property development standards.

The following property development standards shall apply to all land and structures in the O open space and recreation district:

A. Lot Area. No requirements.

B. Lot Dimensions. No requirements.

C. Population Density. None, however, the provisions of Section 17.12.030(A) shall apply.

D. Building Height.

1. The maximum height of buildings or structures shall be twenty-five (25) feet and not greater than one story, with the following exceptions:

a. Public service structures;

b. All other buildings or structures which the city manager determines are necessary for reasonable operation of permitted uses;

c. Those cases as approved by the planning commission pursuant to the provisions of this title.

E. Yards.

1. Front yard setback for permitted uses shall be thirty-five (35) feet measured from the front property line.

2. Side yard setback for permitted uses shall be twenty (20) feet.

3. Street side yard setback for permitted uses shall be thirty-five (35) feet.

4. Rear yard setback for permitted uses shall be twenty (20) feet.

5. Front, side and rear yards for conditional uses shall be as approved by the approving entity pursuant to the provisions of this title.

F. Space Between Buildings. The minimum distance between separate structures shall be ten feet; provided, however, that a structure housing livestock or poultry shall be at least thirty (30) feet from the nearest structure used for human habitation.

G. Lot Coverage. The maximum site area covered by structures shall be ten percent except as approved by the planning commission pursuant to the provisions of this title.

H. Fences, Hedges and Walls.

1. Except where public safety or protection of buildings and equipment require enclosure, publicly owned land shall remain accessible to the maximum extent feasible, consistent with the primary use of the property.

2. Private property may be enclosed or screened as permitted in the R-A district.

3. Corner Cut-Off Areas. The following regulations shall apply to all intersections of streets, alleys or private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstruction within the cut-off areas established in this section.

a. There shall be a corner cut-off area at all intersecting streets or highways. The cut-off line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property line, as the case may be. It shall pass through the points located on both the side and front (or rear) property lines at a distance of thirty (30) feet from the intersection of such lines at the corner of a street or highway.

b. There shall be a corner cut-off area on each side of any private driveway intersecting a street or alley. The cut-off line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property line, as the case may be. They shall pass through a point not less than ten feet from the edges of the driveway where it intersects the street or alley right-of-way.

c. There shall be a corner cut-off area on each side of any alley intersecting a street or alley. The cut-off line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property line, as the case may be. They shall pass through a point not less than ten feet from the edges of the alley where it intersects the street or alley right-of-way.

d. Where, due to an irregular lot shape, a line at a forty-five (45) degree angle does not provide for intersection visibility, said corner cut-off shall be defined by a line drawn from a

point on the front (or rear) property line that is not less than thirty (30) feet from the intersection of the side and front (or rear) property lines and through a point on the side property line that is not less than thirty (30) feet from said intersection of the side and front (or rear) property lines.

I. Off-Street Parking. No requirement, except that where a congregation of people is intended, there shall be one parking space for each five persons which the facility is intended or designed to serve for each use as prescribed in this title or as may be otherwise required by the planning commission pursuant to the provisions of this title.

J. Access. No requirements other than where a congregation of people is intended, in which case access to parking areas shall be from a dedicated road, improved street or by way of an easement legally established for vehicular traffic.

K. Signs. No outdoor advertising structure or sign of any character shall be permitted except as provided in R-A residential/agricultural district, Section 17.16.050(K).

(Prior code § 13.02.005)

(Ord. No. 14-02, § 15, 2-11-2014)

17.12.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92 of this title.

(Prior code § 13.02.006)

Chapter 17.16 R-A SINGLE-FAMILY RESIDENTIAL/AGRICULTURAL DISTRICT

Sections:

17.16.010 Purposes.

The R-A single-family residential/agricultural district is intended:

A. Primarily for application to areas located at the fringe of the city's corporate area, where denser population and full provision of urban services is inappropriate.

B. To provide living areas which combine certain advantages of both urban and rural location by limiting development to very low density concentrations of one-family dwellings and permitting limited numbers of animals and fowl to be kept for pleasure or hobbies, free from activities of a commercial nature.

(Prior code § 13.03.001)

17.16.020 Permitted uses.

In the R-A single-family residential/agricultural district, permitted uses are as follows:

A. One-family dwellings, but not more than one dwelling per lot;

B. Home occupations, subject to the provisions of Chapter 17.86;

C. Accessory structures and uses;

D. Raising of field crops, fruit and nut trees, vines, vegetables, horticultural specialties greenhouses, not sold on property;

E. Nurseries for producing trees, vines and other horticultural stock, with necessary temporary farm labor camps;

F. Raising of livestock on a site containing an area of not less than thirty-six thousand (36,000) square feet; provided, however, that the number of livestock shall not exceed a number equal to four adult animals in any combination, and their immature offspring, per each thirty-six thousand (36,000) square feet, and further provided that the keeping of such domestic animals shall be conducted in a safe and healthy manner as may be governed by the health officer of the county of Fresno;

G. Breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters and other small animals and fowl on a domestic basis;

H. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution;

I. Farm buildings to include, but not limited to, wind machines, coops, tank houses, storage tanks, barns, stables, silos and other farm out-buildings;

J. The keeping of household pets, subject to the provisions of Section 17.04.110 definition "household pets";

K. Tract offices, model homes and construction materials storage yards of a temporary nature, within the tract being development and subject to the conditions applicable to subdivision signs on site as set forth in Section 17.16.050(K)(3);

L. Carnival (reference definition in Section 17.04.110);

M Transitional housing;

N. Supportive housing;

O. Accessory dwelling units;

P. Permanent labor camps;

Q. Residential care facilities.

(Prior code § 13.03.002)

(Ord. No. 11-01, § 5, 3-22-2011; Ord. No. 14-05, § 3, 9-9-2014)

17.16.030 Uses permitted subject to conditional use permit.

In the R-A single family residential/agricultural district, uses permitted subject to conditional use permit are as follows:

A. Any additional use permitted or conditionally permitted in the O district;

B. Churches;

C. Nursery schools or child care nurseries, not to exceed ten children;

D. Roadside stands for the sale of agricultural products produced on the same site;

E. Private or parochial schools of an elementary, secondary or college level;

F. Public schools, parks and playgrounds;

G. Subdivision signs;

H. Water pump stations;

I. Incidental and accessory structures and uses located on the same site as a conditional use;

J. Sale of agricultural products in a separate structure (wholesale only);

K. ~~Second units, as the same is defined in Government Code Section 65852.2(d)~~Mobile home parks;

L. Board or rooming houses (reference Section 17.04.110).

(Prior code § 13.03.003)

17.16.040 Uses expressly prohibited.

Uses expressly prohibited in the R-A single-family residential/agricultural district are as follows:

A. Multiple-family residential uses;

B. Commercial uses;

C. Industrial uses;

D. ~~Permanent farm labor camps~~[Reserved.];

E. Advertising structures;

F. Wireless telecommunications facilities.

(Prior code § 13.03.004)

(Ord. No. 17-06, § 1, 4-25-2017)

17.16.050 Property development standards.

Property development standards in the R-A single-family residential/agricultural district are as follows:

A. Lot Area. The minimum lot area shall be twenty-four thousand (24,000) square feet.

B. Lot Dimensions.

1. Width. Each lot shall have not less than one hundred twenty (120) feet lot width and frontage on a public street.

2. Depth. Each lot shall have not less than one hundred twenty (120) feet lot depth.

C. Population Density. The provisions of Section 17.16.020(A) shall apply.

D. Building Height.

1. No building or structure erected in this district shall have a height greater than two stories, not to exceed thirty (30) feet.

2. No accessory buildings in this district shall have a height greater than one story, not to exceed twelve (12) feet to plate height.

E. Yards.

1. General Yard Requirements. The provisions of the R-1 district, Section 17.24.050(E)(1), shall apply. Garages or carports shall be located not less than twenty (20) feet from any street frontage where the garage door or carport opening faces the street. Where yard requirements pose a greater setback such setback shall apply.

2. Front Yard.

   a. The minimum front yard shall be thirty (30) feet.

   b. Cul-de-sac lots shall have a front yard of not less than twenty-five (25) feet.

3. Side Yard.

   a. The minimum side yard shall be ten feet, except for special conditions identified below.

   b. Corner Lots. On corner lots, unless otherwise specified in this code, the side yard abutting the street shall be not less than twenty (20) feet width.

   c. Reversed Corner Lots. On a reversed corner lot, the side yard abutting the street shall be not less than twenty (20) feet. Private garages located in the side yard shall be at least thirty (30) feet from the property line on the side street, and not less than five feet from the rear property line on said reversed corner lot.

   d. Accessory Buildings on Side Yards.

      i. Any accessory building located less than eighty (80) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.

      ii. An accessory building may be located on a side property line when said building is located eighty (80) feet or more from the front property line.

      iii. An accessory building having an opening on an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley; provided, however, that such accessory building shall be located not less than five feet from the property line.

      iv. Accessory buildings located in the side yard or its projection to the rear property line when abutting a street shall be at least thirty (30) feet from the property line on the side street, and not less than five feet from the rear property line on a reversed corner lot.

   e. Main Building Abutting Alley. When siding on an existing alley, a main building shall be located not less than thirty (30) feet from the opposite side of the alley.

4. Rear Yard.

   a. The minimum rear yard shall be twenty (20) feet.

   b. Accessory Buildings. Nonresidential accessory buildings may be permitted in a required yard in accordance with Section 17.88.010 and as follows:

      i. An accessory building other than a swimming pool may be located on the rear property line when said building is not abutting an existing alley and is not located within an easement.

      ii. An accessory building having an opening on an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley, or not less than five feet from the property line.

iii. Where any building or structure, except swimming or wading pools, occupies space in a required rear yard, the amount of space so occupied shall be provided elsewhere on the lot, exclusive of required yard areas. Said substitute space shall have minimum dimensions of eight feet by eight feet.

c. Exceptions. Permitted Projections into Required Yards.

i. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard not more than five inches for each one foot of the width of such required side yard and may extend or project into a front or rear yard not more than thirty (30) inches.

ii. Uncovered, unenclosed porches, platforms or landing places which do not extend above the level of the first floor of the building may extend into any front yard a distance of not more than six feet, and such features may not extend into a court more than twenty (20) percent of the width of said court and into any side or rear yard not more than three feet. An open work railing may be installed or constructed on any such porch, platform or landing place provided it does not exceed thirty-six (36) inches in height.

iii. Open, unenclosed stairways or balconies not covered by roof or canopy may extend or project into a required front yard not more than thirty (30) inches.

F. Space Between Buildings.

1. The minimum distance between separate structures shall be ten feet.

2. No animal or fowl pen, coop, stable, barn or corral shall be located within thirty (30) feet of any dwelling or other building used for human habitation, or within eighty (80) feet of the front property line of the subject property.

G. Lot Coverage. The maximum lot area covered by structures shall be thirty (30) percent of the total lot area.

H. Fences, Hedges and Walls.

1. Corner Cut-Off Areas. The provisions of the "O" District, Section 17.12.050(H)(3) shall apply.

2. Permitted Fences, Hedges and Walls.

a. Fences, hedges and walls, not greater than six feet in height, shall be permitted on or within all rear and side property lines on interior lots and on or to the rear of all front yard setback lines.

b. No fence, wall or hedge over three feet in height shall be permitted in any required front yard or in the required side yard on the street side of a reversed corner lot, except on parcels of five acres or more.

c. Fences or structures over six feet in height, to enclose tennis courts or other game areas located within the rear half of the lot, shall be composed of wire mesh capable of admitting at least ninety (90) percent of light as measured on a reputable light meter. Such fences shall be permitted in the required side or rear yard and subject to a conditional use permit.

I. Off-Street Parking. Adequate off-street parking and loading areas shall be provided on the site for each use prescribed in this title or as may be otherwise required by the planning commission pursuant to the provisions of this title.

J. Access.

1. There shall be vehicular access from a dedicated and improved street or alley to off-street parking facilities on the property requiring off-street parking.
2. There shall be pedestrian access from a dedicated and improved street or alley to property used for residential purposes.
3. There shall be an adequate paved turning area on lots facing on and having access to major and secondary highways to permit motor vehicles to head into the street.
4. If vehicular access is by way of a driveway parallel with a side lot line, there shall be an access way of not less than ten feet from the street or alley to the building site, said way to be for both pedestrian and vehicular access.

K. Outdoor Advertising. Unlighted signs shall be permitted in this district only as provided in this section.

1. Name plates shall be permitted subject to the following conditions:
   a. Name plates shall not exceed two square feet in area.
   b. Name plates shall display only the:
      i. Name of the owner or lessee of said premises, not to include a business name, except as provided for in Section 17.16.050(K)(4) below.
      ii. Address of said premises.
   c. Name plates shall be affixed flush to the building.
2. "For Rent" and "For Sale" signs shall be permitted, although said signs shall not be permitted in conjunction with a home occupation.
3. Subdivision Signs—On Site.
   a. Temporary real estate signs advertising real property which has been subdivided for purposes of sale or lease shall be permitted.
4. Institutional Signs. For institutional uses, including churches, private clubs and similar uses, institutional signs shall be permitted subject to the following regulations:
   a. One freestanding sign per frontage:
      i. The sign may contain only the name of the institution and identify services rendered, occupants and groups thereof.
      ii. The sign shall not exceed thirty-two (32) square feet in area, exclusive of architectural features and shall not exceed eight feet in height.
      iii. The sign may not be internally illuminated but may be floodlighted, providing floodlights do not cast direct light on adjoining streets or properties.
      iv. The sign shall not be permitted within fifteen (15) feet of the front property line when located in the front yard or in the street side yard of corner lots and reverse corner lots. Subject to securing a conditional use permit, free standing signs may be located not closer than ten feet of the property line.
   b. One sign attached on and parallel to the face of the main building:
      i. The sign may contain only the name of the institution occupants or groups thereof.
      ii. Letter or numeral heights shall not exceed one foot.
      iii. The sign shall not exceed ten square feet in area.

iv. The sign may not be internally illuminated but may be floodlighted.

c. One reader board sign:

i. The sign shall not exceed ten square feet in area.

ii. The board may not be internally illuminated but may be floodlighted, provided that floodlights do not cast direct light on adjoining streets or properties.

iii. The sign shall only contain information incidental to the services rendered on the premises.

b. One sign attached on and parallel to the face of the main building:

i. The sign may contain only the name of the institution occupants or groups thereof.

ii. Letter or numeral heights shall not exceed one foot.

iii. The sign shall not exceed ten square feet in area.

iv. The sign may not be internally illuminated but may be floodlighted.

c. One reader board sign:

i. The sign shall not exceed ten square feet in area.

ii. The board may not be internally illuminated but may be floodlighted, provided floodlights do not cast direct light on adjoining streets or properties.

iii. The sign shall only contain information incidental to the services rendered on the premises.

(Prior code § 13.03.005)

(Ord. No. 11-01, § 6, 3-22-2011; Ord. No. 14-05, §§ 4, 5, 9-9-2014)

17.16.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92 of this title.

(Prior code § 13.03.006)

Chapter 17.20 R-1-A SINGLE-FAMILY/LOW DENSITY RESIDENTIAL DISTRICT

17.20.010 Purposes.

The R-1-A single-family/low density residential district is intended to provide living areas within the city where development is limited primarily to low density concentrations of one-family dwellings on a lot of not less than twelve thousand (12,000) square feet in area. Regulations are designed to:

A. Promote and encourage a suitable environment for family life;

B. Provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment; and

C. Minimize traffic congestion and avoid the overloading of utilities designed to serve only low density residential use.

(Prior code § 13.04.001)

17.20.020 Permitted uses.

In the R-1-A single-family/low density residential district, permitted uses are as follows:

A. One-family dwellings, but not more than one dwelling per lot, except in a planned unit development, permitted by Section 17.20.060;

B. Accessory structures and uses;

C. The keeping of household pets subject to the provisions of Section 17.04.110;

D. Temporary subdivision sales offices in a model home and temporary subdivision sales signs not exceeding sixty-four (64) square feet in aggregate area;

E. Signs, as prescribed in Section 15.28.010 of this code;

F. Home occupations, subject to the provisions of Chapter 17.86;

G. Carnival (reference definition in Section 17.04.110);

H. Tennis courts;

I. Accessory dwelling units;

J. Transitional housing;

K. Supportive housing;

L. Residential care facilities.

(Prior code § 13.04.002)

(Ord. No. 11-01, § 7, 3-22-2011; Ord. No. 14-05, § 6, 9-9-2014)

17.20.030 Uses permitted subject to conditional use permit.

In the R-1-A single-family/low density residential district, uses permitted subject to conditional use permit are as follows:

A. Churches;

B. Country club and golf courses;

C. Public libraries;

D. Private or parochial schools;

E. Day nurseries, child care nurseries and nur-sery schools, not exceeding ten children;

F. Subdivision signs;

G. Temporary or permanent telephone booths;

H. Planned developments, subject to the provisions of Chapter 17.84;

I. Water pump stations;

J. ~~Second units, as the same is defined in Government Code Section 65852.2(d)~~Mobile home parks;

K. Board or rooming houses (reference Section 17.04.110).

(Prior code § 13.04.003)

(Ord. No. 13-08, § 3, 12-17-2013)

17.20.040 Uses expressly prohibited.

Uses expressly prohibited in the R-1-A single-family/low density residential district are as follows:

A. Multiple residential uses;

B. Commercial uses;

C. Industrial uses;

D. Agricultural uses not specifically listed as permitted;

E. Advertising structures;

F. Truck parking;

G. Wireless telecommunications facilities.

(Prior code § 13.04.004)

(Ord. No. 17-06, § 1, 4-25-2017)

17.20.050 Property development standards.

Property development standards in the R-1-A single-family/low density residential district are as follows:

A. Lot Area.

1. Minimum Area. Each lot shall have a minimum area of twelve thousand (12,000) square feet.

2. Planned Unit Development. Each lot shall have a minimum area of two acres and minimum nine thousand (9,000) square feet site area per dwelling unit.

B. Lot Dimensions.

1. Width.

a. Interior lots shall have a minimum width of seventy-five (75) feet.

b. Corner lots shall have a minimum width of eighty (80) feet.

c. Reversed corner lots shall have a minimum width of ninety (90) feet.

d. Lots siding on railroad rights-of-way shall have a minimum width of ninety-five (95) feet.

e. Curve lots and cul-de-sac lots shall have a minimum street frontage width of sixty (60) feet.

2. Depth.

a. Lots facing on a local street shall have a minimum depth of one hundred (100) feet.

b. Lots facing on a major street shall have minimum depth of one hundred ten (110) feet.

c. Lots backing on railroad rights-of-way shall have a minimum depth of one hundred forty (140) feet.

C. Population Density.

1. The provisions of Section 17.24.020(A) shall apply.

2. A planned unit development permitted by Chapter 17.84 of this code may include a reduction in the otherwise required twelve thousand (12,000) square foot population density standards but not to exceed thirty (30) percent.

D. Building Height.

1. The maximum height of buildings shall be thirty (30) feet, not to exceed two stories.

2. No accessory building erected in this district shall have a height greater than one story, not to exceed twelve (12) feet, to plate height.

E. Yards.

1. General Yard Requirements. The provisions of the R-1 district, Section 17.24.050(E)(1) shall apply.

2. Front Yard.

a. The minimum front yard building setback shall be thirty (30) feet extending across the full width of the lot. Where a front yard is proposed to be more than fifty (50) feet, the site plan review shall be required as provided for in Section 17.08.090.

b. Partially Built-Up Blocks. Where lots comprising fifty (50) percent or more of the block frontage are developed with a front yard either greater or lesser in depth than that prescribed in this chapter, the average of such existing front yard shall establish the front yard for the remaining lots in the block frontage. However, a front yard determined in this way shall not be less than twenty (20) feet. Existing front yards of more than fifty (50) feet shall be counted as fifty (50) feet in calculating the average.

c. Planned Unit Development. Where an entire block frontage is designed and developed as a unit, the minimum front yard requirements may be varied by not more than five feet in either direction provided that the average front yard for the entire frontage is not less than that required in the district.

3. Side Yard.

a. Each lot shall have a side yard of not less than ten feet except for special conditions below.

b. Accessory Buildings in Side Yards.

i. Any accessory building located less than eighty (80) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.

ii. An accessory building may be located on a side property line when said building is located eighty (80) feet or more from the front property line.

iii. An accessory building having an opening on an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley; provided, however, that no such accessory building shall be located less than five feet from the property line.

iv. Accessory buildings located in the side yard or its projection to the rear property line when abutting a street shall be at least twenty-five (25) feet from the rear property line on a reversed corner lot.

c. Corner Lots. On corner lots, the side yard abutting the street shall be not less than twenty (20) feet in width.

d. Reversed Corner Lots. On a reversed corner lot, the side yard abutting the street shall be not less than twenty-five (25) feet. Private garages located in the side yard shall be at least twenty-five (25) feet from the property line on the side street, and not less than five feet from the rear property line on said corner lot.

e. Main Buildings Abutting Alley. When siding on an existing alley, a main building shall be located not less than thirty (30) feet from the opposite side of the alley.

4. Rear Yard.

a. Each lot shall have a rear yard of not less than twenty (20) feet.

b. Accessory Buildings. Nonresidential accessory buildings may be permitted in a required rear yard as follows:

i. An accessory structure other than a swimming pool may be located on the rear property line when said building is not abutting an existing alley.

ii. An accessory building having an opening on an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley or not less than five feet from the property line.

iii. Where any building or structure, except swimming or wading pools, occupies space in a required rear yard, the amount of space so occupied shall be provided elsewhere on the lot, exclusive of required yard areas. Said replacement space shall have minimum dimensions of eight feet by eight feet and shall be so located that it is suitable for general use by the occupant of the premises.

F. Space Between Buildings.

1. The provisions of Section 17.16.050(F) shall apply.

2. In a planned unit development the provisions of the R-2 district in Section 17.28.050(F) shall apply.

G. Lot Coverage. Maximum lot coverage shall not exceed thirty (30) percent of the total lot area.

H. Fences, Hedges and Walls. The provisions of Section 17.16.050(H) shall apply.

I. Off-Street Parking. The provisions of Section 17.16.050(I) shall apply.

J. Access. The provisions of Section 17.16.050(J) shall apply.

K. Outdoor Advertising. The provisions of Section 17.16.050(K) shall apply.

(Prior code § 13.04.005)

(Ord. No. 14-05, §§ 7, 8, 9-9-2014)

17.20.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92 of this title.

(Prior code § 13.04.006)

17.20.070 Residential planned unit development standards.

The provisions of Chapter 17.84 of this code shall apply.

(Prior code § 13.04.007)

Chapter 17.24 R-1 SINGLE-FAMILY/MEDIUM DENSITY RESIDENTIAL DISTRICT

17.24.010 Purposes.

A. The R-1 single-family/medium density residential district is intended to provide living area within the city where development is limited primarily to low density concentrations of one-family dwellings. Regulations are designed to:

1. Promote and encourage a suitable environment for family life;
2. Provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment; and
3. Minimize traffic congestion and avoid the overloading of utilities designed to serve only low density residential use.

(Prior code § 13.05.001)

17.24.020 Permitted uses.

Permitted uses in the R-1 single-family/medium density residential district are as follows:

A. One-family dwellings ~~and one-family mobilehomes, but not more than one dwelling or mobilehome per lot~~. All mobilehomes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et. seq.) and placed on a foundation system pursuant to Section 18551 of the Health and Safety Code;

B. Accessory structures and uses;

C. Private greenhouses and horticultural collections, flower and vegetable gardens;

D. Signs, subject to provisions of Section 17.16.050(K);

E. Recreational vehicle, motorhome, travel trailer, truck camper, camping trailer, boat or boat trailer storage, subject to the provisions of Section 17.88.010;

F. The keeping of household pets subject to the provisions of Section 17.04.110;

G. Home occupations, subject to the provisions of Chapter 17.86;

H. Carnival (reference definition in Section 17.04.110);

I. Accessory dwelling units;

J. Residential care facilities;

K. Transitional housing;

L. Supportive housing.

(Prior code § 13.05.002)

(Ord. No. 11-01, § 8, 3-22-2011; Ord. No. 14-05, § 9, 9-9-2014)

17.24.030 Uses permitted subject to conditional use permit.

In the R-1 single-family/medium density residential district, uses permitted subject to conditional use permit are as follows:

A. Churches;

B. Country clubs and golf courses;

C. Day nurseries, child care nurseries and nursery schools, not exceeding ten children;

D. Electrical distribution substation;

E. Private or parochial schools;

F. Public schools, parks and playgrounds;

G. Public libraries;

H. Subdivision signs;

I. Planned developments, subject to the provisions of Chapter 17.84;

J. ~~Second units, as the same is defined in Government Code Section 65852.2(d)~~Mobile home parks;

K. Board or rooming houses (reference definition in Section 17.04.110).

(Prior code § 13.05.003)

(Ord. No. 13-08, § 4, 12-17-2013)

17.24.040 Uses expressly prohibited.

In the R-1 single-family/medium density residential district, uses expressly prohibited are as follows:

A. Multiple residential uses;

B. Commercial uses;

C. Industrial uses;

D. Agricultural uses not specifically listed as permitted;

E. Advertising structures;

F. Truck parking;

G. Labor camps;

H. Wireless telecommunications facilities.

(Ord. 91-02 § 2, 1991: Prior code § 13.05.004)

(Ord. No. 17-06, § 1, 4-25-2017)

17.24.050 Property development standards.

Property development standards in the R-1 single-family/medium density residential district are as follows:

A. Lot Area.

1. Each lot shall have a minimum lot area of six thousand (6,000) square feet.

2. Planned Developments. For a planned development, each lot shall have a minimum size of four thousand (4,000) square feet.

B. Lot Dimensions.

1. Width.

a. Interior lots shall have a minimum width of sixty (60) feet.

b. Corner lots shall have a minimum width of seventy (70) feet.

c. Reversed corner lots shall have a minimum width of seventy (70) feet.

d. Lots siding on railroad rights-of-way shall have a minimum width of eighty (80) feet.

e. Lots on curved or turn-around end or cul-de-sac streets shall have a minimum street frontage of forty (40) feet.

2. Depth.

a. Lots facing on local streets shall have minimum depth of one hundred (100) feet.

b. Lots facing on major or secondary streets shall have a minimum depth of one hundred twenty (120) feet.

c. Lots backing on railroad rights-of-way shall have a minimum depth of one hundred thirty (130) feet.

C. Population Density. One-family dwelling ~~or one-family mobilehomes, but not more than one dwelling or mobilehome~~ per lot, except in a planned unit development, permitted by Section 17.24.030(I).

D. Building Height.

1. The maximum height of structures shall be two stories, not to exceed thirty (30) feet.

2. No accessory building shall have a height greater than one story not to exceed twelve (12) feet to plate height.

E. Yards.

1. General Yard Requirements.

a. No main building shall be erected within fifty (50) feet of the right-of-way of any railroad line, except for publicly-owned structures, to include city hall and related structures.

b. Swimming Pools. See property development standards Section 17.88.010(5)(g).

2. Front Yards.

a. The minimum front yard shall be twenty (20) feet. Where a front yard is proposed to be greater than fifty (50) feet, a site plan review shall be required as provided for in Chapter 17.08 of this code.

b. Curve lots and cul-de-sac lots shall have a front yard of not less than twenty (20) feet.

c. For partially built-up blocks and neighborhood unit plans, the provisions of the R-1-A district, Section 17.20.050(E)(2)(b) and (c) shall apply.

3. Side Yard.

a. Each lot shall have a side yard on each side of not less than five feet, except for special conditions listed below.

b. For accessory buildings in side yards, and main buildings abutting an alley, the provisions of the R-1-A district, Section 17.20.050(E)(3)(b) and (e) shall apply.

c. Corner Lots. On corner lots, the side yard abutting the street shall be not less than ten feet in width.

d. Reversed Corner Lot. On a reversed corner lot, the side yard abutting the street shall not be less than fifteen (15) feet. Private garages located in the side yard shall be at least twenty (20) feet from the property line on the side street and not less than five feet from the rear property line on said reversed corner lot.

4. Rear Yard.

a. Each lot shall have a minimum rear yard of not less than twenty (20) feet.

b. For accessory buildings, the provisions of the R-1-A district, Section 17.20.050(E)(4)(b) shall apply.

F. Space Between Buildings.

1. The provisions of the R-A district, Section 17.16.050(F) shall apply.

2. In a planned unit development, the provisions of the R-2 district, Section 17.28.050(F) shall apply.

G. Lot Coverage. The maximum lot area covered by buildings or structures shall not exceed forty (40) percent.

H. Fences, Hedges and Walls. The provisions of the R-A district, Section 17.16.050(H) shall apply.

I. Off-Street Parking. The provisions of Section 17.88.010 shall apply.

J. Access. The provisions of Section 17.16.050(J) shall apply.

K. Outdoor Advertising. The provisions of Section 17.16.050(K) shall apply.

(Ord. 94-07 § 2, 1994; prior code § 13.05.005)

(Ord. No. 13-08, § 5, 12-17-2013; Ord. No. 14-05, § 10, 9-9-2014)

17.24.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92 of this code.

(Prior code § 13.05.006)

17.24.070 Residential planned unit development standards.

The provisions of Chapter 17.84 of this code shall apply.

(Prior code § 13.05.007)

17.24.080 Architectural standards.

The following architectural standards shall apply to all ~~one-family~~ primary dwellings~~, one-family manufactured homes and one-family mobilehomes~~ in the R-1 single-family/medium density residential district.

A. Metal exterior siding or roofing shall not be permitted except by approval of a minor variance in accordance with the provisions of Section 17.08.080.

B. Exterior siding materials shall extend within a minimum eight inches from the ground; when a solid concrete or masonry perimeter foundation is used, the siding material need not extend further than four inches below the top of the foundation wall.

C. The exterior siding material and roofing material utilized on garages and carports shall match the design and materials of the main structure on the lot.

D. The minimum roof overhang shall be eighteen (18) inches.

E. The minimum width of the main structure shall be twenty (20) feet or ~~be compatible~~80 percent of the average width ~~with existing conventional~~of dwellings ~~within~~ on the same block in the same zone district, whichever is greater.

F. The main entrance (front door) shall face the adjacent street.

G. The date of manufacture of all manufactured housing and mobilehomes shall be no more than ten years from the date of the application for issuance of a building permit.

H. Utility connections, including water, sewer, natural gas and electricity, shall be made permanent in all cases. Utility shut-off valves shall be accessible and shall not be located beneath the structure.

I. Certification. All manufactured homes shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 4501 et seq.).

J. Wheels and Axles. All manufactured home tow bars, wheels and axles shall be removed when the manufactured home is installed on a residential lot, so as to be compatible with structures within the existing district.

K. Surrender of Registration. Subsequent to applying for the required building permits and prior to occupancy, the owner shall request a certificate of occupancy be issued pursuant to Section 18557 (a) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership and certification of registration issued by a state agency is to be surrendered to the appropriate state agencies. Any manufactured home which is permanently attached with foundation must bear a California insignia or federal label, pursuant to Section 18550 (b) of the Health and Safety Code.

L. ~~Finish Floor Elevation. All manufactured homes shall be installed on a foundation at the same finish floor elevation compatible to existing standards established within the block in the existing district, and excavated to comply to all standards of the Uniform Building Code, approved by the building official.~~ [Reserved.]

M. Foundations. All ~~permanent manufactured homes~~dwellings shall be installed on a permanent foundation in accordance with city building codes, applicable state of California Housing and

Community Development regulations, or a foundation designated by an engineer, licensed within the state of California. The approved method of securing the ~~manufactured home~~dwelling to a permanent foundation shall be detailed when submitting plans for plan check and permit.

N. At the time of application for a building permit, and prior to its issuance, the zoning administrator shall review the architectural features and treatment proposed for the residential structure to insure that it is architecturally compatible with other single-family structures in the area. The zoning administrator may require modifications to the proposed structure, to the proposed building materials, to the design, and/or to the siting, in order to insure architectural compatibility with the surrounding neighborhood. The decision of the zoning administrator may be appealed to the planning commission and the decision of the planning commission may be appealed to the city council, as provided in Section 17.08.050.

(Ord. 94-07 § 3, 1994: prior code § 13.05.008)

Chapter 17.28 R-2 MEDIUM/HIGH DENSITY RESIDENTIAL DISTRICT

17.28.010 Purposes.

The purposes of the R-2 medium/high density residential district are as follows:

A. This district is intended primarily to provide for relatively high density concentrations of residential uses in areas where such higher density use is consistent with the general plan and which are convenient to public facilities and services which enable such concentrations.

B. The R-2 district is intended primarily for application to residential areas where proximity to neighborhood residential uses or major streets make multifamily uses appropriate in the vicinity of single-family dwellings.

(Prior code § 13.06.001)

17.28.020 Permitted uses.

Permitted uses in the R-2 medium/high density residential district are as follows:

A. Uses permitted in the R-1 district, Section 17.24.020~~, except one-family mobilehomes,~~ shall apply;

B. One-family, two-family or multiple-family dwellings, either in one structure or in two or more detached buildings subject to requirements for space between buildings. When more than one main building is placed on a lot, the provisions of Section 17.08.090 shall apply. When the lot contains two or more acres in area, the provisions of Chapter 17.84 shall apply;

C. Accessory structures and uses;

D. Labor camps;

E. Accessory dwelling units;

F. Residential care facilities;

G. Transitional housing;

H. Supportive housing.

(Ord. 91-02 § 3, 1991: prior code § 13.06.002)

(Ord. No. 14-05, § 11, 9-9-2014)

17.28.030 Uses permitted subject to conditional use permit.

In the R-2 medium/high density residential district, uses permitted subject to conditional use permit are as follows:

A. Churches;

B. Country clubs and golf courses;

C. Day nurseries, child care nurseries and nursery schools, not exceeding ten children when subject lot is occupied by only one dwelling unit;

D. Electrical distribution substation;

E. Funeral chapels;

F. Planned developments, subject to the provisions of Chapter 17.84;

G. Private or parochial schools;

H. Public schools, parks and playgrounds;

I. Public libraries;

J. Sanitariums and hospitals;

K. Subdivision signs;

L. Temporary or permanent telephone booths;

M. Water pump stations;

N. ~~Second units, as the same is defined in Government Code Section 65852.2(d)~~Mobile home parks.

(Prior code § 13.06.003)

(Ord. No. 13-08, § 6, 12-17-2013)

17.28.040 Uses expressly prohibited.

In the R-2 medium/high density residential district, uses expressly prohibited are as follows:

A. Commercial uses, including uses such as hotels, apartment hotels, motor courts, motels or other buildings wherein housing facilities are furnished to transient boarders or roomers;

B. Industrial uses;

C. Agricultural uses;

D. Advertising structures;

E. Truck parking;

F. Wireless telecommunications facilities.

(Prior code § 13.06.004)

(Ord. No. 17-06, § 1, 4-25-2017)

17.28.050 Property development standards.

In the R-2 medium/high density residential district, property development standards are as follows:

A. Lot Area.

1. Each lot shall have a minimum lot area of six thousand (6,000) square feet.

2. Planned Developments. Each dwelling unit shall have a minimum of three thousand (3,000) square feet of lot area.

B. Lot Dimensions. The provisions of the R-1 district, Section 17.24.050(B) shall apply.

C. Population Density.

1. There shall be no more than one dwelling unit per three thousand (3,000) square feet of lot area, not to exceed four dwelling units per lot.

2. For planned unit developments, the provisions of subsection (A)(2) of this section shall apply.

D. Building Height.

1. The maximum height of structures shall be two stories, not to exceed thirty (30) feet.

2. No accessory building shall have a height greater than one story not to exceed twelve (12) feet to plate height.

E. Yards.

1. General Yard Requirements. The provisions of the R-1 district, Section 17.24.050(E)(1) shall apply.

2. Front Yard.

a. The minimum front yard setback shall be not less than twenty (20) feet. Where a front yard is proposed to be greater than fifty (50) feet, a site plan review shall be required as provided for in Section 17.08.090.

b. For partially built-up blocks and neighborhood unit plans, the provisions of the R-1-A district, Section 17.20.050(E)(2)(b) shall apply.

3. Side Yard.

a. The minimum side yard shall be five feet for a single-story structure and ten feet for a two-story structure.

b. For accessory buildings in side yards and main buildings abutting an alley, the provisions of the R-1-A district, Section 17.20.050(E)(3)(b) and (e) shall apply.

c. Corner Lots. The provisions of the R-1 district, Section 17.24.050(E)(3)(c) shall apply.

d. Reversed Corner Lot. On a reversed corner lot, the side yard abutting the street shall not be less than ten feet. Private garages located in the side yard shall be at least twenty (20) feet from the property line on the side street, and not less than five feet from the rear property line on said reversed corner lot.

e. When side yard is used for driveway access to serve parking facilities:

i. The minimum space shall be ten feet;

ii. If pedestrian access is required to a rear dwelling or dwellings and said access is to be by means of a driveway, then said space shall be increased to thirteen (13) feet in order to provide pedestrian access.

4. Rear Yard.

a. The minimum rear yard shall not be less than twenty (20) feet.

i. For exceptions to the main building, the general provision and exceptions, Section 17.88.010 shall apply.

b. For accessory buildings, the provisions of the R-1-A district, Section 17.20.010, et. seq. shall apply.

F. Space Between Buildings.

1. Main Buildings.

a. Side to side. The minimum space shall be ten feet.

b. Rear to side. The minimum space shall be fifteen (15) feet.

c. Front to side. The minimum space shall be ten feet.

d. Front to rear. The minimum space shall be twenty (20) feet.

e. Front to front. The minimum space shall be twenty-five (25) feet.

f. Front to front with drive-thru. The minimum space shall be thirty (30) feet.

g. In no event shall the minimum space between buildings be less than ten feet.

2. Accessory Structures. The minimum distance between accessory buildings and any other building shall not be less than six feet.

G. Lot Coverage. The maximum lot area covered by buildings or structures shall not exceed fifty (50) percent.

H. Fences, Hedges and Walls.

1. For residential uses, the provisions of the R-A district, Section 17.16.050(H) shall apply.

2. For nonresidential uses, the conditions in general provisions and exceptions, Section 17.88.010 shall apply.

I. Off-Street Parking. The provisions of Section 17.16.050(I) shall apply.

J. Access. The requirements in the R-A district, Section 17.16.050(J) shall apply.

K. Outdoor Advertising.

1. The provisions of the R-A district, Section 17.16.050(K) shall apply.

2. For multiple-family uses there shall be permitted one unlighted sign not to exceed twelve (12) square feet in area for each such use; said sign shall be located in back of all required yards.

(Prior code § 13.06.005)

(Ord. No. 13-08, § 7, 12-17-2013; Ord. No. 14-05, § 12, 9-9-2014)

17.28.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.06.006)

17.28.070 Residential planned unit development standards.

The provisions of Chapter 17.84 shall apply.

(Prior code § 13.06.007)

17.28.080 Site plan review.

Before any building or structure, except one single-family dwelling, is erected on any lot in the R-2 district, a site plan shall have been approved pursuant to the provisions of Section 17.08.90.

(Ord. 99-01 § 3, 1999: prior code § 13.06.008)

Chapter 17.32 R-3 HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

17.32.010 Purposes.

The R-3 high density multiple-family residential district is intended primarily to provide for the development of high density multiple-family residential structures, for the purposes of rental or sale to permanent occupants.

(Prior code § 13.07.001)

17.32.020 Permitted uses.

Permitted uses in the R-3 high density multiple-family residential district are as follows:

A. Uses permitted in the R-2 district, Section 17.28.020 shall apply;

B. Multiple housing facilities, including rooming and boarding houses, apartment houses and apartment courts;

C. Churches and parochial schools;

D. Public schools;

E. Public libraries;

F. Public parks and playgrounds;

G. Accessory structures and uses;

H. Labor camps;

I. Residential care facilities;

J. Accessory dwelling units;

K. Transitional housing.

L. Supportive housing.

(Ord. 91-02 § 4, 1991: prior code § 13.07.002)

(Ord. No. 14-05, § 13, 9-9-2014)

17.32.030 Uses permitted subject to conditional use permit.

In the R-3 high density multiple-family residential district, uses permitted subject to conditional use permit are as follows:

A. The uses described in Section 17.28.030 shall apply;

B. Day nurseries, child care nurseries or nursery schools not exceeding two hundred fifty (250) children;

C. Electrical distribution substation;

D. Funeral chapels;

E. Private schools;

F. Rest homes;

G. Subdivision signs;

H. Temporary or permanent telephone booths;

I. Water pump stations;

J. ~~Second units, as the same is defined in Government Code Section 65852.2(d)~~Mobile home parks.

(Ord. 97-02 § 1, 1997; prior code § 13.07.003)

17.32.040 Uses expressly prohibited.

In the R-3 high density multiple-family residential district, uses expressly prohibited are as follows:

A. Commercial uses, including hotels and motels;

B. Industrial uses;

C. Agricultural uses;

D. Advertising structures;

E. Professional offices;

F. Truck parking;

G. Wireless telecommunications facilities.

(Prior code § 13.07.004)

(Ord. No. 17-06, § 1, 4-25-2017)

17.32.050 Property development standards.

In the R-3 high density multiple-family residential district, property development standards are as follows:

A. Lot Area.

1. The provisions of the R-2 district, Section 17.28.050(A)(1) shall apply.

2. Planned Developments. Each dwelling unit shall have a minimum of one thousand five hundred (1,500) square feet of lot area.

B. Lot Dimensions. The provisions of the R-1 district, Section 17.24.050(B) shall apply.

C. Population Density.

1. There shall be a minimum of one thousand five hundred (1,500) square feet of lot area for each dwelling unit.

2. Planned Unit Developments. The provisions of subsection (A)(2) of this section shall apply.

D. Building Height.

1. The maximum height of structures shall be three stories, not to exceed forty (40) feet.

2. No accessory building shall have a height greater than one story not to exceed twelve (12) feet to plate height.

E. Yards.

1. General Yard Requirements. The provisions of the R-1 district, Section 17.24.050(E)(1) shall apply.

2. Front Yard.

a. The minimum front yard setback shall be fifteen (15) feet. Where a front yard is proposed to be greater than fifty (50) feet, a site plan review shall be required as provided for in Section 17.08.090.

b. For neighborhood unit plans, the provisions of the R-1-A district, Section 17.20.050(E)(2)(c) shall apply.

3. Side Yard.

a. Each lot shall have a minimum side yard on each side of not less than five feet.

b. For accessory buildings in side yards, and main buildings abutting an alley, the provisions of the R-1-A district, Section 17.20.050(E)(3)(b) and (e) shall apply.

c. Corner Lots. The provisions of the R-1 district, Section 17.24.050(E)(3)(c) shall apply.

d. Reversed Corner Lot. The side yard abutting the street shall not be less than ten feet. Private garages located in the side yard shall be at least twenty (20) feet from the property line on the side street, and not less than five feet from the rear property line on said reversed corner lot.

4. Rear Yard.

a. Each lot shall have a minimum rear yard of not less than fifteen (15) feet.

i. For exceptions to the main building, the general provisions and exceptions, Section 17.88.010 shall apply.

b. For accessory buildings, the provisions of the R-1-A district, Section 17.20.050(E)(4)(b) shall apply.

F. Space Between Buildings. The minimum space requirements of the R-2 district, Section 17.28.050(F) shall apply.

G. Lot Coverage. The maximum site area covered by structures shall be sixty (60) percent. The remaining forty (40) percent of the total area shall be devoted to landscaping, lawn, outdoor recreation facilities incidental to residential developments, such as swimming pools, tennis courts, putting green, patios, walkways, fences.

H. Fences, Hedges and Walls.

1. The provisions of the R-A district, Section 17.16.050(H) shall apply.
2. For nonresidential uses, the general provisions and exceptions in Section 17.88.010 shall apply.

I. Off-Street Parking. The provisions of Section 17.16.050(I) shall apply.

J. Access. The provisions of the R-A district, Section 17.16.050(J) shall apply.

K. Outdoor Advertising. The provisions of the R-A district, Section 17.16.050(K) shall apply.

(Prior code § 13.07.005)

(Ord. No. 13-08, § 8, 12-17-2013; Ord. No. 14-05, § 14, 9-9-2014)

17.32.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.07.006)

17.32.070 Residential planned development standards.

The provisions of Chapter 17.84 shall apply.

(Prior code § 13.07.007)

(Ord. No. 13-08, § 9, 12-17-2013)

Editor's note(s)—Section 9 of Ord. No. 13-08, adopted Dec. 17, 2013, changed the title of § 17.32.070 from "Residential planned unit development standards" to read as herein set out.

17.32.080 Site plan review.

Before any building or structure, except one single-family dwelling, is erected on any lot the R-3 district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 4, 1999: prior code § 13.07.008)

Chapter 17.36 R-3-A HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT—ONE STORY

Sections:

17.36.010 Purposes.

The R-3-A high density multiple-family residential district—one story is intended to provide for the development of medium density multiple-family residential structures, limited to one story in height, for the purposes of rental or sale to permanent occupants.

(Prior code § 13.08.001)

17.36.020 Permitted uses.

Permitted uses in the R-3-A high density multiple-family residential district—one story are as follows:

A. Uses permitted in the R-2 district, Section 17.28.020 shall apply.

B. Uses permitted in the R-3 district, Section 17.32.020 shall apply.

C. Accessory dwelling units.

D. Transitional housing.

E. Supportive housing.

F. Residential care facilities.

(Prior code § 13.08.002)

17.36.030 Uses permitted subject to conditional use permit.

In the R-3-A high density multiple-family residential district—one story, uses permitted subject to conditional use permit are as follows:

A. The uses listed in the R-3 district, Section 17.32.030 shall apply.

B. ~~Second units, as the same is defined in Government Code Section 65852.2(d).~~

C. Mobile home parks.

(Prior code § 13.08.003)

17.36.040 Uses expressly prohibited.

In the R-3-A high density multiple-family residential district — one story, uses expressly prohibited are as follows:

A. The uses listed as uses expressly prohibited in the R-3 district, Section 17.32.040.

B. Any dwelling structure exceeding one story or twenty (20) feet in height.

(Prior code § 13.08.004)

17.36.050 Property development standards.

A. The provisions of the R-3 district, Section 17.32.050 shall apply, excepting Section 17.32.050(D) relating to building height.

B. Building Height.

1. Main buildings or structures erected in the R-3-A district shall not exceed one story or twenty (20) feet in height.

2. Accessory buildings erected in this district shall not exceed one story or twelve (12) feet to plate height.

(Prior code § 13.08.005)

17.36.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.08.006)

17.36.070 Residential planned development standards.

The provisions of Chapter 17.84 shall apply.

(Prior code § 13.08.007)

(Ord. No. 13-08, § 10, 12-17-2013)

Editor's note(s)—Section 10 of Ord. No. 13-08, adopted Dec. 17, 2013, changed the title of § 17.36.070 from "Residential planned unit development standards" to read as herein set out.

17.36.080 Site plan review.

Before any building or structure, except one single-family dwelling, is erected on any lot in the R-3-A district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 5, 1999: prior code § 13.08.008)

Chapter 17.40 MHP MOBILEHOME PARK DISTRICT

17.40.010 Purposes.

The MHP mobilehome park district is intended to provide for accommodation of residential mobile-homes in unified parks.

(Prior code § 13.09.001)

17.40.020 Permitted uses.

Permitted uses in the MHP mobilehome park district are as follows:

A. Trailer parks, to include accessory buildings and swimming pools;

B. Temporary or permanent telephone booths;

C. Signs;

D. The keeping of household pets subject to the provisions of Section 17.04.110, "household pets;"

E. Carnivals (reference definition in Section 17.04.110);

F. Home occupations, subject to the provisions of Chapter 17.86;~~.~~

G. Transitional housing;

H. Supportive housing;

I. Small group homes;

J. Residential care facilities;

K. Accessory dwelling units;

L. Manufactured homes.

(Prior code § 13.09.002)

(Ord. No. 11-01, § 9, 3-22-2011)

17.40.030 Uses permitted subject to conditional use permit.

In the MHP mobilehome park district, uses permitted subject to conditional use permit are as follows:

A. Electrical distribution substation;

B. Water pump station;

C. Accessory structures and uses located on the same site as a conditional use;

D. Mobilehome parks allowing overnight or short term transient occupancy;

E. Large group homes.

(Prior code § 13.09.003)

17.40.040 Uses expressly prohibited.

In the MHP mobilehome park district, uses expressly prohibited are as follows:

A. Commercial uses;

B. Industrial uses;

C. Advertising structures;

D. Site-built ~~M~~multiple-family residences;

E. Truck parking;

F. Wireless telecommunications facilities.

(Prior code § 13.09.004)

(Ord. No. 17-06, § 1, 4-25-2017)

17.40.050 Property development standards.

In the MHP mobilehome park district, property development standards are as follows:

A. Lot Area. Each lot shall have a minimum site area of not less than one acre.

B. Lot Dimensions. The provisions of the R-A district, Section 17.16.050(B) shall apply.

C. Mobilehome space — Area and Dimensions.

1. Each mobilehome space shall have a minimum area of one thousand five hundred (1,500) square feet and be in conformance with state regulations relating to mobilehome parks.
2. Each mobilehome space shall be not less than thirty (30) feet in width.

D. Population Density.

1. There shall be a minimum of two thousand four hundred (2,400) square feet of lot area for each mobilehome space in the mobilehome park.
2. Said lot area shall include access, trailer parking, automobile parking, outbuilding space, recreational areas and other similar uses.

E. Building Height. The maximum height of structures shall be thirty (30) feet and not greater than two stories.

F. Yards.

1. General Yard Requirements. The provisions of the R-A district, Section 17.16.050(E)(1) shall apply.
2. Front Yard. Each park shall have a minimum front yard of not less than fifteen (15) feet. Said yard shall be landscaped and maintained.
3. Side Yard. Each park shall have a minimum side yard, on both sides, of not less than five feet.
4. Reversed Corner Lot and Corner Lots. Each park shall have a minimum side yard abutting the street of not less than ten feet. Said side yard shall be landscaped and maintained.
5. Rear Yard. Each park shall have a rear yard of not less than ten feet. Said rear yard may be used for access or parking.

G. Distance Between Structures.

1. Where trailers are located side by side, end to end, or end to side, there shall be a space not less than ten feet between mobilehome units.
2. Mobilehomes separated by access roads shall have a minimum distance between them of not less than thirty-six (36) feet.
3. Where trailers are adjacent to any accessory structure, the minimum space between such structures shall be ten feet.

H. Lot Coverage. The maximum site area covered by structures shall not be greater than fifty (50) percent.

I. Hedges, Fences and Walls.

1. The provisions of the R-A district, Section 17.16.050(H) shall apply.
2. A mobilehome park shall be entirely enclosed with a six-foot, solid block wall; with the exception of required yards, said wall shall be reduced to three feet.

J. Off-Street Parking.

1. There shall be one parking space on a lot for each trailer space.
2. There shall be one additional parking space for each five trailer spaces or sites; said parking spaces shall be used for guest parking.

K. Access.

1. The provisions of the R-A district, Section 17.16.050(J) shall apply.

2. Vehicular access ways within trailer parks shall be paved to a width of not less than twenty (20) feet.

L. Outdoor Advertising. Signs shall be permitted which advertise the mobilehome park. Said signs shall be located on the premises not to exceed fifty (50) square feet of sign area.

M. Loading. No requirements.

N. Special Standards and Regulations.

1. Each mobilehome shall be connected to a sanitary sewer.

2. Each park shall include facilities or areas for bulk storage, laundry and similar services.

(Prior code § 13.09.005)

17.40.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.09.006)

17.40.070 Site plan review.

Before any residential mobilehome park may be approved and before any buildings or structure for mobilehome park purposes may be erected on any lot in the MHP district, a site plan shall have approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 6, 1999: prior code § 13.09.007)

Chapter 17.44 C-1 NEIGHBORHOOD SHOPPING CENTER DISTRICT

17.44.010 Purposes.

The C-1 neighborhood shopping center district is intended to serve as a planned unified shopping center. The stores are intended to fit into the residential pattern of development and create no architectural or traffic conflicts.

(Prior code § 13.10.001)

17.44.020 Permitted uses.

Permitted uses in the C-1 neighborhood shopping center district are as follows:

A. Bakery goods, retail only;

B. Delicatessens;

C. Drugstores;

D. Fruit and vegetable stores;

E. Grocery stores;

F. Ice cream shops;

G. Laundry, self-service;

H. Liquor stores;

I. Meat markets;

J. Newspaper stands;

K. Signs, subject to the provisions of Section 17.44.050(K);

L. Soft drink fountains;

M. Temporary or permanent telephone booths;

N. Carnivals (reference definition in Section 17.04.110).

(Prior code § 13.10.002)

17.44.030 Uses permitted subject to conditional use permit.

In the C-1 neighborhood shopping center district, uses permitted subject to conditional use permit are as follows:

A. Automobile service stations;

B. Convenience markets;

C. Electrical distribution substations;

D. Ice and food products dispensing machines;

E. Water pump station;

F. Wireless telecommunications facilities.

(Ord. 93-10 § 2, 1993: prior code § 13.10.003)

(Ord. No. 17-06, § 1, 4-25-2017)

17.44.040 Uses expressly prohibited.

In the C-1 neighborhood shopping center district, uses expressly prohibited are as follows:

A. Residential uses;

B. Combination of residential and commercial uses;

C. Advertising structures;

D. Bars;

E. Industrial uses;

F. Places providing dancing and entertainment;

G. Trailer parks;

H. Motels, hotels.

(Prior code § 13.10.004)

17.44.050 Property development standards.

In the C-1 neighborhood shopping center district, property development standards are as follows:

A. Lot Area. Minimum lot area shall not be less than one acre, not to exceed two acres.

B. Lot Dimensions.

1. Width. Each lot shall have a minimum width of one hundred and sixty-five (165) feet.

2. Depth. Each lot shall have a minimum depth of two hundred and sixty (260) feet.

C. Population Density. None.

D. Building Height. No building or structure erected in this district shall have a height greater than one story, not to exceed twenty (20) feet.

E. Yards.

1. General Yard Requirements.

a. The first ten (10) feet of the required yard abutting a street shall be landscaped and maintained. A landscaping plan shall be submitted with the site plan.

b. Except as provided in subsection (E)(1)(a) of this section, all yards may be used for parking, loading or access to parking or loading.

2. Front Yard.

a. Each lot shall have a front yard of not less than ten feet.

b. Where a C-1 district is adjacent to a residential district, the front yard shall be equal to the largest adjacent residential front yard required for the adjacent district, however, in no event need such front be greater than twenty (20) feet.

3. Side Yard.

a. None required except where the C-1 district abuts a residential district, there shall be a side yard on the C-1 lot on the side abutting the residential district of not less than ten feet.

b. On corner lots there shall be a side yard of not less than ten feet on the side abutting a street, except when the C-1 lot is adjacent to a residential district, the side yard abutting the street where the size shall be determined in the same manner as the front yards set forth in Section 17.16.050(E)(2)(9).

4. Rear Yard. None required except where the rear of the C-1 district abuts a residential district, there shall be a rear yard of not less than ten feet.

F. Space Between Buildings. No requirements.

G. Lot Coverage. The maximum coverage of the lot by buildings or structures shall not exceed thirty-three (33) percent of the total lot area, including easements.

H. Walls.

1. A solid masonry block wall not less than nor greater than six feet in height shall be erected along the property line which is a district boundary with an abutting residential district.

2. Said wall can be located within required yards, except where walls fall within required front and street side yards, said wall shall be reduced in height to three feet.

3. All walls shall be developed subject to the general provisions and exceptions in Section 17.88.010.

I. Off-Street Parking.

1. There shall be two square feet of parking area for each one square foot of floor area, except the ratio shall be three to one for any grocery store of ten thousand (10,000) or more square feet of floor area.

2. The required parking shall be provided on the lot with the building or uses being served, or on a contiguous lot in the P district.

3. The special parking requirements and improvement and maintenance standards of Section 17.88.010 shall apply as therein specified.

J. Access.

1. There shall be adequate vehicular access from a dedicated and improved street, service road or alley the design of which shall be approved by the director of public works.

2. The director shall specify the location and number of means of ingress and egress to property by conditions established at the time of review of the required site plan.

K. Outdoor Advertising.

1. The following signs shall be permitted:

a. "For Rent" or "For Sale" signs posted on the subject lot or building by the owner or his authorized agent. Said signs shall not exceed six square feet in area and there shall not be more than two such signs for any one lot, building or occupancy.

b. Directional signs related to the location of buildings or activities on the property on which the signs are located. Each directional sign shall not exceed six square feet in area.

c. One freestanding sign for each street frontage, subject to the following regulations:

i. The sign shall contain thereon only the name of the buildings, occupants or groups thereof.

ii. The sign shall not exceed one hundred (100) square feet in area or thirty (30) feet in height.

iii. The sign shall not be blinking, flashing, or animated. Lights used to illuminate the sign shall be installed to concentrate the illumination on the sign or advertising structure and to minimize glare upon a public street or adjacent property.

d. Signs indicating the name and nature of the occupancy or the name and address of the building or the name and address of the owner (hereinafter called "occupancy signs"). These signs shall be placed only on an exterior wall or facade of the building or on the roof of the building according to the following regulations:

i. The total area of all occupancy signs mounted on or parallel with any exterior wall or facade of any occupancy shall not exceed ten percent of the total area of said exterior wall or facade.

ii. Not more than one hundred (100) square feet of any occupancy sign area may extend or be located above the top of the exterior wall or facade.

iii. The total area of occupancy signs permitted for any exterior wall or facade of any occupancy need not be less than forty (40) square feet.

iv. Occupancy signs shall be permitted only on or parallel with an exterior wall or facade in which there is located a customer entrance to said occupancy, or which faces a public street other than a local residential street.

v. Occupancy signs shall be lighted only in accordance with the provisions of Section 17.88.010.

vi. Occupancy signs may not exceed the permitted building height in this district.

e. Signs designated by governmental agency indicating authorized testing services available on the premises, signs indicating credit cards accepted and signs indicating trading stamps offered, subject to the following regulations:

i. Such signs shall be located adjacent to each other in a single assemblage, the total combined area of which shall not exceed twenty (20) square feet.

ii. One such assemblage shall be allowed on each street frontage.

iii. Each assemblage shall be located flat against an exterior wall or facade of the building, canopies excluded, and may not extend above or beyond said wall or facade.

iv. Such signs shall be of durable construction and shall be affixed to the building. No portable signs shall be permitted.

v. Such signs shall be illuminated only in accordance with the provisions of Section 17.88.010.

f. One sign, not exceeding one square foot in area, located on top of each gasoline pump indicating the price of the gasoline dispensed through such pump.

g. Where county, state, or federal law does not prohibit such, the posting of signs without a permit on the inside of a window advertising the business, services, and products offered on the premises, not to exceed fifty (50) percent of the total area of the window and be done in a manner that inhibits the ability of law enforcement to see inside of the business.

h. One A-frame or other standing sign of a temporary nature per street frontage without a permit, not to exceed ten (10) square feet in area, including the area occupied by any fixture at or near parallel to the face of the sign, and four feet in height, placed within five feet of the building that the business occupies and not encroaching on the public right-of way.

L. Loading spaces. The provisions of Section 17.88.010 shall apply.

M. For uses subject to a conditional use permit, the approving entity may provide for like uses to have a geographic separation of up to one thousand (1,000) feet.

(Ord. 96-05 § 1, 1999; Ord. 95-07 § 3, 1995; amended during 1995 codification; Ord. 93-10 § 3, 1993; prior code § 13.10.005)

(Ord. No. 14-02, §§ 16, 17, 2-11-2014; Ord. No. 17-04, § 3, 4-25-2017)

17.44.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.10.006)

17.44.070 Site plan review.

Before any building or structure may be erected on any lot in the C-1 district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 7, 1999: prior code § 13.10.007)

17.44.080 Building compatibility.

All structures planned or existing shall have compatible architectural style. The approving entity shall determine compatibility upon review of the conditional use permit or site plan when submitted.

(Amended during 1995 codification; prior code § 13.10.008)

(Ord. No. 14-02, § 9, 2-11-2014)

Chapter 17.48 C-2 COMMUNITY SHOPPING CENTER DISTRICT

17.48.010 Purpose.

The C-2 community shopping center district is intended to serve as a planned unified shopping center for the community.

(Prior code § 13.11.001)

17.48.020 Permitted uses.

Permitted uses in the C-2 community shopping center district are as follows:

A. Those uses permitted in the C-1 district, Section 17.44.020;

B. Appliance sales;

C. Banks;

D. Bicycle shops;

E. Building and loan offices;

F. Carnival — promotional;

G. Department stores;

H. Garden supplies;

I. Hobby shops;

J. Jewelry stores;

K. Millinery;

L. Notions;

M. Offices:

1. Administrative,

2. General;

N. Pet shops;

O. Post offices;

P. Radio and television sales and service;

Q. Restaurants;

R. Signs;

S. Stationery stores;

T. Super drug stores;

U. Supermarkets;

V. Toy stores.

(Prior code § 13.11.002)

17.48.030 Uses permitted subject to conditional use permit.

In the C-2 community shopping center district, uses permitted subject to conditional use permit are as follows:

A. Automobile accessory parts, retail only (new);

B. Automobile service stations;

C. Bars, provided that no bar may be located within five hundred (500) feet of a church, school or other bar;

D. Convenience markets;

E. Electrical distribution substations;

F. Ice and food products dispensing machines;

G. Neighborhood theater;

H. Public parking lot or structure;

I. Restaurant/bars;

J. Self-service car wash;

K. Subdivision signs;

L. Water pump stations;

M. Wireless telecommunications facilities.

(Ord. 93-10 § 4, 1993: prior code § 13.11.003)

(Ord. No. 17-06, § 1, 4-25-2017)

17.48.040 Uses expressly prohibited.

In the C-2 community shopping center district, uses expressly prohibited are as follows:

A. Residential uses;

B. Any combination of residential or commercial uses;

C. Advertising structures;

D. Industrial uses;

E. Trailer parks.

(Prior code § 13.11.004)

17.48.050 Property development standards.

A. Lot Area. The minimum lot area shall be one acre. C-2 zoning shall not be applied to an individual property or multiple abutting properties consisting of less than ten (10) acres in the aggregate.

B. Lot Dimensions. No requirements.

C. Population Density. None.

D. Building Height. The maximum height of structures shall be not greater than two stories, not to exceed thirty-five (35) feet.

E. Yards. The requirements of the C-1 district, Section 17.44.050(E) shall apply.

F. Space Between Buildings. No requirements.

G. Lot Coverage. The maximum coverage of the lot by structures shall not exceed thirty-three (33) percent of the total lot area including easements.

H. Walls. None required except where the C-2 district abuts residential districts, in which case the provisions of the C-1 district, Section 17.44.050(H) shall apply.

I. Off-Street Parking.

1. There shall be three square feet of parking area for each one square foot of building floor area. However, there shall not be more than six parking spaces per one thousand (1,000) square feet of floor space.

2. The required parking shall be provided on the lot with the building or uses being served, or on a contiguous lot in the P district.

3. The special parking requirements and improvements and maintenance standards of Section 17.88.010 shall apply.

J. Access. The provisions of the C-1 district, Section 17.44.050(J) shall apply.

K. Outdoor Advertising. The provisions of the C-1 district, Section 17.44.050(K) shall apply, with the following exception:

1. A freestanding sign shall not exceed one hundred fifty (150) square feet in area or thirty-five (35) feet in height.

L. Loading Spaces. The provisions of Section 17.88.010 shall apply.

M. For uses subject to a conditional use permit, the approving entity may provide for like uses to have a geographic separation of up to one thousand (1,000) feet.

(Ord. 93-10 § 5, 1993; prior code § 13.11.005)

(Ord. No. 11-05, § 1, 5-24-2011; Ord. No. 14-02, § 18, 2-11-2014)

17.48.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.11.006)

17.48.070 Site plan review.

Before any building or structure may be erected on any lot in the C-2 district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 8, 1991; prior code § 13.11.007)

17.48.080 Building compatibility.

All structures in a unified community shopping center shall be developed with a compatible architectural style. The approving entity shall determine compatibility upon review of the site plan.

(Prior code § 13.11.008)

(Ord. No. 14-02, § 8, 2-11-2014)

Chapter 17.52 C-3 CENTRAL BUSINESS AND SHOPPING DISTRICT

17.52.010 Purposes.

The C-3 central business and shopping district is designed to provide the opportunity for various types of retail stores, offices, service establishments and wholesale business to concentrate for the convenience of the public; to be established in such relationships to each other as to be mutually beneficial and to be located and grouped on sites that are in logical proximity to the respective geographical areas and categories of patrons which they serve.

(Prior code § 13.12.001)

17.52.020 Permitted uses.

Permitted uses in the C-3 central business and shopping district are as follows:

A. Uses permitted in the C-2 district, Section 17.48.020;

B. Accessory structures located on the same lot as the permitted use;

C. Appliance sales;
D. Art and antique stores;
E. Bakeries (retail);
F. Banks;
G. Barber and beauty shops;
H. Clothing stores;
I. Delicatessens;
J. Department stores;
K. Dressmaking and tailor shops;
L. Dry goods;
M. Employment agencies;
N. Florists;
O. Furniture stores;
P. Garden supplies;
Q. Grocery stores;
R. Gunsmiths;
S. Hardware;
T. Hobby shops;
U. Hotels;
V. Ice cream stores;
W. Jewelry stores;
X. Laundromat;
Y. Libraries;
Z. Liquor stores;
AA. Meat markets;
BB. Medical buildings;
CC. Motels;
DD. Museums;
EE. Music, dance and art studios;
FF. Music stores;
GG. Novelty shops;
HH. Office supplies and machines;
II. Retail paint sales;
JJ. Pet shops;

KK. Photographic supplies;

LL. Post offices;

MM. Printing shops;

NN. Restaurants;

OO. Shoe repair shops;

PP. Signs;

QQ. Souvenir shops;

RR. Sporting goods stores;

SS. Supermarkets;

TT. Telegraph offices;

UU. Tobacco and cigar shops;

VV. Soda fountains;

WW. Toy stores;

XX. Television and radio sales;

YY. Veterinary hospitals;

ZZ. Christmas tree sales lots;

AAA. Newspaper offices;

BBB. Electrical appliance repair and retail sales;

CCC. Plumbing parts, retail sales and repair;

DDD. Radio and television retail sales and repair;

EEE. Fireworks stands;

FFF. Home occupations, subject to the provisions of Chapter 17.86, when conducted within a dwelling that is part of an approved mixed-use development;

GGG. Low-barrier navigation centers;

HHH. Accessory dwelling units;

III. Transitional housing;

JJJ. Supportive housing;

KKK. [Reserved.];

LLL. Single-room occupancy units;

MMM. Emergency shelters, subject to the provisions of Section 17.88.025.

(Prior code § 13.12.002)

(Ord. No. 11-01, § 10, 3-22-2011)

17.52.030 Uses permitted subject to conditional use permit.

In the C-3 central business and shopping center district, uses permitted subject to conditional use permit are as follows:

A. Auditoriums;

B. Automatic self-serve car wash;

C. Automobile parts sales;

D. Automobile service stations (with incidental repair);

E. Bakeries (wholesale);

F. Bars, provided that no bar may be located within five hundred (500) feet of a church, school or other bar;

G. Bowling establishments;

H. Buildings with heights greater than two stories;

I. Bus stations;

J. Car sales (new and used);

K. Churches;

L. Clinics and laboratories;

M. Communications substations, gas regulator stations, utility pumping stations, radio and television stations;

N. Convenience markets;

O. Drive-in restaurants;

P. Dry cleaners;

Q. Hospitals;

R. Janitorial services;

S. Linen supply services;

T. Mortuaries;

U. Nurseries (within or behind the main buildings);

V. Nursing and convalescent hospitals or homes;

W. Private clubs, lodges;

X. Public grounds and buildings;

Y. Parking lots, in conjunction with permitted uses;

Z. Radio and television repair;

AA. Restaurant/bars;

BB. Significant tobacco retailers, provided that no significant retailer may be located within five hundred (500) feet of a school;

CC. Theaters;

DD. Trade and professional schools;

EE. Day nurseries, child care nurseries or nursery schools, not exceeding two hundred fifty (250) children;

FF. Light Manufacturing (where required for the repair or assembly of pre-manufactured components of the retailed goods, and where the floor space devoted to the repair and/or assembly process is less than ten (10) percent of the total floor are of business);

GG. Pool halls and billiards clubs.

HH. Planned developments, including mixed commercial-residential and/or mixed office-residential uses, pursuant to Chapter 17.84.

II. Social facilities;

JJ. Wireless telecommunications facilities;

KK. Cannabis retail businesses.

(Ord. 03-02 (part), 2003: Ord. 98-02 § 1, 1998; Ord. 97-02 § 2, 1997; Ord. 93-10 § 6, 1993: Ord. 91-02 § 5, 1991: prior code § 13.12.003)

(Ord. No. 13-08, § 11, 12-17-2013; Ord. No. 14-02, § 30, 2-11-2014; Ord. No. 17-06, § 1, 4-25-2017; Ord. No. 19-08, § 3, 9-24-2019)

17.52.035 Uses permitted subject to administrative review permit.

A. Off-street truck parking subject to the following general conditions:

1. Off-street truck parking shall be limited to property zoned C-3 located along Oller Avenue and Derrick Avenue.
2. Off-street truck parking shall be limited to the tractor unit. The parking of trailers, either attached or detached from the tractor unit, shall not be permitted.
3. No maintenance of the tractor unit shall be permitted on the parking site.
4. The area for the off-street parking shall have an improved surface acceptable to the City Engineer so as to prevent dirt and mud from being deposited on the City's streets.
5. The applicant for an Administrative Review Permit shall submit evidence that the applicant has the written permission of the property owner to park the tractor unit on said site.
6. The City Management may impose limits on truck idling and warm-up, depending upon the location of the proposed site.
7. The permit must be renewed annually by the applicant.
8. The permit shall be visible whenever the tractor unit is parked on the approved site.

(Ord. 00-03 § 2, 2000)

17.52.040 Uses expressly prohibited.

In the C-3 central business and shopping district, uses expressly prohibited are as follows:

A. Residential uses, unless part of an approved planned development for mixed-use;

B. Advertising structures;

C. Any combination of residential or commercial uses;

D. Industrial uses;

E. Trailer parks.

(Prior code § 13.12.004)

(Ord. No. 13-08, § 12, 12-17-2013)

17.52.050 Property development standards.

A. Lot Area. No requirement.

B. Lot Dimensions. No requirement.

C. Population Density. No requirement.

D. Building Height. Maximum three stories, not to exceed forty (40) feet.

E. Yards.

1. All proposed yards shall be landscaped in accordance with conditions cited in the site plan review.

2. Open parking areas shall be provided with appropriate perimeter and internal landscaping in accordance with conditions cited in the site plan review.

3. Front Yard. None.

4. Side Yard. None.

5. Rear Yard. None.

F. Space Between Buildings. No requirements.

G. Lot Coverage. No requirements.

H. Fences, Hedges and Walls.

1. Height of fences, hedges, and walls shall not be greater than six feet, except as follows:

a. At the discretion of the city manager upon good cause shown by an applicant, a maximum height of ten (10) feet may be permitted. When a height greater than six feet is proposed as part of an application submitted pursuant to Sections 17.08.050 or 17.08.090 of this title, such discretion shall be vested in the planning commission. Fencing greater than six feet in height may be subject to structural review.

b. Within a front yard or a street side yard offering vehicular access to the abutting street, height shall not be greater than three feet, unless the fence, hedge, or wall is at least fifty (50) percent perforate.

2. Fences, walls and railings shall be ornamental masonry or concrete, textured or stamped metal or ornamental iron work or similar durable materials.

I. Off-Street Parking.

1. The general requirement for off-street parking shall be three square feet of off-street parking for each one square foot of floor area.

2. Said space shall be provided on a site not more than five hundred (500) feet from the external boundaries of the lot upon which the building it serves is located. This required parking area shall be provided in any of the following ways:

    a. On the lot with the building served;

    b. On a contiguous lot or a lot within five hundred (500) feet of the building or use being served;

    c. By membership in an assessment district established for the purpose of providing off-street parking for the uses located in said district.

3. The improvement and maintenance standards of Section 17.88.010 shall apply.

J. Access. There shall be adequate vehicular access from a dedicated and improved street or alley.

K. Outdoor Advertising. The provisions of the C-1 district, Section 17.44.050(K)(1)(a), (b), (d), (f), (g), and (h) shall apply, with one freestanding sign per street frontage permitted, subject to the following regulations:

1. The sign shall only contain the name of the business or businesses, principal services provided, and the address of the location.

2. The sign shall not exceed seventy-five (75) square feet in area or twenty (20) feet in height.

3. Any lighting or other forms of illumination utilized shall not create a hazard to drivers or cause a visual or noise disturbance to any surrounding residential area.

L. Loading Spaces. For nonresidential uses, the requirements under Section 17.88.010 shall apply regarding loading space size, location, treatment and maintenance.

M. For uses subject to a conditional use permit, the approving entity may provide for like uses to have a geographic separation of up to one thousand (1,000) feet.

(Ord. 93-10 § 7, 1993; prior code § 13.12.005)

(Ord. No. 12-01, § 1, 1-24-2012; Ord. No. 14-02, § 19, 2-11-2014; Ord. No. 17-04, § 4, 4-25-2017)

17.52.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.12.006)

17.52.070 Site plan review.

Before any building or structure may be erected on any lot in the C-3 district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 9, 1999: Prior code § 13.12.007)

(Ord. No. 14-02, § 10, 2-11-2014)

17.52.080 Building compatibility.

All structures in a unified community shopping center shall be developed with a compatible architectural style. The approving entity shall determine compatibility upon review of the site plan.

(Prior code § 13.12.008)

(Ord. No. 14-02, § 11, 2-11-2014)

Chapter 17.56 S-C SPECIAL COMMERCIAL DISTRICT

17.56.010 Purposes.

The S-C special commercial district is intended to serve as a planned unified commercial district. The businesses are intended to fit into the special nature of adjacent uses such as the airport and create no architectural or traffic conflicts.

(Prior code § 13.13.001)

17.56.020 Permitted uses.

Permitted uses in the S-C special commercial district are as follows:

A. Aircraft equipment sales and minor repair;

B. Automobile service stations;

C. Electrical repair and retail sales;

D. Fruits and vegetable storage — transfer only/enclosed building;

E. Hardware stores;

F. Newspaper stands;

G. Offices:

1. Administrative,

2. General;

H. Post offices;

I. Restaurants;

J. Signs, subject to the provisions of Section 17.56.050(K);

K. Souvenir shops;

L. Temporary or permanent telephone booths;

M. Other uses as determined by the planning commission.

(Prior code § 13.13.002)

17.56.030 Uses permitted subject to conditional use permit.

In the S-C special commercial district, uses permitted subject to conditional use permit are as follows:

A. Aircraft service stations;

B. Bars, provided that no bar may be within five hundred (500) feet of a church, school or another bar;

C. Buildings with heights greater than one story;

D. Hotels;

E. Motels;

F. Public parking lot or structure;

G. Restaurant/bars;

H. Self-service aircraft wash;

I. Self-service truck wash;

J. Wireless telecommunications facilities;

K. Other uses as determined by the planning commission.

(Prior code § 13.13.003)

(Ord. No. 17-06, § 1, 4-25-2017)

17.56.040 Uses expressly prohibited.

In the S-C special commercial district, uses expressly prohibited are as follows:

A. Residential uses;

B. Combination of residential and commercial uses;

C. Advertising structures;

D. Industrial uses not listed in Sections 17.56.020 and 17.56.030;

E. Trailer parks.

(Prior code § 13.13.004)

17.56.050 Property development standards.

In the S-C special commercial district, property development standards are as follows:

A. Lot Area. No requirement.

B. Lot Dimensions. No requirement.

C. Population Density. None.

D. Building Height. Maximum one story, not to exceed twenty (20) feet in height.

E. Yards. The requirements of the C-1 district, Section 17.44.050(E) shall apply.

F. Space Between Buildings. No requirement.

G. Lot Coverage. The requirements of the C-2 district, Section 17.48.050(G) shall apply.

H. Walls. None except where the S-C district abuts residential districts, in which case the provisions of the C-1 district, Section 17.44.050(H) shall apply.

I. Off-Street Parking. The provisions of the C-2 district, Section 17.48.050(I) shall apply.

J. Access. The provisions of the C-1 district, Section 17.44.050(J) shall apply.

K. Outdoor Advertising. The provisions of the C-1 district, Section 17.44.050(K)(1)(a), (b), (d), (e), (f), (g), and (h) shall apply.

L. Loading. The provisions of Section 17.88.010 shall apply.

(Prior code § 13.13.005)

(Ord. No. 17-04, § 5, 4-25-2017)

17.56.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.13.006)

17.56.070 Site plan review.

Before any building or structure may be erected on any lot in the S-C district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 10, 1999: prior code § 13.13.007)

17.56.080 Building compatibility.

Any proposed structure in this district shall be architecturally compatible to existing or future buildings.

(Prior code § 13.13.008)

Chapter 17.60 M-1 LIGHT MANUFACTURING DISTRICT

17.60.010 Purposes.

The M-1 light manufacturing district is intended to:

A. Reserve appropriately located areas for various types of processing, assembly, storage and manufacturing uses and related activities;

B. Protect such areas from intrusion by residential or inharmonious commercial uses;

C. Regulate and control hazardous or objectionable influences incidental to certain industrial uses;

D. Provide areas with adequate space, access and separation from residential, commercial and public uses to promote modern industrial development.

(Prior code § 13.14.001)

17.60.020 Permitted uses.

Permitted uses in the M-1 light manufacturing district are as follows:

A. Manufacturing:

1. Electronics:
    a. Electrical and related parts;
    b. Electrical appliances;
    c. Electrical devices;
    d. Motors,
2. Instruments:
    a. Electronic;
    b. Medical and dental tools;
    c. Precision;
    d. Timing and measuring,
3. Office and Related Machinery:
    a. Audio machinery;
    b. Computers — Electrical;
    c. Computers — Manual;
    d. Visual machinery,
4. Pharmaceutics:
    a. Cosmetics;
    b. Drugs;
    c. Perfumes;
    d. Soap;
    e. Toiletries,
5. Laboratories:
    a. Chemical;
    b. Dental;
    c. Electrical;
    d. Optical;
    e. Mechanical;
    f. Medical,
6. Bottling plants, except those liquids that are offensive or obnoxious by reason of odor or are hazardous,
7. Garment manufacturing,
8. Manufacture and maintenance of electrical and neon signs,
9. Novelties and holiday paraphernalia,
10. Textiles,

11. Rubber and metal stamps,
12. Furniture upholstering,
13. Candy,
14. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
    a. Canvas;
    b. Cellophane;
    c. Cloth;
    d. Cork;
    e. Felt;
    f. Fiber;
    g. Fur;
    h. Glass;
    i. Leather;
    j. Paper (no milling);
    k. Precious or semiprecious stones or metals;
    l. Plaster;
    m. Plastics;
    n. Shellac;
    o. Textiles;
    p. Tobacco;
    q. Wood;
    r. Yarns,
15. Fabrication of products made from finished rubber,
16 Automotive:
    a. Painting;
    b. Automotive — body and fender repair;
    c. Truck repairing and overhauling;
    d. Upholstering,
17. Boat building and repairs;
18. Book binding;
19. Ceramic products using only previously pulverized clay and fired in kiln only using electricity or gas,
20. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):
    a. Blacksmith shops;

b. Cabinet or carpenter shops;

c. Electric motor rebuilding;

d. Machine shops;

e. Sheet metal shops;

f. Welding shops;

g. Manufacturing, compounding, assembly or treatment of articles of merchandise from previously prepared metals,

21. Manufacturing, compounding, processing, packaging or treatment of such products as:

a. Bakery goods;

b. Candy;

c. Cosmetics;

d. Dairy products;

e. Drugs;

f. Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the rendering of fats and oils) if connected with an adequate sewer system;

g. Fruit and vegetables (packing only);

h. Honey extraction plant;

i. Perfume;

j. Toiletries,

22. Manufacturing and maintenance of electric or neon signs,

23. Novelties,

24. Petroleum bulk plants,

25. Printing shops, lithographing, publishing,

26. Retail lumber yard,

27. Rubber and metal stamps,

28. Shoes,

29. Stone monument works,

30. Storage yards:

a. Contractors storage yard;

b. Draying and freight;

c. Feed and fuel yard;

d. Machinery rental;

e. Transit storage;

f. Trucking yard terminal, except freight classifications;

31. Textiles,

32. Wholesaling and warehousing;

B. Services:

1. Banks and financial institutions,
2. Blueprinting and photocopying,
3. Business and research offices related to the administration and operation of permitted industrial uses,
4. Newspaper publishing,
5. Offices, business, professional, general, administrative and medical,
6. Off-street parking,
7. Printing, lithographing, publishing,
8. Radio and television broadcasting,
9. Restaurants;

C. Related Uses:

1. Advertising structures,
2. Animal hospitals and shelters,
3. Automobile repairs (conducted within a completely enclosed building),
4. Automobile reupholstery,
5. Automobile service stations,
6. Caretakers' residences. Note: Caretaker's residence may be established in an industrial office structure, as long as the office remains on the property for the benefit of an approved industrial use,
7. Commercial uses that are incidental and directly related to and serving the permitted industrial uses,
8. Electrical supply,
9. Equipment rental or sale,
10. Farm equipment sales and service,
11. Frozen food lockers,
12. Kennels,
13. Ice and cold storage plants,
14. Ice and food products dispensing machines,
15. Signs,
16. Truck service stations;

D. Processing:

1. Creameries,
2. Laboratories,

3. Blueprinting and photocopying,
4. Laundries,
5. Carpet and rug cleaning plants,
6. Cleaning and dyeing plants,
7. Tire retreading, recapping, rebuilding;

E. Fabrication:
1. Rubber, fabrication of products made from finished rubber,
2. Assembly of small electrical and electronic equipment,
3. Assembly of plastic items made from finished plastic;

F. Agricultural uses;

G. Communication equipment buildings;

H. Electric transmission substation;

I. Off-street parking;

J. Public utility service yards with incidental buildings;

K. Electrical distribution substation;

L. Temporary or permanent telephone booths;

M. Water pump stations;

N. Carnivals (reference definition in Section 17.04.110).

O. Emergency shelters, subject to the provisions of Section 17.88.025.

(Prior code § 13.14.002)

(Ord. No. 15-08, § 2, 7-14-2015)

17.60.030 Uses permitted subject to conditional use permit.

In the M-1 light manufacturing district, uses permitted subject to conditional use permit are as follows:

A. Commercial uses that are incidental and directly related to and serving the personnel of the permitted industrial uses, providing that the director determines that the proposed use will not be incompatible with uses in the surrounding residential districts;

B. Drive-in theaters;

C. Ice and cold storage plants;

D. Mortuaries;

E. Punch presses;

F. Planned developments (industrial only);

G. Baled cotton storage;

H. Concrete and cement products;

I. Cotton compress;

J. Meat packing and processing;

K. Microwave relay structure;

L. Poultry processing;

M. Punch presses over twenty (20) tons;

N. Restaurant/bars;

O. Used materials yards;

P. Wholesale lumber yards;

Q. Olive processing plants, preparation only, for shipment to cannery;

R. Caretaker's units:

1. Caretakers Unit Defined. For the purposes of this section, "caretakers unit" shall mean a residential unit constructed in the M-1 or M-2 zoning districts as an ancillary use to a primary industrial use for the purpose of providing on-site security.

2. Purpose. The purpose of permitting caretakers units is to provide for needed security for the primary use, not to provide for needed housing in the community, in a manner that does not detract from the industrial appearance, activity and use of the site or surrounding properties. The caretaker use is clearly ancillary to the primary use and is not being permitted to provide income for the property/business owner. A dwelling or mobile home unit shall be permitted only when the approving entity finds that the nature of the business or industrial activity requires continuous supervision by a caretaker, guard, watchman, or superintendent.

3. No more than one pre-fabricated, modular or mobile home shall be permitted in connection with each industrial establishment.

4. Use Permit Required. A use permit shall be required for caretakers units.

5. Criteria. The following criteria shall apply to caretakers units in addition to other conditions of approval added through the use permit process.

a. Supplementary Statement. The application shall include a statement with explanation of the need for caretaker quarters and the responsibilities of the caretaker/resident.

b. The unit shall be for the occupancy of a single adult or couple, at least one of which is a full-time employee of the business on-site.

c. The primary use and the site shall conform with all applicable city codes for the district in which they are located and continue to conform after addition of the residential unit.

d. The unit shall comply with all standards for construction of residential units, including payment of all development and construction fees applicable to apartment units and shall be connected to city sewer and water services.

e. The maximum size of the unit shall be one thousand one hundred (1,100) square feet.

f. An on-site parking space shall be provided for the unit in addition to those required for the primary use that complies with city standards for parking.

g. The unit may be constructed with initial development of the site or be added at a later date.

h. Manufactured homes may be used if they are screened from view, otherwise the units shall be architecturally integrated with the industrial units.

i. The unit is not for the purpose of income and shall not be rented.

j. If the use is discontinued, the unit shall be removed from the site or if constructed on site shall be converted to a permitted use associated with the primary use.

k. The conditional use permit for the dwelling or manufactured housing building shall be subject to annual review by the approving entity at its discretion and shall be revocable upon a finding of a violation of requirements in this section.

S. Banquet halls.

T. Wireless telecommunications facilities.

(Ord. 07-03 § 1, 2007: prior code § 13.14.003)

(Ord. No. 13-08, § 13, 12-17-2013; Ord. No. 14-02, §§ 20, 31, 2-11-2014; Ord. No. 17-06, § 1, 4-25-2017)

17.60.040 Uses expressly prohibited.

In the M-1 light manufacturing district, uses expressly prohibited are as follows:

A. Residential uses except for caretaker's residence in connection with an industrial use;

B. Industrial Plants:

1. Abrasives,
2. Bone black plant,
3. Carbon black and lamp black plant,
4. Chemical plant (heavy or industrial),
5. Coal and coke plant,
6. Charcoal manufacturing plant,
7. Detergents, soaps and byproducts using animal fat,
8. Fertilizers of all types,
9. Gas manufacturing plant,
10. Glue and sizing manufacturing plant,
11. Graphite manufacturing plant,
12. Gypsum and other forms of plaster base manufacturing,
13. Insulation manufacturing plant (flammable types),
14. Match manufacturing plant,
15. Metals extraction and smelting plant,
16. Metal ingots, pigs, casting or rolling mill,
17. Paper pulp and cellulose manufacturing plant,
18. Paraffin manufacturing plant,

19. Petroleum and petroleum products plants,
20. Portland and similar cement manufacturing plant,
21. Serum, toxin and virus manufacturing laboratory,
22. Sugar and starch manufacturing plant,
23. Tannery plant,
24. Turpentine manufacturing plant,
25. Wax and wax products manufacturing plant,
26. Wool pulling or scouring plant;

C. Processing:

1. Animal byproducts processing,
2. Carbon black and lamp black refining,
3. Chemical (heavy or industrial),
4. Coal and coke processing,
5. Detergents and soap processing,
6. Dog and cat food processing,
7. Fertilizers of all types,
8. Fruit byproducts,
9. Fish and fish byproducts processing or canning,
10. Grain milling and sacking,
11. Paper milling,
12. Petroleum and petroleum products processing or refining,
13. Radium or uranium extraction,
14. Rubber reclaiming or processing,
15. Salt works,
16. Soap works,
17. Smelting works,
18. Potash works,
19. Printing ink processing,
20. Sulphuric acid processing or bottling,
21. Tar or asphaltic roofing processing,
22. Vinegar processing or refining,
23. Volatile or poisonous gas storage or processing,
24. Wood preserving by creosoting or other pressure impregnation of wood by preservatives,
25. Wood and lumber kilns for industrial kiln-drying;

D. Motels, hotels;

E. Trailer parks;

F. Bars.

(Prior code § 13.14.004)

17.60.050 Property development standards.

In the M-1 light manufacturing district, property development standards are as follows:

A. Lot Area. The minimum site area shall be twenty-four thousand (24,000) square feet.

B. Lot Dimensions.

1. Width. The minimum lot width shall be seventy-five (75) feet.

2. Depth. The minimum lot depth shall be one hundred and twenty (120) feet.

C. Population Density. None, excepting maximum one caretaker's residence per industrial use.

D. Building Height. The maximum height of structures shall be fifty (50) feet.

E. Yards.

1. Front Yard. None except where the M-1 district abuts or is across from a residential district, there shall be a minimum front yard of not less than fifteen (15) feet. This yard shall not be used for parking or loading but shall be landscaped and maintained with dense materials. A landscaping plan shall be submitted with the site plan.

2. Side Yard.

a. Street Side. None, except where the M-1 district is across from any residential district, there shall be a minimum side yard of not less than ten (10) feet. This yard shall not be used for parking and loading;

b. When the side lot line of M-1 district abuts a residential district there shall be a minimum side yard of not less than fifteen (15) feet. Said yard may be used for parking;

c. Reversed Corner Lots. When the rear lot line of a reversed corner lot in an M-1 district adjoins any residential district, there shall be a side yard of not less than fifteen (15) feet.

3. Rear Yard. None, except where the M-1 district abuts a residential district, there shall be a rear yard of not less than fifteen (15) feet. Said yard shall not be used for parking or loading.

F. Space Between Buildings. No requirement.

G. Lot Coverage. No requirements.

H. Fences, Hedges and Walls.

1. None, except where the M-1 district abuts any residential district, there shall be a solid masonry or block wall not less than six feet in height constructed along said boundary. Said wall shall be reduced to three feet in height within required front or street side yards.

2. All fences and walls shall be developed subject to the general provisions and exceptions in Section 17.88.010.

I. Off-Street Parking.

1. For commercial uses, the provisions of the C-3 district, Section 13.52.050(I) shall apply.

2. For all other uses, there shall be one parking space for each two permanent employees. Such space shall be located within three hundred (300) feet of the property served. In addition, there shall be at least one parking space for each truck operated by the concern or one parking space for each salesperson permanently employed.

3. The conditions of the general provisions and exceptions, Section 17.88.010 shall apply.

J. Access. There shall be vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading. The design of said access to withstand industrial usage shall be approved by the city engineer.

K. Outdoor Advertising.

1. General Requirements. None.

2. Location. No sign or advertising structure shall be located within fifty (50) feet of the boundary line between an M-1 district and residential district, when such sign or advertising structure faces said residential district.

3. Size. No requirements.

4. Lighting.

a. No red, green or amber lights or illuminated signs may be placed in such a position that they could reasonably by expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

b. Lights used to illuminate signs or advertising structures shall be so installed as to concentrate the illumination on the sign or advertising structure and so as to minimize glare upon a public street or adjacent property.

L. Loading Spaces. The provisions of Section 17.88.010 shall apply.

(Amended during 1995 codification; prior code § 13.14.005)

(Ord. No. 14-02, §§ 21, 22, 2-11-2014)

17.60.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.14.006)

17.60.070 Site plan review.

Before any building or structure may be erected on any lot in the M-1 district, a sited plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 11, 1999: prior code § 13.14.007)

Chapter 17.64 M-2 HEAVY MANUFACTURING DISTRICT

17.64.010 Purpose.

The M-2 heavy manufacturing district is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base.

(Prior code § 13.15.001)

17.64.020 Permitted uses.

Permitted uses in the M-2 heavy manufacturing district are as follows:

A. All uses permitted in the M-1 district, Section 17.60.020;

B. Alcohol fertilizer, bulk sales and storage;

C. Baled cotton storage;

D. Building materials, concrete and cement products;

E. Cotton compress, ready concrete;

F. Used materials yards, organic fertilizer, bulk sales and storage;

G. Manufacturing:

1. Automotive:

a. Assembly;

b. Battery manufacture;

c. Body and fender works;

d. Rebuilding,

2. Machinery shop (no punch press over twenty (20) tons or drop hammers):

a. Automatic skew machines;

b. Blacksmith shops,

3. Manufacturing compounding assembly or treatment of articles or merchandise from the following previously prepared materials:

a. Bone;

b. Feathers;

c. Hair;

d. Horns;

e. Paints, not employing a boiling process;

f. Rubber,

4. Microwave relay structures,

5. Meat packing and meat processing;

H. Cogeneration plants to burn wood and agricultural byproducts.

(Prior code § 13.15.002)

17.64.030 Uses permitted subject to conditional use permit.

In the M-2 heavy manufacturing district, uses permitted subject to conditional use permit are as follows:

A. Acetylene gas manufacture or storage;

B Acid manufacture;

C. Aircraft factory;

D. Alcohol distillation, including wineries and breweries (when not connected with adequate public sewers);

E. Aluminum foundry;

F. Ammonia bleaching powder or chlorine manufacture;

G. Animal and poultry slaughtering or packing;

H. Asphaltic and asphaltic concrete, mixing or batching plants;

I. Automobile wrecking, junk, rag or scrap iron storage or baling;

J. Blast furnace or coke oven;

K. Bone, coal or wood distillation;

L. Brick or tile products manufacture;

M. Cement, lime, gypsum, potash or plaster of paris manufacture;

N. Cinder and cinder block manufacture;

O. Clay and clay product manufacturing;

P. Cotton ginning or oil milling;

Q. Drop forge industries manufacturing forgings with power hammers;

R. Dumping, refuse;

S. Explosives manufacturing or storage;

T. Fat rendering, tallow, grease or lard manufacture or refining;

U. Fertilizer (inorganic), the compounding of dried inorganic materials;

V. Fish smoking, curing, or canning;

W. Fruit and vegetable processing;

X. Fungicides manufacturing or processing;

Y. Garbage, offal, dead animal or refuse incineration, reduction or dumping;

Z. Glass blowing (industrial) and glass bottle production;

AA. Glass manufacturing;

BB. Glue manufacturing;

CC. Grain milling and sacking;

DD. Insecticides manufacturing (flammable type);

EE. Iron, steel, brass or copper foundry or fabrication plant, including roller mill or boiler works;

FF. Lamp black manufacture, including stove or shoe polish manufacture;

GG. Oilcloth or linoleum manufacture;

HH. Oils and fats (vegetable) refining;

II. Olive oil plant or olive processing plant;

JJ. Ore reduction, including refining and smelting of metals;

KK. Organic fertilizer manufacturing;

LL. Paint, pigments, enamels, japans, lacquers, putty, thinner, varnishes, whiting, wood fillers and stains manufacturing;

MM. Petroleum refining or petroleum product manufacture or storage, including gas and asphalt;

NN. Plastic manufacture;

OO. Railroad repair shops;

PP. Rubber or gutta-percha manufacture;

QQ. Salt works;

RR. Sand blasting;

SS. Sawmills;

TT. Soap manufacturing;

UU. Soda and compound manufacturing;

VV. Stock feed lots and stock yards;

WW. Syrup and grape sugar manufacture;

XX. Tanning, curing or storing of rawhides or skins;

YY. Wool pulling or scouring;

ZZ. Yeast manufacturing;

AAA. Other uses which by written decision are determined by the commission to be obnoxious or detrimental to the public welfare by reason of the emission of odor, dust, smoke, gas, noise, vibration or other causes.

BBB. Wireless telecommunications facilities.

(Prior code § 13.15.003)

(Ord. No. 17-06, § 1, 4-25-2017)

17.64.040 Uses expressly prohibited.

In the M-2 heavy manufacturing district, uses expressly prohibited are as follows:

A. Residential uses;

B. Commercial;

C. Surface mining or surface drilling for oil, gas or minerals;

D. Any use identified as harmful to the Mendota community by the planning commission.

(Prior code § 13.15.004)

17.64.050 Property development standards.

The property development standards of the M-1 district, Section 17.60.050 shall apply, with the following exceptions:

A. Building Height. None.

(Prior code § 13.15.005)

17.64.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.15.006)

17.64.070 Site plan review.

Before any building or structure may be erected on any lot in the M-2 district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 12, 1999: prior code § 13.15.007)

Chapter 17.68 P OFF-STREET PARKING DISTRICT

17.68.010 Purposes.

In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street parking shall be provided incidental to new land uses and major alterations and enlargements of existing land uses. The number of parking spaces prescribed by the planning commission shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking areas are to be laid out in a manner which will ensure their usefulness, protect the public safety and, where appropriate, insulate surrounding land uses from their impact.

(Prior code § 13.16.001)

17.68.020 Permitted uses.

Permitted uses in the P off-street parking district are as follows:

A. Off-street parking lots;

B. Incidental parking lot buildings, not to exceed one hundred (100) square feet in area, to be used for purposes of maintaining the lot and to contain no provisions for residential or commercial use;

C. Signs;

D. Temporary or permanent telephone booths;

E. Carnivals (reference definition in Section 17.04.110).

(Prior code § 13.16.002)

17.68.030 Uses permitted subject to conditional use permit.

In the P off-street parking district, uses permitted subject to conditional use permit are as follows:

A. Parking structures;

B. Incidental commercial uses within a parking structure with a height greater than two stories;

C. Wireless telecommunications facilities.

(Prior code § 13.16.003)

(Ord. No. 17-06, § 1, 4-25-2017)

17.68.040 Uses expressly prohibited.

In the P off-street parking district, uses expressly prohibited are as follows:

A. Residential uses;

B. Any combination of residential or commercial uses;

C. Commercial uses;

D. Industrial uses;

E. Advertising structures.

(Prior code § 13.16.004)

17.68.050 Property development standards.

In the P off-street parking district, property development standards are as follows:

A. Lot Area. No requirement.

B. Lot Dimensions.

1. Width. Each lot shall have a minimum lot width of sixty (60) feet.

2. Depth. Each lot shall have a minimum lot depth of one hundred (100) feet.

C. Population Density. Not permitted.

D. Building Height. The maximum height of all structures shall be three stories, not to exceed forty-five (45) feet.

E. Yards.

1. Front and Street-Side. There shall be a minimum front and street-side yard of not less than ten feet. Said yard shall be landscaped and maintained.

2. Side and Rear. No parking building shall be located less than ten feet from any residential district.

F. Space Between Buildings. No requirements.

G. Lot Coverage. No requirements.

H. Walls. A six-foot wall shall be constructed along the property line when said line is a boundary between the P district and any residential district.

I. Off-Street Parking. The provisions of Section 17.88.010 apply.

J. Access. Access to off-street parking facilities shall be not less than ten feet in width for each direction of vehicular traffic movement and shall be not less than this width from intersecting or intercepting street or alley rights-of-way.

K. Outdoor Advertising.

1. No sign, billboard or advertising structure, other than those referring to sponsorship, availability and charges for parking space, shall be permitted, except:

a. One sign for each entrance to a parking facility shall be permitted provided that said design shall not exceed one square foot of area for each one lineal foot of street frontage upon the subject lot, and further provided that no single sign shall exceed one hundred (100) square feet in area.

b. Exit signs, not to exceed six square feet in area shall be permitted at each exit from said parking lot to any abutting street or alley.

(Prior code § 13.16.005)

17.68.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.16.006)

17.68.070 Site plan review.

Before any building, structure or parking lot may be erected or developed on any lot in the P district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 13, 1999; prior code § 13.16.007)

Chapter 17.72 A-D AIRPORT DEVELOPMENT DISTRICT

17.72.010 Purposes.

The purposes of the A-D airport development district are to provide a district which would encourage and maintain the orderly development of airport and air carrier related facilities while maintaining standards of health, safety and convenience.

(Prior code § 13.17.001)

17.72.020 Permitted uses.

Permitted uses in the A-D airport development district are as follows:

A. Runways, taxiways and aircraft parking subject to federal regulations;

B. Aircraft sales;

C. Aircraft storage;

D. Aircraft repair and maintenance;

E. Manufacturing, assembling, painting, fabrication and upholstering of aircraft or aircraft parts;

F. Any office or business conducted or related to flight instruction, ground school or flight service;

G. Crop dusting operations, charter flight services, commercial flight operations of any nature;

H. Aircraft services such as gasoline and oil sales;

I. Hotels, motels, restaurants and other retail food sales;

J. Commercial flight terminals and buildings related thereto;

K. Heliports and related uses;

L. Temporary warehousing or storage of materials to be delivered or transhipped by aircraft;

M. Any other use directly related to and generally recognized as a use normally conducted at airports.

(Prior code § 13.17.002)

17.72.030 Uses permitted subject to conditional use permit.

In the A-D airport development district, uses permitted subject to conditional use permit are as follows:

A. Outside storage of materials;

B. Crop dusting support facilities;

C. Caretakers' residences;

D. Wireless telecommunications facilities.

(Prior code § 13.17.003)

(Ord. No. 14-02, § 34, 2-11-2014; Ord. No. 17-06, § 1, 4-25-2017)

17.72.040 Uses expressly prohibited.

In the A-D airport development district, uses expressly prohibited are as follows:

A. Residential uses;

B. Any combination of residential and nonresidential uses except as permitted in this chapter;

C. Commercial uses except as identified in Section 17.72.020;

D. Industrial uses except as identified in Section 17.72.020;

E. Advertising structures.

(Prior code § 13.17.004)

17.72.050 Property development standards.

In the A-D airport development district, property development standards are as follows:

A. Lot Area. No requirements.

B. Lot Dimensions. No requirements.

C. Population Density. None except as provided for in Section 17.72.030(C).

D. Building Height. Maximum three stories not to exceed forty (40) feet. Any structure exceeding forty (40) feet must be approved in accordance with FAA regulations.

E. Yards.

1. General Yard Requirements. The provisions of the C-1 district, Section 17.44.050(E)(1)(a) and (b) shall apply.

2. Front Yard.

a. Each lot shall have a front yard of not less than ten feet.

b. Where an A-D district is adjacent to a residential district, the front yard shall be equal to the largest adjacent residential front yard for the adjacent district, however, in no event need such front yard be greater than twenty (20) feet.

3. Side Yard.

a. None, except where the A-D district abuts a residential district, there shall be a side yard on the A-D lot, on the side abutting the residential district, of not less than ten feet.

b. On corner lots there shall be a side yard of not less than ten feet on the side abutting a street, except where the A-D lot is adjacent to a residential district, the side yard abutting the street shall be determined in the same manner as the front yard as set forth in subsection (E)(2)(b) of this section.

4. Rear Yard. None required except where the rear of the A-D district abuts a residential district, there shall be a rear yard of not less than ten feet.

F. Space Between Buildings. No requirements.

G. Lot Coverage. No requirements.

H. Fences, Hedges and Walls.

1. A solid masonry block wall not greater than six feet in height shall be erected along the property line which is a district boundary with an abutting residential district and shall be soundproofed.

2. Said wall can be located within required yards, except where walls fall within required front and street side yards, said wall shall be reduced in height to three feet.

3. All walls shall be developed subject to the general provisions and exceptions in Section 17.88.010.

I. Off-Street Parking. The special parking requirements and improvement and maintenance standards of Section 17.88.010 shall apply as therein specified.

J. Access. The provisions of the C-1 district, Section 17.24.050(J) shall apply.

K. Outdoor Advertising. The provisions of the C-1 district, Section 17.24.050(K)(1) shall apply.

L. Loading Spaces. The provisions of Section 17.88.010 shall apply.

(Prior code § 13.17.005)

17.72.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.17.006)

17.72.070 Site plan review.

Before any building or structure may be erected on any lot in the A-D district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 14, 1999: prior code § 13.17.007)

17.72.080 Building compatibility.

All structures within a unified development in the A-D district shall be developed with a compatible architectural style. The approving entity shall determine compatibility upon review of the site plan.

(Prior code § 13.17.008)

(Ord. No. 14-02, § 12, 2-11-2014)

Chapter 17.76 UR URBAN RESERVE DISTRICT

17.76.010 Purposes.

The UR urban reserve district is an overlying district, intended to set aside undeveloped agricultural land for future land uses due to urban expansion, while preventing the development of land uses which might conflict with the future planned use of the area.

(Prior code § 13.18.001)

17.76.020 Permitted uses.

In the UR urban reserve district, those uses listed as permitted in the R-A district, Section 17.16.020 shall apply.

(Prior code § 13.18.002)

17.76.030 Uses permitted subject to conditional use permit.

In the UR urban reserve district, uses permitted subject to conditional use permit are as follows:

A. Water pump stations;

B. Wireless telecommunications facilities.

(Prior code § 13.18.003)

(Ord. No. 17-06, § 1, 4-25-2017)

17.76.040 Uses expressly prohibited.

In the UR urban reserve district, those uses listed as expressly prohibited in the R-A district, Section 17.16.030 shall apply.

(Prior code § 13.18.004)

17.76.050 Property development standards.

In the UR urban reserve district, property development standards are as follows:

A. Lot Area. The minimum lot area shall be five acres.

B. Lot Dimensions.

1. Width. The minimum lot width shall be one hundred and sixty-five (165) feet.

2. Depth. The minimum lot depth shall be one hundred and seventy (170) feet, measured from the centerline of the abutting street right-of-way.

C. Population Density. There shall be not more than one family per dwelling unit. Maximum one dwelling unit per lot.

D. Building Height.

1. The maximum height of the main building shall be thirty (30) feet, not to exceed two stories.

2. Accessory structures shall not have a height greater than one story, not to exceed twelve (12) feet to plate height.

E. Yards. The provisions of the R-A district, Section 17.16.050(E) shall apply.

F. Space Between Buildings. The provisions of the R-A district, Section 17.16.050(F) shall apply.

G. Lot Coverage. The provisions of the R-A district, Section 17.16.050(G) shall apply.

H. Fences, Hedges and Walls. The provisions of the R-A district, Section 17.16.050(H) shall apply.

I. Off-Street Parking: The provisions of the R-A district, Section 17.16.050(I) shall apply.

J. Access. There shall be adequate vehicular access from a developed and improved street, alley or service road.

K. Outdoor Advertising. The provisions of the R-A district, Section 17.16.050(K) shall apply.

(Prior code § 13.18.005)

17.76.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Prior code § 13.18.006)

17.76.070 Site plan review.

Before any building or structure is erected on any lot in the UR district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 99-01 § 15, 1999; amended during 1995 codification; prior code § 13.18.007)

Chapter 17.80 P-F PUBLIC FACILITIES DISTRICT

17.80.010 Purpose.

The purpose of the P-F public facilities district is to provide spaces for the location and preservation of public facilities such as schools, City Hall and its activities, as well as all other publicly owned and quasi-public places.

(Ord. 08-07 § 1 (Exh. A (part)), 2008: prior code § 13.19.001)

17.80.020 Permitted uses.

Permitted uses in the P-F public facilities district are as follows:

A. Art galleries;

B. City, county or state and federal offices;

C. Civic centers;

D. Community recreation building and uses;

E. Educational facilities;

F. Libraries;

G. Museums;

H. Municipal equipment or material storage yards;

I. Parks and playgrounds;

J. Police and fire stations;

K. Ponding basins;

L. Swimming pools;

M. Tennis courts;

N. Water pumping stations;

O. Carnivals (reference definition in Section 17.04.110);

P. Jail, prison or detention facility; whether public or privately owned or operated;

Q. Zero-emission electrical generating facilities that are defined as an eligible renewable energy resource under California Public Utilities Code Section 399.12.

(Ord. 08-07 § 1 (Exh. A (part)), 2008: Ord. 98-02, 1992; prior code § 13.19.002)

17.80.030 Uses permitted subject to conditional use permit.

In the P-F public facilities district, uses permitted subject to conditional use permit are as follows:

A. Accessory structures and uses located on the same lot as a conditional use;

B. Cemeteries and mortuaries;

C. Churches;

D. Communications equipment buildings;

E. Electrical distribution substations;

F. Fair, rodeo or festival grounds;

G. Gas regulator stations;

H. Municipal health and medical facilities;

I. Public airports;

J. Public child day care centers;

K. Public service pumping stations;

L. Sewer and water treatment plants;

M. Wireless telecommunications facilities.

(Ord. 08-07 § 1 (Exh. A (part)), 2008: prior code § 13.19.003)

(Ord. No. 17-06, § 1, 4-25-2017)

17.80.040 Uses expressly prohibited.

In the P-F public facilities district, uses expressly prohibited are as follows:

A. Advertising structures;

B. Commercial uses;

C. Industrial uses;

D. Residential uses.

(Ord. 08-07 § 1 (Exh. A (part)), 2008: prior code § 13.19.004)

17.80.050 Property development standards.

In the P-F public facilities district, the property development standards of the R-1 district, Section 17.24.050 shall apply.

(Ord. 08-07 § 1 (Exh. A (part)), 2008: prior code § 13.19.005)

17.80.060 General provisions and exceptions.

All uses shall be subject to the general provisions and exceptions prescribed in Chapters 17.08, 17.88 and 17.92.

(Ord. 08-07 § 1 (Exh. A (part)), 2008: prior code § 13.19.006)

17.80.070 Site plan review.

Before any building or structure may be erected on any lot in the P-F district, a site plan shall have been approved pursuant to the provisions of Section 17.08.090.

(Ord. 08-07 § 1 (Exh. A (part)), 2008: Ord. 99-01 § 16, 1999; amended during 1995 codification; prior code § 13.19.007)

Chapter 17.81 ECONOMIC INCENTIVE ZONE OVERLAY DISTRICT

17.81.010 Purpose.

The purpose of the Economic Incentive Zone Overlay District is to provide an area within the city that is considered to be a high priority commercial development corridor in which proposed new development will contribute to economic vitality of the city and is eligible to receive various incentives.

(Ord. No. 15-05, § 1, 4-28-2015)

17.81.011 Applicability.

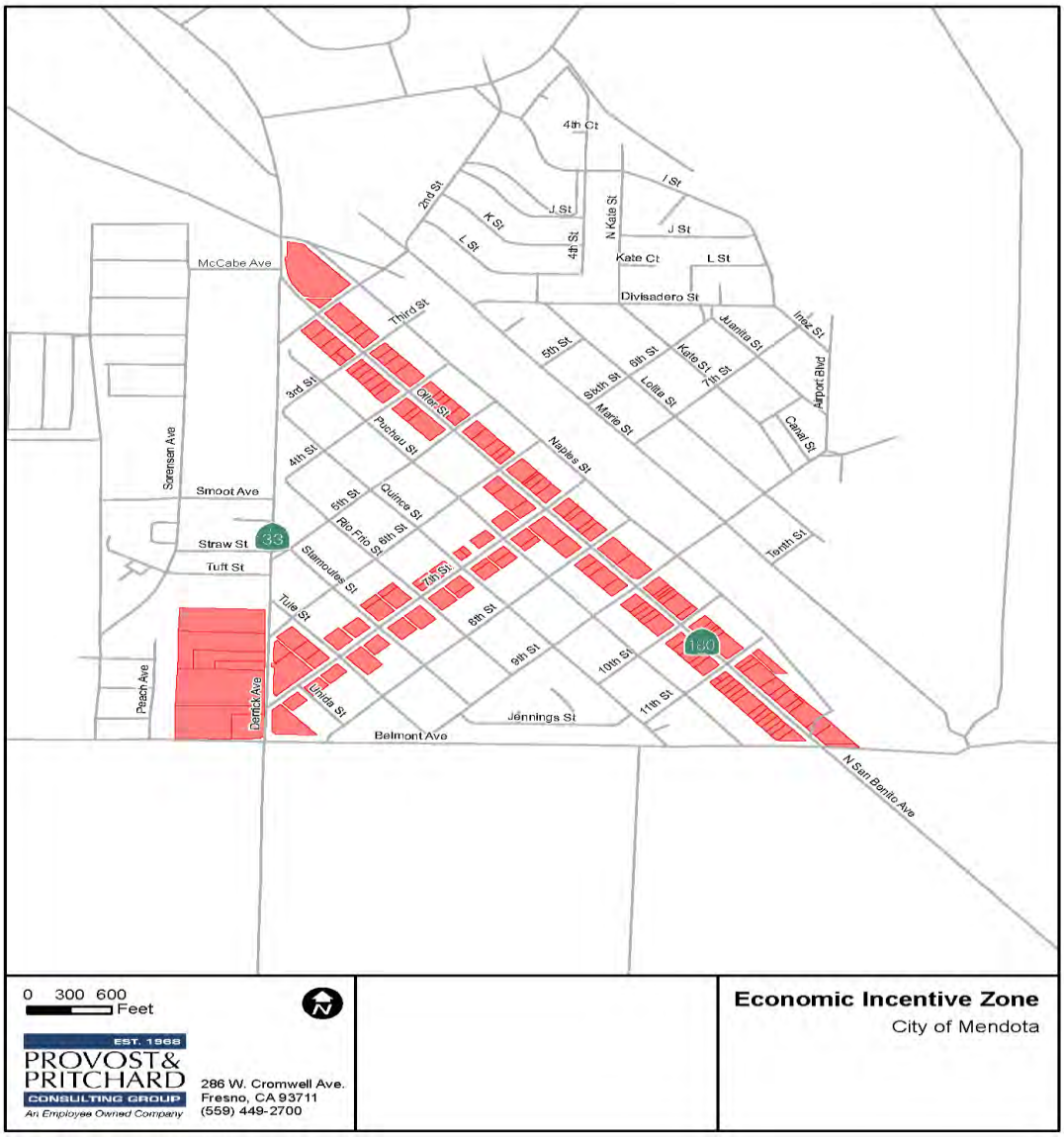
The Economic Incentive Zone Overlay District may exist with any underlying commercial zoning district and shall be shown on the city's official zone map by adding an "EIZ" to the zoning designation for properties shown in Section 17.81.012.

(Ord. No. 15-05, § 1, 4-28-2015)

17.81.012 Economic incentive zone map.

The official map of the Economic Incentive Zone is hereby established, comprising the assessor's parcels illustrated within Exhibit "B."

Exhibit B



(Ord. No. 15-05, § 1, 4-28-2015; Ord. No. 15-07, § 1, 6-9-2015)

Editor's note(s)—A full list of applicable properties pursuant to Ordinance No. 15-07 is available from the city clerk upon request.

17.81.013 Conflict between regulations.

Where a conflict occurs between the Economic Incentive Zone Overlay District and any other section of the zoning code, the Economic Incentive Zone Overlay District regulations shall prevail.

(Ord. No. 15-05, § 1, 4-28-2015)

17.81.020 Use classifications.

The use classifications allowed in the Economic Incentive Zone Overlay District shall be those use classifications allowed in the underlying base zoning district.

(Ord. No. 15-05, § 1, 4-28-2015)

17.81.021 Development standards.

A. The development standards for all development within the Economic Incentive Zone Overlay District shall be those standards of the underlying base zoning district.

B. Exemptions. The city planner may administratively exempt the following projects from the underlying zoning district's development standards:

1. Additions expanding existing structures by less than 35% of the gross floor area;

2. Exterior or interior remodeling;

C. Conditional Use Permits. Uses shown in the underlying base zoning district as requiring a conditional use permit may be permitted with a site plan review if the city planner administratively finds that the project is exempt from the California Environmental Quality Act.

D. Undefined/Uses Not Permitted. Any use proposed in the Economic Incentive Zone Overlay District that is either undefined or not permitted in the underlying base zoning district, may be permitted with a conditional use permit if the planning commission adopts a resolution and specifically finds that the proposed use is:

1. Consistent with the purposes of the Economic Incentive Zone Overlay District;

2. Consistent with the general character of surrounding land uses;

3. A specific type of commercial use that does not exist elsewhere in the city.

(Ord. No. 15-05, § 1, 4-28-2015)

17.81.022 Procedures.

A. Any use proposed to be located within the Economic Incentive Zone Overlay District shall submit an application in accordance with the requirements of the underlying base zoning district, unless otherwise exempted herein.

B. The city shall process all site plan review and conditional use permit development applications within the following time frames:

1. Requirements for additional information shall be provided to the applicant within two days following the initial submittal of an application.

2. Following the resubmittal by the applicant of any additional information required for a site plan review application, the city shall approve the site plan review within seven days.

3. Following the resubmittal by the applicant of any additional information required for a conditional use permit, the city shall consider the application within forty-five (45) days.

(Ord. No. 15-05, § 1, 4-28-2015)

17.81.023 Incentives.

The following incentives shall be granted for projects approved in the Economic Incentive Zone Overlay District:

A. Development Impact Fees—Projects with new or expanded structures less than two thousand (2,000) square feet. All new construction within the Economic Incentive Zone Overlay District where the new or expanded structure(s) is/are less than two thousand (2,000) square feet in floor area shall be entitled to a one hundred (100) percent waiver of development impact fees.

B. Development Impact Fees—Projects with new or expanded structures greater than two thousand (2,000) square feet. All new construction within the Economic Incentive Zone Overlay District where the new or expanded structure(s) is/are greater than two thousand (2,000) square feet in floor area shall be entitled to a fifty (50) percent reduction in development impact fees.

C. Development Impact Fees—City Council approval. For projects with new or expanded structures that are greater than ten thousand (10,000) square feet in floor area, the city council may, at its sole discretion, approve a reduction in development impact fees greater than fifty (50) percent.

D. Application Fees. All projects proposed within the Economic Incentive Zone Overlay District shall be given a fifty (50) percent reduction for site plan review or conditional use permit application fees.

E. Building Permits. The following incentive schedule shall apply for building permit fee waivers and reductions:

1. Construction of less than two thousand (2,000) square feet shall be exempt from building permit fees.

2. Construction of between two thousand one (2,001) square feet and five thousand (5,000) square feet shall receive a seventy-five (75) percent reduction in building permit fees.

3. Construction of between five thousand one (5,001) and ten thousand (10,000) square feet shall receive a fifty (50) percent reduction in building permit fees.

4. Construction greater than ten thousand (10,000) square feet shall receive a twenty-five (25) percent reduction in building permit fees.

F. Development Agreements. The city council may alter any of the provisions of this section and grant less, greater, or other incentives through approval of a development agreement and upon finding that the approval of the development agreement will implement the purposes of the Economic Incentive Zone Overlay District.

(Ord. No. 15-05, § 1, 4-28-2015)

17.81.024 Enhanced economic incentive areas.

A. Any parcel in the city that is zoned C-2 (community shopping center district) or C-3 (central business and shopping district), has a minimum lot area of fifteen thousand (15,000) square feet, and where a proposal for new development includes as the primary land use, a pharmacy, a grocery store, a financial institution, an automobile sales business, or a shopping center shall receive enhanced economic incentives as provided in Section 17.81.027.

B. Proposed development which does meet the zoning, lot area, or land use requirements listed in Section 17.81.024(A), shall not be eligible for enhanced economic incentives as provided in Section 17.81.027.

(Ord. No. 18-02, § 2, 7-24-2018)

17.81.025 Definitions.

A. The following definitions shall be used to determine uses eligible to receive enhanced economic incentives. Where a conflict occurs between this section and any other section of the Zoning Code, the definition herein shall prevail.

1. Automobile Sales. A retail use that provides for new automobile sales conducted within a building or an open lot or both.

2. Financial Services. A use that provides depository banking services to the public, such as banks, credit unions, or savings and loans. The establishment must be staffed by employees physically present on site. This definition does not include pay day loan establishments or other establishments whose principal business is not directly related to depository banking services.

3. Grocery Store. A retail store selling food and associated small household items having a minimum gross floor area of fifteen thousand (15,000) square feet.

4. Pharmacy. A retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items, and having a minimum gross floor area of ten thousand (10,000) square feet.

5. Shopping Center. A group of commercial establishments containing at least three individual business establishments, planned, developed, owned, and managed as a unit, providing common on-site parking areas, loading areas, driveways, and other shared facilities.

(Ord. No. 18-02, § 2, 7-24-2018)

17.81.026 Development standards for enhanced economic incentive areas.

A. The development standards for all development within enhanced economic incentive areas shall be those standards of the underlying base zoning district.

B. Site Plan Review. Uses proposed that meet all of the requirements of Section 17.81.024(A) shall be permitted with a site plan review.

C. The city shall process all site plan review applications for uses within enhanced economic incentive areas in accordance with Section 17.81.022 of this chapter.

(Ord. No. 18-02, § 2, 7-24-2018)

17.81.027 Enhanced economic incentive area incentives.

A. Development Impact Fees. All new construction within enhanced economic incentive areas shall receive an eighty (80) percent waiver of development impact fees.

B. Application Fees. All projects proposed within enhanced economic incentive areas shall be exempt from site plan review application fees.

C. Building Permits. All new construction within enhanced economic incentive areas shall receive a fifty (50) percent reduction in building permit fees.

D. Development Agreements. The city council may alter any of the provisions of this section and grant less, greater, or other incentives through approval of a development agreement and upon finding that the approval of the development agreement will implement the purposes of the enhanced economic incentive areas.

(Ord. No. 18-02, § 2, 7-24-2018)

17.81.028 Sunset provision.

A. Sections 17.81.024 to 17.81.027 shall no longer be effective or apply and shall be repealed in their entirety on July 1, 2021, unless such date of repeal is extended by resolution of the city council.

(Ord. No. 18-02, § 2, 7-24-2018)

Chapter 17.82 SOCIAL FACILITIES

17.82.010 Purposes.

The purpose of this chapter is to provide for the establishment and regulation of facilities intended for public and private gatherings for the purposes of celebration, ceremonies, dancing, and similar group activities on a regular or ongoing basis. It is not intended to supplant Chapter 5.44 of this code, which addresses permitting for individual or temporary dance events.

(Ord. No. 14-02, § 33, 2-11-2014)

17.82.020 Definitions.

The following definitions shall apply:

"Banquet hall" shall have the same meaning as "community, dance, or social hall", except that all activities shall be conducted within an entirely enclosed structure.

"Community, dance, or social hall" shall mean an establishment, whether standalone or in conjunction with another approved use, at which live or recorded music and/or an amplified public address system may be provided and at which it is intended that persons gather for the purposes of celebration, ceremonies, dancing, and similar group activities. A community, dance, or social hall may contain indoor and/or outdoor activity areas. It shall not include a church, theatre, or private lodge/club as defined in this title, unless such church, theatre, or private lodge/club is specifically approved as such.

"Social facility" shall include banquet halls, community halls, dance halls, and social halls as defined herein.

(Ord. No. 14-02, § 33, 2-11-2014)

17.82.030 Procedure.

A. All consideration of social facilities, whether as a standalone use or in conjunction with another use, shall be pursuant to Section 17.08.050. The same shall apply to consideration of revocation of a permit to operate.

B. Social facilities shall be considered as a "major" conditional use permit, regardless of meeting the criteria to qualify as a "minor" conditional use permit.

C. In addition to the standards of review contained within Section 17.08.050, the planning commission shall apply the criteria contained within Chapter 5.44 of this title in its consideration of a social facility

D. Signed approval by the chief of police shall not be required as part of the planning commission's consideration of a social facility.

(Ord. No. 14-02, § 33, 2-11-2014)

Chapter 17.84 PLANNED DEVELOPMENTS[1]

17.84.010 Purpose and intent.

The planned development process is intended to provide for development of residential, commercial, and industrial projects involving use of modified development and/or public improvement standards, such that the benefits of the project to the public, the city, and the project proponent are greater than what would normally be possible under the default regulations.

(Ord. No. 13-08, § 2, 12-17-2013)

17.84.020 Procedure.

A. Application for and approval of a planned development shall be subject to the provisions of Section 17.08.050 of this title, except as may be modified by this chapter. Any such application and accompanying exhibits shall conspicuously state the words "Planned Development." Applications processed pursuant to this chapter may alternately referred to as "planned developments", "a conditional use permit for a planned development", or similar, provided that it is made evident that such application is being pursued in accordance with this chapter.

B. For planned developments involving the subdivision of property:

   1. Such projects shall also be subject to the provisions of Title 16 of this code.

   2. Approval of the planned development shall be conditioned upon city council approval of any subdivision procedure undertaken pursuant to Title 16.

   3. The term of the planned development approval shall be at least as long as the term of the approved subdivision, including any extensions granted thereto.

C. Planned developments may be permitted in all districts, subject to the provisions of this chapter.

(Ord. No. 13-08, § 2, 12-17-2013)

17.84.030 Special conditions.

A. All otherwise required property development standards, and public improvement standards applicable to a particular parcel, including those contained within Chapter 17.88 of this title but excepting those related to population density or the public health and safety, may be modified or waived, provided that the planning commission determines that said proposed development is likely to provide a more functional, enduring, and desirable environment than would otherwise be possible and that no adverse impacts to adjacent properties or public facilities would result therefrom.

[1]Editor's note(s)—Section 1 of Ord. No. 13-08, adopted Dec. 17, 2013, repealed the former ch. 17.84, §§ 17.84.010—17.84.030, and section 2 of said ordinance enacted a new ch. 17.84 as set out herein. The former ch. 17.84 pertained to PUD Planned Unit Development district, and derived from prior code, § 13.20.001—13.20.003.

B. At least ten (10) percent of the site, exclusive of required yards, shall either be improved as recreational area and/or open space for the use of residents/occupants of the planned development or improved and dedicated to the city for public use.

C. Each residential planned development shall include facilities for bulk storage, laundry, and similar services unless such facilities are included individually for each dwelling unit.

D. Where private roads and/or common recreation or service facilities are provided, a method for their permanent maintenance and upkeep shall be specified to the satisfaction of the planning commission.

E. The definition of yards and the manner by which a front yard is determined as contained within Section 17.04.110 notwithstanding, the yards of a planned development may be oriented in relation to a public street or other approved access as determined by the planning commission.

(Ord. No. 13-08, § 2, 12-17-2013)

17.84.040 Plan requirements.

In addition to items required pursuant to Section 17.08.050, all plans submitted for review shall include and/or indicate the following:

A. The types of uses and the location, height, and bulk of buildings and other improvements, including floor plans and elevations, as applicable;

B. The buildable area, lot coverage, and open spaces around buildings. In the case of single-family detached or attached dwellings, this shall include a typical lot fit analysis, indicating that each proposed floor plan can be placed on at least one lot within the proposed development while meeting setback, lot coverage, and related standards.

C. The traffic pattern;

D. The arrangement, design, and dimensions of streets, alleys, pedestrian ways, and parking and loading areas;

E. Any proposed screening of uses from visibility from adjacent properties and public ways, either within or without the planned development, by fencing and/or landscaping.

F. Such other items as, in the determination of the planning commission, may be necessary to accomplish the purposes of this chapter.

(Ord. No. 13-08, § 2, 12-17-2013)

17.84.050 Findings.

Prior to approval of a planned development, the planning commission shall make the following findings in lieu of those contained in Section 17.08.050:

A. The proposed planned development is consistent with the general plan and any applicable specific or community plan, including the density and intensity limitations that may apply;

B. The subject site is physically suitable for the type and intensity of the development being proposed;

C. Adequate transportation facilities, utilities, and public services exist or will be provided in accordance with the approval of the planned development to serve the proposed development, and approval of the planned development will not result in adverse impacts to existing facilities, utilities, or services so as to be a detriment to the public health, safety, or welfare;

D. The proposed development will not have a substantial adverse impact on surrounding land uses, and will be compatible with the existing and planned land use character of the surrounding area;

E. The proposed development generally complies with any adopted design guidelines; and

F. The proposed development is demonstrably superior to the development that could occur utilizing the standards applicable to the subject zone district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, factors to be considered shall include, but not be limited to:

1. Appropriateness of the use(s) at the proposed location;
2. The mix of uses, housing types, and housing price levels;
3. Provision of infrastructure improvements;
4. Provision of usable active or passive open space;
5. Compatibility of uses within the planned development area;
6. Creativity in design and use of land;
7. Quality of design, and adequacy of light and air into the interior spaces of buildings; and
8. Overall enhancement of neighborhood character and the built and natural environments of the city.

(Ord. No. 13-08, § 2, 12-17-2013)

17.84.060 Conditions of approval.

In approving a planned development, the planning commission may impose reasonable conditions deemed necessary to:

A. Ensure that the planned development conforms in all significant respects to the general plan and with any other plans or policies and design guidelines the city has adopted;

B. Achieve the general purposes of this code and/or the specific purpose of the zone district(s) in which the planned development is located;

C. Achieve the findings contained within Section 17.94.050; or

D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

(Ord. No. 13-08, § 2, 12-17-2013)

17.84.070 Expiration and extension.

A. Expiration.

1. A planned development shall become effective on the same date that it is approved by the planning commission. The planned development approval shall expire if it is not exercised or extended within two years of the effective date. An approved planned development may specify a phased development program exceeding three years.
2. A planned development is considered to be exercised when:
   a. Actions specified in the conditions of approval have been taken; or

b. When a building permit has been issued and construction has commenced and is being diligently pursued.

3. In the event that the applicant intends to develop the planned development in phases, and the planning commission approves such phased development, the planned development shall remain in effect so long as not more than one year elapses between the completion of one phase and the commencement of the next.

4. Where a planned development has been approved in conjunction with a tentative map, the planned development approval shall expire upon the expiration of the tentative map, Section 17.84.070(A)(3) notwithstanding.

B. Extension. If site development and construction have not been initiated within two years of the effective date of the planned development, the city manager may authorize an extension of the planned development for an additional two years. An application for extension shall be made in writing not less than thirty (30) days prior to the date of expiration. The city manager shall approve the extension only upon the determination that the extension is consistent with the purposes of this chapter and that no significant amendments, as defined in Section 17.84.080, are proposed.

(Ord. No. 13-08, § 2, 12-17-2013)

17.84.080 Amendments to approved planned developments.

A. Amendments or revisions to an approved planned development may be requested by the applicant or its successors. Amendments shall be classified as major or minor amendments. Upon receipt of an amendment application, the city manager shall determine whether the proposal constitutes a major amendment or a minor amendment.

B. Major Amendments. Major amendments to an approved planned development shall be considered by the planning commission at a duly noticed public hearing. An amendment shall be considered major if it involves one or more of the following changes:

1. A change in the boundary of the planned development;

2. An increase or decrease in the number of dwelling units that is greater than ten (10) percent of the number stated in the original approval of the planned development;

3. An increase or decrease in the floor area of any non-residential use that results in a change of greater than ten (10) percent of the amount stated in the original approval of the planned development;

4. Any change in use or intensity that, in the determination of the city engineer, is likely to negatively impact or burden public utilities, infrastructure, or other facilities;

5. Any other proposed change that, in the determination of the city manager, substantively alters one or more components of the planned development.

C. Minor Amendments. Amendments not meeting one or more of the criteria listed in subsection (B) above shall be considered minor, provided that they are consistent with and would not change any original condition of approval. Minor amendments may be approved by the city manager without a public hearing.

(Ord. No. 13-08, § 2, 12-17-2013)

17.84.090 Phased projects.

Individual development plans for units within a phased planned development shall be accepted for planning and building permits only if they are consistent with the approved planned development and any conditions of approval.

(Ord. No. 13-08, § 2, 12-17-2013)

17.84.100 Failure to comply with conditions.

Failure of a planned development to comply with the conditions of approval or with a phased development schedule, if applicable, is a violation of this code, and is subject to Chapter 1.20, General Penalty.

(Ord. No. 13-08, § 2, 12-17-2013)

17.84.110 Revocation.

Approval of a planned development may be revoked as provided in Section 17.08.050(M).

(Ord. No. 13-08, § 2, 12-17-2013)

Chapter 17.86 HOME OCCUPATIONS

17.86.010 Purpose.

The purpose of the home occupation permit is to allow certain limited commercial or office endeavors within otherwise residential areas as a method of promoting employment and revenue-generating activities within the city.

(Ord. No. 11-01, § 2, 3-22-2011)

17.86.020 Procedure.

For the purposes of this chapter, "city manager" shall mean the city manager of the city of Mendota or his/her designee.

A. Filing. An application for a home occupation shall be submitted to the city clerk. For rental property, the property owner or property manager shall provide written authorization for the proposed use at the time of application submittal.

B. Review. Following receipt of a completed application, the city manager shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this chapter.

C. Public Notice. Public notice shall not be required as part of the process for review of a home occupation permit application.

D. Fees. A home occupation permit fee, as established by resolution of the city council, shall be collected from the applicant when the application for a home occupation permit is submitted.

E. Application Review. The city manager shall review each application and, within thirty (30) days of receipt, shall remit the decision in writing with the findings on which the decision is based.

F. Approval or Denial. The city manager shall approve a home occupation permit if the following findings are made:

1. The proposal is consistent with the general plan, any applicable specific plan, and the development standards of the subject zoning district.

2. The proposal is consistent with the home occupation criteria and all other applicable standards of this code.

G. Appeal to the Planning Commission. If the home occupation permit application is denied, the applicant may file an appeal to the planning commission.

1. The appeal shall be submitted within ten (10) days of the decision of the city manager.

2. The appeal shall be in writing setting forth the reason(s) for the appeal and shall be filed with the city clerk, subject to a fee established by resolution of the city council.

3. The planning commission shall consider the appeal at its next regular meeting, not less than ten (10) days after the appeal is submitted.

H. Appeal to the City Council. If the appeal to the planning commission is denied, the applicant may file an appeal to the city council.

1. The appeal must be submitted within ten (10) days of the decision of the planning commission.

2. The appeal shall be in writing setting forth the reason(s) for the appeal and shall be filed with the city clerk, subject to a fee established by resolution of the city council.

3. The city council shall consider the appeal at its next regular meeting, not less than ten (10) days after the appeal is submitted.

I. Effective Date. The home occupation permit shall become effective immediately upon signature by the city manager; or, in the cases of appeal to the planning commission or city council, once the acting body has rendered its final decision.

J. Business License Required. Following approval of a home occupation permit, but prior to initiation of the use, the applicant shall have applied for and received a business license from the city of Mendota for operation of said use pursuant to Title 5 of this code.

(Ord. No. 11-01, § 2, 3-22-2011)

17.86.030 Permitted home occupations.

A. Where Permitted. Home occupations are permitted to operate within dwellings in the following zoning districts:

1. All residential zoning districts;

2. In the C-3 (Central Business and Shopping) District when operating from a dwelling approved as part of a mixed-use development;

3. In other non-residential districts as part of a nonconforming residential use, until amortization or other discontinuation of that residential use occurs. Section 17.86.020(F)(1) notwithstanding, a nonconforming residential use may be found to be consistent with the intent of this chapter if it meets the development standards of the residential zoning district most similar to the nonconforming use, as determined by the city manager.

B. Permitted Occupations. Permissible home occupations may include, but are not limited to, the following:

1. General office professions, such as accountant, administrative assistant, answering service, appraiser, architect, attorney, bookkeeper, broker or agent (e.g., real estate, insurance), consultant, drafting, engineer, interior decorator, secretarial, and word processing;
2. Commission merchant, direct sale product distribution, and mail- or internet-order business;
3. Dressmaker, tailor;
4. Businesses involving the sale or delivery of merchandise fabricated on the site;
5. Mobile businesses: vehicle repair, glass installation, and auto detailing; computer repair;
6. Offices for professions wherein service is primarily provided outside the home: contractor, handyperson, janitorial service, landscaping/gardening service;
7. Offices for professions involving provision of service within the home, to not more than one client simultaneously: tutoring, somatic practice, fine art instruction, martial arts instruction;
8. Food preparation, including a cottage food operation, provided that the applicant shows evidence that any and all requirements of the Fresno County Public Health Department and the State of California are met, and that no onsite dining facilities are provided;
9. Woodworking;
10. Any other use that the city manager finds similar to the above and that otherwise meets the requirements for approval as a home occupation pursuant to this chapter.

(Ord. No. 11-01, § 2, 3-22-2011; Ord. No. 15-04, § 2, 4-28-2015)

17.86.040 Prohibited home occupations.

The following uses shall not be permitted as home occupations:

A. Adult businesses conducted on the site, including but not limited to nude entertainment or related activities, or sale/rental of adult books, movies, or related paraphernalia;

B. Alcohol or tobacco sales;

C. Businesses that entail onsite boarding, handling, breeding, grooming, raising, or training of animals;

D. Dance club/night club;

E. Firearms or ammunition dealers;

F. Fortune telling;

G. Massage parlors;

H. Medical or dental offices, including pharmacy or medical marijuana dispensaries;

I. Mini storage;

J. Otherwise appropriate home occupations that become detrimental to the public health, safety, or welfare, or that constitute a nuisance;

K. Retail sales of merchandise stored and/or displayed on the premises;

L. Tattoo parlors, including body piercing and permanent makeup;

M. Repair of motor vehicles, as defined in § 415 of the California Vehicle Code, on the premises;

N. Repair of appliances;

O. Vehicle sales;

P. Welding and/or machining;

Q. Any other use that the city manager finds similar to the above, that would be detrimental to the public health, safety, or welfare, that is not consistent with the general plan, any applicable specific plan, or the intent of this chapter, or that is otherwise not compatible with the residential character of the neighborhood.

(Ord. No. 11-01, § 2, 3-22-2011)

17.86.050 Operating standards for home occupations.

This section provides locational and operational standards for the conduct of home occupations. Home occupations shall comply with all of the following standards:

A. The dwelling from which the home occupation is proposed to operate shall comply with Title 15 of this code.

B. The use shall be clearly subordinate to and compatible with the residential nature of the area.

C. The home occupation shall not alter the appearance of the dwelling, nor shall the conduct of the home occupation be recognized as serving a nonresidential use (by way of color, lighting, construction, materials, signs, sounds or noises, etc.).

D. Not more than one room within the dwelling shall be used for the home occupation.

E. Only residents of the dwelling may be employees of the permitted home occupation.

F. Except as otherwise permitted by this chapter, there shall be no display of merchandise.

G. There shall be no use of materials, equipment, or machinery not recognized as being part of normal household or hobby use.

H. Except as otherwise permitted by this chapter, there shall be no sales of products or services not produced on the premises;

I. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.

J. For home occupations involving client attendance at the premises, no more than eight clients shall be served on any given day.

K. For home occupations involving client attendance at the premises, or otherwise producing any sensible effect off of the site, business shall occur only between the hours of 7:00 a.m. and 7:00 p.m.

L. Only one vehicle, owned by the operator of the home occupation, and not to exceed one ton in capacity, may be used by the operator in conjunction with the home occupation. Said vehicle shall be stored entirely within a garage or carport.

M. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the site in a manner different from normal residential usage, with the exception of FedEx, UPS, or United States Postal Service-type services.

N. The home occupation shall not encroach into required parking, setback, or open space areas, or result in violation of any of the development standards of the subject zoning district, unless a separate

proposal for said encroachment or a variance from standards is requested and approved prior to issuance of the home occupation permit.

O. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

P. The use shall not create or cause dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, or vibration that can or may be considered a hazard or nuisance.

Q. The home occupation permit is nontransferable.

R. No more than one home occupation may be allowed in any dwelling at one time.

S. In the case of a resident who, as part of his or her normal employment, is required or permitted to drive an employer-provided passenger vehicle to and from his or her residence, this shall not in and of itself constitute a home occupation.

(Ord. No. 11-01, § 2, 3-22-2011)

17.86.060 Permit expiration and revocation.

A. Discontinuance or Cessation. Home occupation permits shall immediately expire upon discontinuance or cessation of the permitted use for a continuous period of thirty (30) days.

B. Revocation of Permit. The city manager may revoke a home occupation permit for noncompliance with the provisions of this chapter or for failure to comply with applicable laws and ordinances pertaining to the use of the property. The revocation of a home occupation permit shall become effective upon delivery of written notice to the permittee.

C. Appeal to the Planning Commission. The permittee may appeal the revocation to the planning commission.

1. The appeal must be submitted within ten (10) days of the decision of the city manager.

2. The appeal shall be in writing setting forth the reason(s) for the appeal and shall be filed with the city clerk, subject to a fee established by resolution of the city council.

3. The planning commission shall consider the appeal at its next regular meeting, not less than ten (10) days after the appeal is submitted.

D. Appeal to the City Council. If the appeal to the planning commission is denied, the applicant may file an appeal to the city council.

1. The appeal must be submitted within ten (10) days of the decision of the planning commission.

2. The appeal shall be in writing setting forth the reason(s) for the appeal and shall be filed with the city clerk, subject to a fee established by resolution of the city council.

3. The city council shall consider the appeal at its next regular meeting, not less than ten (10) days after the appeal is submitted.

E. [Revocation.] Absent an immediate health, safety, or welfare concern, and provided that an appeal is timely filed, any revocation shall be stayed pending completion of the appeal process.

(Ord. No. 11-01, § 2, 3-22-2011)

17.86.070 Inspections.

The city manager shall have the right to inspect the premises of a home occupation to verify compliance with this chapter and any conditions set forth in the approval of the home occupation permit.

(Ord. No. 11-01, § 2, 3-22-2011)

17.86.080 Pre-existing home occupations.

All pre-existing home occupations shall conform to the requirements of this chapter before or upon renewal of the annual business license. All pre-existing, non-permitted home occupations shall conform to the requirements of this chapter within sixty (60) days of the effective date of this chapter.

(Ord. No. 11-01, § 2, 3-22-2011)

17.86.090 Violation.

Any violation of this chapter shall be deemed an infraction, and shall be subject to the general penalty as described in Chapter 1.20 of this code.

(Ord. No. 11-01, § 2, 3-22-2011)

Chapter 17.88 PROPERTY DEVELOPMENT STANDARDS

17.88.010 Property development standards.

A. The following property development standards shall apply to all land, buildings and structures in all districts:

1. Lot Area. Except as provided in this title, no building or structures shall be hereafter erected or located on a lot unless such building, structure or enlargement conforms with the area regulations of the district in which it is located.

    a. Every parcel of land containing five acres or less held in separate ownership on March 23, 1965, shall be deemed to be one lot; provided, however, that if such parcel of land consists of two or more lots, each with a separate and distinct number or other designation on an official map or approved record of survey recorded in the office of the county recorder, or delineated on an approved map of survey filed in the office of the department, and such parcels each comply with the regulations for the zoning district in which they are located, each lot shall constitute a separate lot for the purposes of this title. Not more than one main building or permitted group of buildings shall be constructed or moved on to any lot unless all regulations established in this title are complied with and a subdivision tract map or approved record of survey is approved by the city manager in accordance with the requirements of Title 2 of this code.

    b. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title may be considered as providing a yard or open space for any other building; nor may any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

    c. No parking area, parking space or loading space which is provided for the purpose of complying with the provisions of this title shall hereafter be relinquished or reduced in any manner below

the requirements of this title unless equivalent facilities are provided elsewhere, the location of which is approved by the approving entity as part of a site plan review or conditional use permit, as applicable. If such parking area is established by a conditional use permit, equivalent facilities shall be subject to approval by the approving entity. Property located in a vehicle parking district provided in accordance with state law, and where the off-street parking lots are completed and in operation, shall be deemed in compliance with the parking provisions of this title.

d. After the effective date of any ordinance by which any area is first zoned for any district, no land in such district may be divided by recordation of any map or by voluntary sale, contract of sale or conveyance of any kind which creates a new parcel of land under separate ownership which consists of less than the minimum lot area required for the district of which such lot is a part. Provided, however, that a tolerance of ten percent shall be allowed as to this requirement when the parcel so created is irregular in shape.

e. Any person participating in such division in violation of this section, whether as a seller, grantor, purchaser or grantee, shall as principal in the transaction be guilty of a misdemeanor. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this subsection (A)(1)(e) is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative or trustee in solvency or bankruptcy within one year after the date or execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase other than those above enumerated and upon the grantor, vendor or person contracting to sell or his assignee, or divisee.

2. Lot Dimensions.

a. Every lot shall have a minimum width and depth not less than that prescribed in the district under consideration. Each dimension is minimum only. One or both shall be increased to attain the minimum lot area required.

b. Where a lot has a minimum width or depth less than that prescribed by this title, and said lot was of record under one ownership at the time that the area was first zoned whereby the lot became nonconforming, said lot may be used subject to all other property development standards of the district in which such lot is located.

3. Population Density. The population density regulations as set forth in the districts shall apply. Occupancy shall not be increased in any manner except in conformity with these regulations.

4. Building Height. All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved or enlarged, shall comply with the height regulations and exceptions of the district in which they may be located.

5. Yards.

a. In measuring a front yard or side yard adjoining a street, it shall be the perpendicular distance between the street and a line through the corner or face of said building closest to and drawn parallel with the street, excluding any architectural features. The yard requirements as set forth in the district shall apply, with the addition of the following requirements set out in this subsection (A)(5)(b) — (f).

b. Schools, churches and institutions at property boundaries. No building shall be hereafter erected, structurally altered or used for a school, church, hospital, public building or other similar use permitted either as a matter of right, or under the conditional use permit regulations of this title, Section 17.08.050 unless such buildings, when fronting on a street, have a front yard not less than that prescribed by the district in which said building is located.

c. Side and rear yards may be used for required off-street parking; provided, that there is a solid masonry wall not less than six feet in height erected on the property line abutting the area used for off-street parking. For regulations see subsection (A)(8) of this section. The required front yard shall be landscaped with the appropriate materials and shall be maintained.

d. Official plan line shall be established by the circulation element of the Mendota general plan.

e. Rear Yards. Rear yards on single lots and in planned unit developments may be less than the required setback, provided that a site plan is submitted in accordance with the provisions of Section 17.08.090, that in no case shall the rear yard be less than the required side yard for the district. Space equal to the reduction shall be provided elsewhere on the lot, exclusive of required yard area. Said replacement space shall have minimum dimensions of eight feet by eight feet and shall be so located that it is suitable for general use by the occupant of the premises.

f. Yard Requirements—Exceptions.

i. Architectural features including sills, chimneys, cornices and eaves may be extended into a required yard or a space between structures not more than two feet or twenty-five (25) percent of the required yard or space, whichever is greater.

ii. Fences, walls, hedges, walks, driveways and retaining walls may occupy any required yard or other open space, subject to the limitations prescribed in the district.

iii. Accessory structures other than swimming pools shall observe required yards except rear yards abutting a public alley or where a written agreement between owners of adjoining properties allows encroachment of adjoining yards.

g. Yard Requirements—Swimming Pools.

i. A swimming pool shall not be located in any required front yard, nor shall it be located in front of a dwelling in the case of a front yard exceeding the minimum size.

ii. A swimming pool shall not be located or within five feet of any side or rear property line.

iii. A swimming pool shall not be located within five feet of a fence, hedge, or wall intended to provide a physical or visual barrier between the subject property and another property or the public right-of-way.

iv. Subsections (ii) and (iii) herein shall not be applicable to permanent swimming pool appurtenances (e.g., pump/filter system, piping, diving board, slide) or to decking, paving, or similar features intended to provide access to or around the swimming pool.

h. Maintenance of Landscaped Areas. A landscaped area provided in compliance with the regulations of this title or as a variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate. Landscaped areas shall be watered, weeded, pruned, fertilized and otherwise maintained, and plant materials shall be replaced as needed to assure compliance with the requirement for a landscaped area.

i. No structure or projection thereof may extend into a public easement.

6. Space Between Buildings. All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved or enlarged, shall comply with the space between building requirements of the district in which they may be located.

7. Lot Coverage.

a. Generally. All structures hereafter designed or erected and existing structures that may be reconstructed, altered, moved, maintained, or enlarged shall not exceed the maximum lot coverage regulations of the district in which they are located.

b. Exception. Area occupied by swimming pools shall not be counted against the maximum lot coverage.

8. Fences, Hedges and Walls.

a. This subsection (A)(8) is intended to provide for the regulations of the height and location of fences, hedges and walls for the purpose of providing for light, air, privacy and safeguarding the public welfare by preventing visual obstructions at street and highway intersections. Nothing in this subsection shall be deemed to set aside or reduce the requirements established for security fencing by either local, state or federal law, or by safety requirements of the Board of Education. The regulations of the districts shall apply and the following shall be in addition to those regulations.

b. A fence or wall shall be constructed along the perimeter of all areas considered by the council to be dangerous to the public health and safety. The height of such wall shall be determined by the council in relation to the danger or hazard involved. Said fence or wall may be required when a use requires a permit or at the discretion of the council according to the danger or hazard involved.

c. All present and future fences, hedges and walls shall conform to the corner cut-off provisions of Section 17.16.050(H)(1) of this code.

9. Off-Street Parking.

a. The following standards for providing off-street parking shall apply at the time of the erection of any main buildings or when off-street parking is established. These standards shall also be complied with when an existing building is altered or enlarged by the addition of dwelling units or guest rooms or where the use is intensified by the addition of floor space, seating capacity, seats or change to a use requiring greater parking.

i. Off-street automobile parking space being maintained in connection with any existing main building or structures shall be maintained so long as said main building or structure remains, unless an equivalent substitute number of such spaces are provided and thereafter maintained conforming to the requirements of this subsection (A)(9)(a)(i); provided, however, that this regulation shall not require the maintenance of more automobile parking space than is required in this title for a new building or structure identical to said existing building or structure, nor the maintenance of such space for any type of main building or structure other than those specified in this title.

ii. No parking area or parking space which is provided for the purpose of complying with the provisions of this title shall hereafter be relinquished, reduced or altered in any manner below the requirement established in this title, unless equivalent facilities are provided elsewhere, the location of which is approved by the commission.

iii. Where an automobile parking space is provided and maintained on a lot in connection with a main building or structure on an adjacent lot, and is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, then said building or structure may be altered or enlarged, or such use may be extended, only if additional automobile parking spaces are provided for said enlargement, extension or addition proposed to the standards for such use as set forth in the requirements of this title. No existing parking may be counted as meeting this requirement unless it exceeds the requirement for the original structure, and then only that excess portion may be counted.

iv. A parking space shall be an area for the parking of a motor vehicle plus those additional areas required to provide for safe ingress and egress from said space. The area set aside to meet these provisions must be usable and accessible for off-street parking.

v. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space or carport, in any residential district with the exception of the R-A district.

vi. No recreation vehicle, motor home, travel trailer, truck camper or camping trailer, boat or boat trailer, shall be stored on a lot in any R zone, with the exception of the R-A district, except in a rear yard enclosed by a solid wall or fence not more than six feet in height or in an entirely enclosed area. Said vehicle shall not be used for human habitation during storage. For purposes of interpretation, storage shall mean the keeping for a continuous period of more than seventy-two (72) hours on a residential lot without movement of said travel trailer, truck camper or camping trailer, boat or boat trailer. The city shall use discretion when making exceptions to storage area.

b. Residential Parking Standards.

i. General. The parking spaces required for residential uses shall be located on the same lot with the main building which they are intended to serve and shall be located to the rear of the required front yard. They shall be maintained in a usable condition and without impediment to access by nonvehicular property.

ii. Single-Family Dwellings and One-Family Mobile Homes. There shall be one parking space in a garage or carport for each single-family dwelling or one-family mobile home.

iii. Duplexes. There shall be one parking space in a garage or carport for each dwelling unit; when there are two dwelling units on a single lot there shall be one and one-half parking spaces for each dwelling unit, one of which shall be in a carport or garage. In the event that a requirement for one-half parking space results under this ratio, the parking space requirement shall be increased to the next highest whole number.

c. Nonresidential Requirements. For buildings or structures other than dwellings and for uses involving large concentrations of people, parking areas or spaces shall, unless otherwise provided by this code, be on the same lot with the main building, or on lots immediately contiguous thereto in the same district therewith and available for use by the occupants in the following ratios for specific types of use. Combinations of facilities shall provide the area or number of spaces required for each facility, and the area or spaces provided for one facility shall not be construed as satisfying the requirements for another facility; provided, that, in the event that there is a general parking area or parking space requirement in the particular zoning district relating to the floor area of buildings therein, and the approving entity determines that all of the spaces, areas and buildings are constructed or to be constructed pursuant to an integrated site plan, it may, consistent with the purposes and intent of this title, determine whether or not the general requirement of the zone, or the specific requirements hereinafter enumerated shall apply.

d. Exception. The parking area or space requirements imposed by the provisions of this subsection shall not apply upon a change of occupancy for any building or structure which was constructed before March 23, 1965, provided that the parking area or space existing immediately before a change of occupancy is not reduced.

i. For bowling alleys and similar establishments, there shall be at least five parking spaces for each alley and two spaces for each billiard table contained therein.

ii. For churches, stadiums, theaters, libraries, auditoriums, museums, meeting halls, gymnasiums and similar places of assembly, there shall be at least one parking space for every forty (40) square feet of area within the main auditorium or meeting hall, whichever provides the greater number of spaces. In cases of a use without a building, there shall be

one parking space for each five persons normally attending or using the facilities, plus one parking space for every two permanent employees.

iii. For coin-operated vending machines having more than one hundred (100) cubic feet located outdoors, there shall be at least two parking spaces provided for each such machine.

iv. For convalescent homes, homes for the aged, nursing homes and children's homes, there shall be one parking space for each two and one-half beds or fraction thereof.

v. For skating rinks, natatoriums and similar establishments, there shall be one parking space for each one hundred (100) square feet of gross floor area.

vi. For establishments for the sale and consumption on the premises of food and beverages:

(A) Having less than one thousand (1,000) square feet of gross floor area there shall be one parking space for each one hundred (100) square feet.

(B) Having less than four thousand (4,000) square feet of gross floor area, there shall be one parking space for each one hundred (100) square feet.

(C) Having more than four thousand (4,000) square feet of gross floor area, there shall be forty (40) parking spaces plus one for each fifty (50) square feet in excess of four thousand (4,000) square feet.

vii. For furniture stores in C-2 and C-3 districts, there shall be two square feet of off-street parking area for each square foot of floor area. If at any time the premises are used for other than a furniture store, the parking requirements for such other use shall be met before such use is commenced. In all other districts in which furniture stores are permitted, the parking requirements specified therein shall apply.

viii. For hospitals, sanitariums and asylums, there shall be at least one parking space for every two beds or one space for every one thousand (1,000) square feet of gross floor area, whichever provides the greater number, plus one space for every three employees.

ix. For hotels, tourist courts, motels, apartment hotels and multiple-family dwellings, there shall be one parking space for every individual sleeping room or unit. In cases where large units may be subdivided into smaller units for individual use, there shall be one space for each of the smaller units.

x. For housing for the elderly, there shall be one parking space for every three dwelling units or portions thereof, when such use is authorized by conditional use permit. If at any time the premises are used for other than housing for the elderly, the parking requirements for such other use shall be met before such use is commenced.

xi. For machinery sales and wholesale stores, there shall be one parking space for each eight hundred (800) square feet of gross floor area.

xii. For motor vehicle sales and automotive repair shops, there shall be one parking space for each four hundred (400) square feet of gross floor area.

xiii. For mortuaries, funeral homes and similar establishments, there shall be one parking space for each twenty (20) square feet of floor area of assembly rooms, plus one space for each car owned by such establishment.

xiv. For park and recreational uses, there shall be one parking space for each five thousand (5,000) square feet of active recreational area within a park or playground.

xv. For public utility facilities such as communications equipment buildings, electrical substations and the like, the following standards shall apply:

(A) For facilities open to the public, there shall be three square feet of parking area for every one square foot of gross floor area or fraction thereof, said parking area to be within three hundred (300) feet of the property served.

(B) For facilities not open to the public, there shall be one parking space for each two employees. This shall apply to the maximum number of employees on duty at any one time.

(C) For facilities wherein there are areas open and not open to the public, the parking ratios in subsection (A)(9)(d)(xv)(A) and (B) of this section shall be used as a basis for determining the respective amount of parking areas to be provided.

xvi. For a recreational slide, there shall be four parking spaces for each slide lane of the slide.

xvii. For rooming houses, lodging houses, clubs and fraternity and sorority houses, there shall be one parking space for each person which the building was or is designed or intended to house as a sleeping guest or member or employee.

xviii. For schools, both public and private, the following standards when relative to public schools shall be advisory only:

(A) Elementary and junior high. There shall be one parking space for each member of the faculty and each employee.

(B) High schools. There shall be one parking space for each member of the faculty and each employee, plus one space for each eight students regularly enrolled.

(C) Junior colleges, colleges and universities. There shall be one parking space for each two members of the faculty and employee, plus one space for each two full-time or equivalent regularly enrolled students.

(D) Schools having auditoriums or places of assembly. The provisions of subsection (A)(9)(d)(ii) of this section shall apply, if such application will provide a greater number of spaces than subsection (A)(9)(d)(xviii) ((A)), ((B)) or ((C)) of this section. Said required parking spaces shall be within the school property or on a parking lot contiguous thereto.

(E) Day nurseries, nursery schools and child care nurseries. There shall be one parking space for each member of the faculty, each employee and the owner.

xix. For small animal veterinary hospitals and clinics, there shall be provided four parking spaces for each doctor in any building or structure, plus one space per each employee.

xx. For transportation facilities, requirements shall be as follows: for airports, railroad passenger stations, bus depots or other passenger terminal facilities, such parking spaces and location of such spaces as the planning commission shall deem to be adequate for employees, for the loading and unloading of passengers and for spectators, visitors and others.

xxi. For social facilities, the following standards shall apply:

(A) Indoor-only facilities shall provide one parking space for each one hundred (100) square feet of gross floor area dedicated to assembly.

(B) Outdoor-only facilities shall provide one parking space for each fifty (50) square feet of outdoor area dedicated to assembly.

(C) Facilities providing a combination of indoor and outdoor assembly areas shall provide one parking space for each one hundred (100) square feet of indoor floor area dedicated to assembly and one parking space for each (50) square feet of outdoor area dedicated assembly.

e. Treatment of Parking Areas. Every parcel of land used for the parking or loading of motor vehicles, or motor vehicle sales, shall be improved and maintained as required in this subsection (A)(9)(e):

i. All areas shall be graded, surfaced and drained; and parking stalls, lanes and directional guides shall be marked in accordance with the standards adopted by the commission under the procedure set forth in this title.

ii. Where such area adjoins a residential or agricultural district it shall be separated therefrom by a solid masonry wall not less than five feet nor more than six feet in height, provided said wall shall not exceed three feet in height where it is in the front yard area of an abutting residential district. Where no wall is required along a boundary of an area covered by this subsection, there shall be a concrete curb or timber barrier not less than six inches in height securely installed and maintained as a safeguard to abutting property or public right-of-way. The barrier shall be not less than three feet from any property line on the subject property.

iii. Where such areas adjoin a residential district, there shall be a border of appropriate landscaping not less than ten feet in depth, along the residential street frontage, to protect the character of the adjoining residential property. Such landscaping shall be maintained by the applicant. No building shall be erected nor shall any property be used unless a site plan of the development has been approved pursuant to the provisions of Section 17.08.090 of this code.

iv. Lighting where provided to illuminate such parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the department of public works.

v. No required parking space shall be so located as to require the moving of any vehicle on the premises in order to enter or leave any other stall. The preceding sentence need not apply in the event that a parking facility has an attendant present at all times during the use of said facility.

vi. Automobile parking so arranged as to require the backing out of motor vehicles from a parking space, garage or other structure onto a major or secondary street as designated on the circulation element of the city shall be prohibited when either or both of the following conditions exist:

(A) The property is adjacent and contiguous to a public alley;

(B) The width of the lot or the nature of the design of the existing or proposed structures is such that vehicles leaving the property may do so by moving in a forward direction with relation to the street.

vii. Parking areas for any use shall be placed in such location with relation to the parking generator as to provide for the efficient use of the parking facility. On-site parking areas

shall have ready vehicular access. The location of off-site parking areas shall be noted by an appropriate sign located both at the parking generator and at the parking facility.

viii. All access to individual parking spaces on a lot or portion of a lot designated for parking shall be from said lot or portion of a lot or from a public alley.

ix. In no case shall parking spaces be so arranged that ingress or egress from a parking space requires backing into a public or private pedestrian access way.

f. Agreements Regarding Maintenance of Off-Site Parking Spaces. When parking is to be provided off the regularly subdivided lot on which the structure or uses, or some portion thereof, is located, the owner or lessee of record of the development or use site shall furnish satisfactory evidence to the city that he owns or has available sufficient property to provide the minimum off-street parking required by this title. Whether parking is to be provided on property owned by the applicant or is in another ownership, there shall have been recorded in the office of the county recorder, prior to the issuance of any building permit, a covenant executed by the owners of such property for the benefit of the city in a form approved by the city attorney to the effect that the owners will continue to maintain such parking space so long as such structure, improvement or use exists. Such covenant shall also recite that the title to and right to use the lots upon which the parking space is to be provided will be subservient to the title to the premises upon which the structure is to be erected or the use maintained, and shall warrant that such lots are not and will not be made subject to any other covenant or contract for such use without the prior written consent of the city. In the event the owners of such structure should thereafter provide parking space equal in area within the distance allowed by this title and under the same conditions as to ownership upon another lot than the premises made subservient in a prior such covenant, the city will, upon written application therefor accompanied by the filing of a similar covenant, release such original subservient premises from such prior covenant, and the owners shall furnish at their own expense such title reports or other evidence as the city may require to insure compliance with the provisions of this subsection.

g. Parking Space Standards.

i. Automobile parking spaces shall have the dimensions established by the commission by standards adopted under subsection (A)(9)(g)(iii) of this section. In the absence of such standards, or whenever such standards are not applicable, the parking space shall have a minimum dimension of nine by twenty (20) feet.

ii. Where automobile parking spaces are to be grouped as a common facility, the individual spaces plus such additional area as is necessary to afford adequate access thereto shall total not less than three hundred and seventy (370) square feet per space. When access to the spaces or a portion thereof is afforded from a public street or alley, only an area necessary to accommodate such spaces need be provided, without additional area for access. This standard may be varied expressly or by the requirement of conflicting or restricting requirements in this code or under standards adopted by the commission under subsection (A)(9)(g)(iii) of this section.

iii. After notice thereof by one publication in a newspaper of general circulation at least ten days before the hearing, and a public hearing hereon, the commission may adopt parking space standards which the commission deems necessary or desirable to provide for the safe and commodious parking of vehicles. Such standards may include, but are not limited to, the width and length of parking spaces, the location and arrangement of parking, striping and marking, wheel stops, pavement standards, landscaping, ingress and egress, lighting and loading space requirements.

10. Access. Vehicle and pedestrian access shall be provided according to the regulations pertaining to each district.

11. Outdoor Advertising.

    a. General Provisions. Signs, billboards and advertising structures may be erected and maintained in any district where such use is permitted, except where restricted by this code, subject to the following conditions:

        i. Signs may be painted upon the surface of a building; provided, however, that when such sign is so located as to face a residential district the sign and the method of lighting the sign, if any, shall be approved by the city manager.

        ii. Vertical Signs.

            (A) Any projection wall sign with its advertising surface at or approximately at right angles to a wall facing a street shall be deemed to be a vertical sign and shall not exceed twenty-four (24) inches in thickness. Any V-shaped projecting sign shall also be deemed to be a vertical sign, and shall not exceed twenty-four (24) inches in thickness at its farthest projection from the building, nor four feet in thickness at the face of the building. "Thickness," for purposes of this requirement, is the distance between the two faces of the sign.

            (B) When the bottom of a sign is more than eight feet but less than ten feet above the ground, the projection over the property line abutting the street line shall not exceed one foot. When the bottom of the sign is more than ten feet but less than twelve (12) feet above the ground, the projection shall not exceed two feet six inches. When the bottom of the sign is more than twelve (12) feet but less than fourteen (14) feet above the ground, the projection shall not exceed three feet. When the bottom of the sign is more than fourteen (14) feet but less than sixteen (16) feet above the ground, the projection shall not exceed four feet. When the bottom of the sign is sixteen (16) feet or more above the ground, the projection shall not exceed five feet.

        iii. Flat Signs. Signs painted or mounted on the face, side or rear of building shall not exceed a total amount of two times the area permitted for vertical signs. Not more than one hundred fifty (150) square feet of total sign area shall be permitted on any one building wall.

        iv. Signs may be placed on the outer faces of a marquee if they are made part thereof and do not exceed the limitations of marquees in this code. No sign shall be hung from the underside of a marquee unless it meets the minimum height limitations applicable to a marquee. No signs shall be placed on the roof of a marquee. All wall or projecting signs placed above a marquee shall comply with the requirements for such signs as if no marquee existed.

    b. All signs shall conform with the regulations for signs and advertising structures for the district in which they are located.

    c. All signs in or adjacent to R districts shall be nonflashing and nonanimated.

    d. All signs shall meet the height and setback requirements of the district in which they are located.

    e. The area of a sign shall be calculated by multiplying its maximum vertical dimension by its maximum horizontal dimension.

f. Whenever the area of any sign is limited by this title, a double-faced sign may be erected having the allowed sign area on each side of the sign; provided, the maximum dimension between the two faces of the double-faced sign shall not exceed twenty-four (24) inches or ten percent of the maximum dimension of the face of the sign, whichever is the lesser.

g. Temporary signs may be permitted in a non-residential district for a maximum of thirty (30) days, subject to the following regulations:

i. A sign permit is obtained from the planning department prior to the installation of such a sign, via a completed sign application, and a graphical color rendering of the sign.

ii. The content of such a sign contains no more than the name, address, phone number, website, hours of operation, logo of the business, and nature of the event.

iii. It is composed of a wood, plastic, banner, flag or similarly durable material.

iv. The size of such a sign is no more than fifty (50) square feet.

v. Only one such sign is allowed per street frontage, per business.

12. Loading Space Requirements.

a. Every hospital, institution, hotel, commercial building, industrial building or apartment building hereafter erected or established shall provide and maintain loading spaces as provided in this subsection.

i. When the lot upon which the loading spaces are located abuts upon any alley, such loading space shall adjoin or have access from said alley.

ii. A loading space may occupy a rear or side yard, except such portion required to be landscaped.

iii. In no case shall any part of an alley or street be used for providing required loading space.

iv. Where the loading area has access from a street, such access way shall conform to the city standard specifications as adopted or amended.

v. Loading spaces shall be not less than twelve (12) feet in width and forty (40) feet in length and shall have fourteen (14) feet of vertical clearance.

vi. Loading spaces being maintained in connection with any main building existing on October 26, 1971, shall thereafter be maintained so long as said building remains, unless an equivalent number of such spaces are provided on a contiguous lot or elsewhere on the same lot, in conformity with the requirements of this subsection; provided, however, that 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.

vii. No loading space which is provided for the purpose of complying with the provisions of this title shall hereafter be relinquished or reduced in any manner below the requirements established in this code, unless equivalent facilities are provided elsewhere, the equivalency of which is determined by the city manager.

viii. Where a commercial or industrial loading area is adjacent to a residential district, loading shall be done only between the hours of eight a.m. and six p.m.; unless the loading area is located not less than one hundred (100) feet from such district or is completely enclosed.

b. For nonresidential uses, the following off-street loading spaces shall be provided:

Total Square Feet of Building Space (Gross Floor Area)	Loading Spaces Required
i. Sanitariums, hospitals and similar institutions:	
0 — 3,000	0
3,001 — 20,000	1
20,001 — 50,000	2
50,001 — 80,000	3
80,001 — 110,000	4
110,001 and over	5
ii. Hotels and office buildings:	
0 — 5,000	0
5,001 — 50,000	1
50,001 — 100,000	2
100,001 and over	3
iii. Other commercial buildings or uses:	
0 — 3,500	0
3,501 — 15,000	1
15,001 — 45,000	2
45,001 — 75,000	3
75,001 — 105,000	4
105,001 and over	5
iv. For industrial buildings or uses enumerated in industrial M districts:	
0 — 3,500	0
3,501 — 40,000	1
40,001 — 80,000	2
80,001 — 120,000	3
120,001 — 160,000	4
160,001 and over	5

(Amended during 1995 codification; prior code § 13.21.008)

(Ord. No. 14-02, §§ 23—29, 32, 2-11-2014; Ord. No. 14-05, §§ 15, 16, 9-9-2014; Ord. No. 17-04, § 2, 4-25-2017)

17.88.020 Boarding and rooming house uses prohibited in single-family residential districts.

A. No person shall operate or permit the operation of a boarding or rooming house use in any single-family residential district in the city without a conditional use permit (CUP) for such use.

B. For purposes of this title, a "boarding or rooming house use" means the rental or leasing of space within a residential building for sleeping and/or other lodging purposes, to three or more persons:

1. Each of whom pays compensation independent of the payment of compensation by the other paying occupant(s) of the premises; and
2. The paying occupants of the premises share the use of common areas, including one or more of the following: living room(s), bedroom(s), hallway(s), kitchen area(s), bathroom(s) and exterior entrance(s);
3. Board or rooming houses do not include rest homes.

C. Each day that the boarding or rooming house use operates without a CUP shall constitute a separate violation of this section.

D. Violation of this section is a misdemeanor, punishable by a fine not to exceed one thousand dollars ($1,000.00) for each violation and imprisonment in the county jail for a period not to exceed six months, or both.

(Prior code § 13.21.013)

17.88.025 Emergency shelters.

In addition to the development standards of the underlying zone district, emergency shelters shall be subject to the standards set forth in this section. In the event of conflict between this section and the underlying zone district standards, the provisions of this section shall apply. Nothing in this section modifies the requirements for approval of or the development standards applicable to a religious facility as otherwise provided in this code.

A. Licensing Compliance. An emergency shelter shall comply at all times with any and all local, state, and federal licensing as required for any program incidental to the shelter.

B. Physical Characteristics. Emergency shelters shall:

1. Comply with applicable housing and building code requirements.
2. Have onsite security during all hours when the facility is open at a minimum ratio of one licensed security guard per twenty (20) persons, or portion thereof, utilizing the facility.
3. Provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall be deflected away from nearby or abutting residential uses and public rights-of-way.
4. Provide secure areas for personal property.

C. Number of Beds. The number of beds provided at an emergency shelter, and the corresponding number of persons served simultaneously, shall not exceed forty (40).

D. Term of Stay. The maximum term that a particular person may stay at an emergency shelter shall not exceed an aggregate of six months within any consecutive twelve (12) month period.

E. Parking. Emergency shelters shall provide onsite parking at rate of two spaces per facility for staff plus one space per six beds or portion thereof.

F. Management Plan. A management plan is required as part of the application for an emergency shelter. The plan shall address management experience, good neighbor issues, transportation, client supervision, client services, and food services, and shall include a floor plan and site plan to demonstrate compliance with the physical requirements of this section. In the event that any changes to the operation or the physical facility are proposed, the operator shall submit a revised management plan to the city planner for review and consideration. The city council may establish a fee by resolution to cover the administrative review costs associated with review of the management plan.

(Ord. No. 15-08, § 3, 7-14-2015)

17.88.030 Other development controls.

A. No outdoor storage of any material (usable or waste) shall be permitted in any zone district except within completely enclosed metal or plastic containers.

B. No motor vehicle which is inoperable or trailer which is usable or unusable shall be stored or used for storage of any items therein on any lot or parcel of ground in any zone unless it is within a completely enclosed building.

C. Storage of any material found to be unrelated to permitted uses of a specific zone district shall not be allowed as determined by the city planning commission.

D. Property, as designated and noticed by the city, to be in need of weed abatement, shall be cleared by the property owner within seven days of such notice. Failure to clear the property will waive the property owner of his/her right not to allow the city crew to clear the property of weeds and will allow the city to post a lien on the property for costs incurred by the city to abate the problem.

E. Failure to comply with any item as identified in subsections A through C of this section within thirty (30) days, shall cause the city to initiate court proceedings and require that a penalty fee of five hundred dollars ($500.00) be paid to the finance director of the city.

(Prior code § 13.21.010)

Chapter 17.90 RECYCLING FACILITIES

17.90.010 Purpose.

The purpose of this chapter is to encourage, and to provide procedures for, the establishment of recyclable materials collection and processing facilities. These centers may be established as standalone redemption or processing facilities, or may operate in conjunction with a supermarket pursuant to the provisions of this chapter.

(Ord. No. 12-05, § 3, 4-24-2012)

17.90.020 Permitted locations.

Recycling facilities may be permitted or conditionally permitted, dependent upon their classification, as described herein. Standards of application and review are determined by both the classification of the facility and the zoning district in which it is proposed to be located.

A. Reverse Vending Machines. Permitted in all commercial and manufacturing districts subject to the provisions of Section 17.08.110.

B. Collection Facilities, Small.

1. Permitted in all manufacturing districts subject to the provisions of Section 17.08.110.

2. Permitted in the C-2 and C-3 districts subject to the provisions of Section 17.08.090.

C. Collection Facilities, Large.

1. Permitted in all manufacturing districts subject to the provisions of Section 17.08.090.

2. Conditionally permitted in the C-2 and C-3 districts subject to the provisions of Section 17.08.050.

D. Processing Facilities, Light.

1. Conditionally permitted in all commercial districts subject to the provisions of Section 17.08.050
2. Conditionally permitted in the M-1 district subject to the provisions of Section 17.08.050.
3. Permitted in the M-2 district subject to the provisions of Section 17.08.090.

E. Processing Facilities, Heavy. Conditionally permitted in all manufacturing districts subject to the provisions of Section 17.08.050.

(Ord. No. 12-05, § 3, 4-24-2012)

17.90.030 Number of facilities permitted.

A. Reverse Vending Machines—Freestanding. No limitation.

B. Collection Facilities and Processing Facilities.

1. Within commercial districts, the combined number of collection facilities and processing facilities shall not exceed one per three thousand (3,000) residents, or portion thereof, in the city. For the purposes of this section, population shall be based upon the most recent California Department of Finance estimate.
2. Within manufacturing districts, no limitation.

(Ord. No. 12-05, § 3, 4-24-2012)

17.90.040 Procedure.

For the purposes of this chapter, "city manager" shall mean the city manager of the city of Mendota or his/her designee.

A. Filing. An application for a recycling facility shall be submitted to the city manager. For rental property, the property owner or property manager shall provide written authorization for the proposed use at the time of application submittal.

B. Type of Application. Applications for recycling facilities shall correspond to the required type of application pursuant to Section 17.08.050, Section 17.08.090, or Section 17.08.110, respectively.

C. Review. Review and processing procedures for recycling facilities shall correspond to the required review and processing procedures pursuant to Section 17.08.050, Section 17.08.090, or Section 17.08.110, respectively.

D. Public Notice. Public notice procedures for recycling facilities shall correspond to the required public noticing pursuant to Section 17.08.050, Section 17.08.090, or Section 17.08.110, respectively.

E. Fees. Fees for the review and processing of recycling facilities shall correspond to the fees required pursuant to the procedures contained within Section 17.08.050, Section 17.08.090, or Section 17.08.110, respectively.

F. Approval or Denial. The approval or denial of an application for recycling facilities shall correspond to the procedures contained within Section 17.08.050, Section 17.08.090, or Section 17.08.110, respectively.

G. Appeal of Decision. The appeal process for an application for a recycling facility that is denied shall correspond to the appropriate procedure pursuant to Section 17.08.050, Section 17.08.090, or Section 17.08.110, respectively.

H. Business License Required. Following approval of a recycling facility, but prior to initiation of the use, the applicant shall have applied for and received a business license from the city of Mendota for operation of said use pursuant to Title 5 of this code.

(Ord. No. 12-05, § 3, 4-24-2012)

17.90.050 Operating standards for recycling facilities.

A. For uses occupying a structure, such uses shall comply with Title 15 of this code.

B. Any activities beyond collection including, but not limited to, sorting, storage, and/or processing of materials, shall be within an entirely enclosed structure, excepting the use of reverse vending machines that are themselves entirely enclosed.

C. A site used for the operation of a recycling facility shall be maintained by the operator and shall be kept free of debris and other material consistent with the provisions of Chapters 8.16, 8.20, 8.24, and 8.28 of this code.

D. Development standards. A recycling facility shall comply with the property development standards of the zoning district in which it is located. The provisions of Chapter 17.88 shall apply.

E. Other operating standards and conditions of approval as may be applied during the review and approval process and that are determined to be necessary for the protection of the public health, safety, or general welfare.

(Ord. No. 12-05, § 3, 4-24-2012)

17.90.060 Enforcement.

A. Inspections. All operators of recycling facilities shall allow any city inspector or enforcement officer onto the premises to conduct inspections at any time during the facility's normal business hours, and shall make available any and all documents related to the operation of the facility.

B. Notice of violation. If, after an inspection, the city inspector or officer finds that the operator has violated the conditions of approval or other requirements under this code, and the violation is determined to be correctable, the city may issue a notice of violation. Such notice shall advise the operator of the violation(s), possible remedies, and a date for compliance.

C. Abatement, suspension and revocation.

1. Abatement. If, after issuing a notice of violation, the city inspector or officer determines that the violations indicated within said letter have not been corrected by the date indicated, the city may initiate abatement proceedings pursuant to Section 8.28.050.

2. Suspension. If, after issuing a notice of violation, the city inspector or officer determines that the violations indicated within said letter have not been corrected by the date indicated, the city may suspend or limit the operation of the subject facility. The city shall notify the operator in writing, the effective date(s) of the suspension or limitation, the reason(s) for suspension or limitation, the activities that may and may not be conducted during limitation, and corrective steps necessary for reinstatement of permission to operate the facility normally.

3. Revocation. If, after issuing a notice of violation, the city inspector or officer determines that the violations indicated within said letter have not been corrected by the date indicated, the city may initiate revocation proceedings pursuant to the provisions of Section 17.08.050.

D. Penalty. In addition to the provisions of [subsections] (B) and (C) above, any violation of this chapter shall be deemed an infraction, and shall be subject to the general penalty as described in Chapter 1.20 of this code.

(Ord. No. 12-05, § 3, 4-24-2012)

17.90.070 Pre-existing recycling facilities.

A. Permitted Facilities.

1. Upon the effective date of this chapter, all pre-existing permitted recycling facilities shall become nonconforming uses, and thenceforth shall comply with the provisions of Chapter 17.92 of this code.

2. All pre-existing, permitted recycling facilities shall comply with the provisions of Title 5 of this code.

B. Non-Permitted Facilities. All pre-existing, non-permitted recycling facilities shall conform to the requirements of this chapter within sixty (60) days of the effective date of this chapter.

(Ord. No. 12-05, § 3, 4-24-2012)

Chapter 17.92 NONCONFORMING USES AND STRUCTURES

17.92.010 Nonconforming uses and structures.

A. Use of Nonconforming Sites. A site having an area, frontage, width or depth less than the minimum prescribed for the district in which the site is located, but which is shown on a duly approved and recorded subdivision map or for which a deed or valid contract of sale was of record prior to the adoption of the ordinance codified in this title, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use listed for the district, but shall be subject to all other regulations for such district.

B. Nonconforming Uses and Structures.

1. Purposes. A nonconforming use is one which was lawfully established and maintained prior to the adoption of the ordinance codified in this title but which, under this title, does not conform with the use regulations for the district in which it is located. This section is intended to limit the number and extent of nonconforming uses by regulating their enlargement, reestablishment after abandonment, and restoration after destruction.

2. A nonconforming structure is one which was lawfully erected prior to the adoption of the ordinance codified in this title but which, under this title, does not conform with the conditions of coverage, yard spaces, height of structures, distance between structures, or other standards prescribed in the regulations for the district in which the structure is located. While permitting the use and maintenance of nonconforming structures, this section is intended to limit the number and extent of nonconforming structures by regulating their being moved, altered, or enlarged so as to increase the discrepancy between existing conditions and the standards prescribed and by regulating their restoration after destruction.

3. Alterations and Additions to Nonconforming Uses and Structures. Except as provided in this title or as required by law, no structure, the use of which is nonconforming, shall be moved, altered or enlarged unless the moving, alteration or enlargement will result in the elimination of the nonconforming use. No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use. No nonconforming

structure shall be moved, altered, enlarged or reconstructed so as to increase the discrepancy between existing conditions and the standards prescribed for the district in which the structure is located.

4. Change of Use. Except as otherwise prescribed in this section, the nonconforming use of a structure or site may be changed to another nonconforming use provided that the change of use is approved pursuant to Section 17.08.050.

5. Abandonment of Nonconforming Use. Whenever a nonconforming use has been abandoned or discontinued, the following schedules shall apply for reestablishment of the nonconforming use:

   a. For a continuous period of less than six months, the nonconforming may be reestablished pursuant to Section 17.08.090(L);

   b. For a continuous period greater than six months but less than one year, the nonconforming use may be reestablished pursuant to Section 17.08.050 as a minor conditional use permit;

   c. For a continuous period of at least one year but not greater than two years, the nonconforming use may be reestablished pursuant to Section 17.08.050 as a major conditional use permit;

   d. If the nonconforming use had been abandoned or discontinued for a continuous period of greater than two years, or has been changed to a conforming use for any period of time, 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 district in which it is located.

6. Restoration of Damaged Structure. Whenever a nonconforming use or structure is destroyed by fire or other calamity, by an act of God, or by the public enemy to the extent of less than sixty (60) percent of the value of the structure, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within the applicable time limit detailed within subsection (5) herein and diligently pursued to completion. Whenever a nonconforming use or structure is so destroyed or damaged to the extent of sixty (60) percent or more, or is razed, either voluntarily or as required by law, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed. The extent of damage to any structure or use shall be as determined by the building official.

7. Elimination of Nonconforming Uses and Structures.

   a. When a nonconforming use is removed, at or before the end of the time period specified in subsection (5) herein, every future use shall be in conformity with the provisions of this title.

   b. Continuing Nonconforming Uses or Structures. Nothing in this title shall be construed to exempt a use or structure which became nonconforming under the provisions of a previous ordinance and which continues to be nonconforming under the provisions of this title. Such continuing nonconforming uses or structures shall be discontinued or eliminated within the schedule and under the provisions of this ordinance.

C. All bars existing within a commercial district on or before August 14, 1984, will be allowed to continue business despite being within five hundred (500) feet of a church, school or other bar. However, if after August 14, 1984, such bar ceases to operate as a bar then it will have to qualify as a new establishment in order to operate again as a bar.

D. Existing Conditional Uses. Any existing structure or use which is a conditional use in the district in which it is located shall be considered as a permitted use for the purposes of this title; provided, however, that any expansion, alteration or change of such use or structure shall be subject to Section 17.08.050 of this code.

(Prior code § 13.21.009)

(Ord. No. 14-02, § 13, 2-11-2014)

Chapter 17.96 MOVING OF BUILDINGS

17.96.010 Permit—Required.

It is unlawful for any person to move any building in the city from one lot or piece of property to another, or from one place to another upon the same lot, or from without the city into the city without first securing a permit to do so from the city council.

(Ord. 07-05 § 1 (part), 2007)

17.96.020 Permit—Information required in application.

All applications for a relocation permit to move any building shall be made in writing to the planning commission of the city on a form furnished by the commission and shall contain the following information:

A. Description of type of building to be moved;

B. Present location of building;

C. Proposed location of building;

D. Present and future use of the building;

E. Route over which such building is to be moved and method to be used in moving the building;

F. That information required by Section 301(d) of the Uniform Building Code as adopted by the city;

G. Photographs of the building or structure to be moved and photographs of the buildings on the properties contiguous with the premises onto which the building or structure is to be moved;

H. A report from a licensed structural pest-control contractor stating the condition of the building or structure as to decay and pest infestation;

I. Such other information as may reasonably be required in order to carry out the purposes of this section.

(Ord. 07-05 § 1 (part), 2007)

17.96.030 Permit—Fees—Inspection requirements.

A. Before any application for a relocation permit is accepted, an application fee shall be paid by the applicant to the building department to cover the cost of investigation and inspection. The application fee shall be twenty-five dollars ($25.00) for any building located within the city. For any building located outside the city the application fee shall be twenty-five dollars ($25.00) plus one dollar ($1.00) for each mile, or fraction thereof, which the building to be moved is located beyond the city limits of the city. This application fee shall be in addition to all other fees required by the city code.

B. Upon acceptance of any application for a relocation permit, the planning commission will cause to be inspected the building or structure proposed to be moved, the district into which the building is to be moved, and the premises onto which the building is to be moved.

(Ord. 07-05 § 1 (part), 2007)

17.96.040 Permit—Issuance conditions.

A. No permit shall be issued to relocate any building or structure which is so constructed or in such condition as to be dangerous or which is unsanitary; or which, if it be a dwelling or habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district into which the building is to be relocated; or if the proposed use is prohibited by any provision of the city code or by any other law or ordinance; provided, however, that if the conditions of the building or structure in the judgment of the building inspector admits of practicable and effective repair, the permit may be issued on such terms and conditions as the building inspector may deem reasonable and proper, including but not limited to the requirement of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district into which it is to be moved.

B. The terms and conditions upon which each permit is granted shall be written upon the permit or appended in writing thereto. Such terms and conditions and the relocation bond shall provide for the removal of all concrete, lumber and other debris and the filling of basements, cellars or other excavations remaining from the removal of the building or structure from the premises from which it is moved which such premises are within the city.

(Ord. 07-05 § 1 (part), 2007)

17.96.050 Permit—Hearing for review of application—Notice.

The planning commission shall cause to be posted, seven days prior to the date on which application for a permit is to be heard, a notice, in a conspicuous place upon the property to which the building is to be moved, which notice shall contain the following:

A. The date on which the planning commission shall hold a hearing on the application for a permit to move a building;

B. Description of type of building to be moved;

C. Present location of building;

D. Proposed location of building.

(Ord. 07-05 § 1 (part), 2007)

17.96.060 Permit—Action by city council.

At the time fixed in such notice to be posted as set forth in Section 17.96.050, any person may appear before the planning commission of the city and make objections to the granting of such permit. After hearing the application and all objections, if any, to such application for a permit, the planning commission shall forward to the city council the original application, and the planning commission's findings recommending the approval or disapproval of the application. The hearing on such application may be continued from time to time at the planning commission's discretion. On receipt of such recommendation, the city council may in its discretion either grant or deny the application for a permit, and may attach any conditions to such permit deemed necessary by the council.

(Ord. 07-05 § 1 (part), 2007)

17.96.070 Permit—Denial when building is defective and not repairable.

If the unlawful, dangerous or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the relocation permit shall be denied.

(Ord. 07-05 § 1 (part), 2007)

17.96.080 Permit—Bond required.

No relocation permit required by this section shall be issued by the city council unless the applicant therefor shall first post with the city a bond executed by the owner of the premises where the building or structure is to be located, as principal, and a surety company authorized to do business in the state, as surety. The bond shall be in form joint and several, shall name the city as obligee and shall be in an amount equal to the cost plus ten (10) percent of the work required to be done in order to comply with all the conditions of such relocation permit and any other ordinance, rules or regulations of the city, as such cost is estimated by the building department of the city. In lieu of a surety bond the applicant may post a bond executed by the owner, as principal, and which is secured by a deposit in cash in the amount named above and conditioned as required in the case of a surety bond; such a bond as so secured is hereafter called "cash bond" for the purpose of this section. No bond, except as may be required by Section 17.96.110 need be posted in any case where the city council shall determine that the only relocation involved is that of moving a building temporarily to the regularly occupied business premises of a house mover.

(Ord. 07-05 § 1 (part), 2007)

17.96.090 Cleanup of premises from which building moved.

When a building or structure is moved from any property located in the city to any other location, the site from which the building is moved shall be cleaned of all concrete, lumber and other debris remaining from the removal of the building and all basements, cellars and other excavations shall be filled. Such works shall be performed by the person moving such building or structure.

(Ord. 07-05 § 1 (part), 2007)

17.96.110 Additional bond required for damage to public property.

In granting any permit, the council may in its discretion require applicant to give a separate and additional bond to the city in an amount to be fixed by the council to insure payment for any damage which applicant may cause to any public property, streets, sidewalks, trees or shrubs in the moving of any building.

(Ord. 07-05 § 1 (part), 2007)

17.96.120 Severability and preemption.

If any section, subsection, sentence, clause or phrase or word of this chapter is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The Mendota City council hereby declares that it would have passed and adopted this chapter and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

(Ord. 07-05 § 1 (part), 2007)

Chapter 17.98 RIVER RANCH OVERLAY DISTRICTS

17.98.010 Purpose and intent.

The River Ranch overlay districts provide an avenue by which the city and developers can utilize flexible development standards to design and implement projects such that the benefits of the projects to the public, the city, and the project proponent are greater than what would normally be possible under the standard regulations.

(Ord. No. 13-07, § 2, 1-28-2014)

17.98.020 Applicability.

The River Ranch overlay districts shall be utilized only within the plan area delineated by the River Ranch Specific Plan. Within an overlay district, the development permitted uses, conditionally-permitted, development standards, and other regulations of the underlying zone district shall apply, except as modified herein.

A. The underlying zone district applied to property shall be consistent with the land use plan contained within the specific plan.

B. The specific area of application of a particular overlay district shall be coterminous with the overlay districts described in the specific plan.

C. Within the plan area, any land within the city limits shall be rezoned to include the corresponding overlay district prior to, or concurrently with, any application for a development permit.

D. Within the plan area, any land outside of the city limits that is proposed for development and subsequent annexation shall be prezoned to include the corresponding overlay district prior to, or concurrently with, said proposal for development and/or annexation.

(Ord. No. 13-07, § 2, 1-28-2014)

17.98.030 Procedure.

Procedure for application of the River Ranch overlay districts shall be in accordance with Section 17.08.050 of this title. Unless expressly modified within this chapter, the administrative provisions governing development of property within the overlay districts shall be governed by the provisions of the underlying zone district.

(Ord. No. 13-07, § 2, 1-28-2014)

17.98.040 Town Center (TC) overlay district.

The Town Center is intended as a gateway into and an activity center within the specific plan area.

A. Applicable Zone Districts—C-3, P-F.

B. Development Standards.

1. Floor-Area Ratio (FAR). FAR shall be a maximum of 0.4.

2. Mixed-Use. Mixed use development (commercial-residential; office-residential) is permitted within the C-3 zone district subject to the provisions of Section 17.08.090 of this title. Any

commercial or office uses contained within a mixed use development shall have frontage on, and be oriented towards, a public street.

3. Off-street parking shall be provided at a ratio of three and one-half spaces per one thousand (1,000) square feet of building space. For sites or developments with multiple uses and/or buildings wherein shared parking would be provided, the applicant or applicants shall prepare a shared parking plan for review and approval by the city engineer.

4. Location of off-street parking areas.

   a. On Derrick Avenue, off-street parking may be located in front of buildings.

   b. On streets other than Derrick Avenue, off-street parking areas shall be located behind or to the side of buildings.

   c. On-street parking is permissible in areas utilizing a specific plan street standard that accommodates on-street parking.

(Ord. No. 13-07, § 2, 1-28-2014)

17.98.050 Industrial Park (IP) overlay district.

The Industrial Park is intended to provide a consolidated location for job creation through manufacturing, warehousing, related industrial uses, and limited commercial activity. It also serves as a buffer area between the specific plan area and existing and proposed correctional facilities to the south and southwest.

A. Applicable Zone Districts—M-1, C-3.

B. Development Standards.

   1. Floor-Area Ratio (FAR). FAR shall be a maximum of 0.5.

   2. Off-Street Parking. Off-street parking requirements will be based upon the estimated number of employees and customers per the designed use. Final parking requirement shall be subject to approval by the city engineer.

   3. On-Street Parking. On-street parking is permissible in areas utilizing a specific plan street standard that accommodates on-street parking.

(Ord. No. 13-07, § 2, 1-28-2014)

17.98.060 Boulevard (BD) overlay district.

The Boulevard District is intended as a medium-high density residential area, and includes the primary east-west corridor within the plan area. A commercial center is oriented at the east end of this corridor, and limited mixed-use development is allowed within the residential areas.

A. Applicable Zone Districts—R-2, C-2, R-3 (for mixed-use).

B. Development Standards.

   1. Floor-Area Ratio (FAR). Within areas zoned C-2, FAR shall be a maximum of 0.3.

   2. Mixed-Use. Mixed-use development (commercial-residential; office-residential) is conditionally-permitted within the R-3 zone district subject to the provisions of Section 17.08.050 of this title. Any commercial or office uses contained within a mixed-use development shall have frontage on, and be oriented towards, a public street.

3. Off-Street Parking.

    a. For residential uses, the provisions of the applicable district (i.e. R-2, R-3, or R-3-A) shall apply.

    b. For mixed-use development, the applicant or applicants shall prepare a shared parking plan for review and approval by the city engineer.

    c. For commercial uses within the C-2 area, parking shall be provided at a ratio of three and one-half spaces per one thousand (1,000) square feet of building space. For sites or developments with multiple uses and/or buildings wherein shared parking would be provided, the applicant or applicants shall prepare a shared parking plan for review and approval by the city engineer.

3. Location of Off-Street Parking Areas.

    a. Off-street parking areas, aside from those serving single dwellings, shall be located behind or to the side of buildings.

    b. On-street parking is permissible in areas utilizing a specific plan street standard that accommodates on-street parking.

4. Residential Density Accommodations. Mixed-use developments or developments that qualify for and receive certification through the Leadership in Energy and Environmental Design (LEED) program are eligible for a ten (10) percent variation above or below the allowable number of units per acre designated by the general plan.

5. Building Height. Mixed-use structures may contain up to four stories, and shall not exceed fifty (50) feet in height.

(Ord. No. 13-07, § 2, 1-28-2014)

17.98.070 Residential North (RN) overlay district.

Residential North largely represents the typical single-family detached housing neighborhood, while allowing for single-family attached housing as well.

A. Applicable Zone Districts—R-1, R-2, P-F, O.

B. Development Standards.

1. Off-Street Parking. The provisions of the applicable district (e.g. R-1, R-2) shall apply.

2. Location of Off-Street Parking Areas.

    a. Off-street parking areas, aside from those serving single dwellings, shall be located behind or to the side of buildings.

    b. On-street parking is permissible in areas utilizing a specific plan street standard that accommodates on-street parking.

3. Residential Density Accommodations. Developments that qualify for and receive certification through the Leadership in Energy and Environmental Design (LEED) program are eligible for a ten (10) percent variation above or below the allowable number of units per acre designated by the general plan.

(Ord. No. 13-07, § 2, 1-28-2014)

17.98.080 Regional Commercial (RC) overlay district.

The Regional Commercial district provides a location for regional-serving retail- and entertainment-oriented center, along with high-density residential development.

A. Applicable Zone Districts—C-3, R-3, R-3-A, O.

B. Development Standards.

1. Floor-Area Ratio (FAR). FAR shall be a maximum of 0.4.

2. Commercial Uses. Within the C-3 zone district, the following shall apply:

a. Permitted Uses.

i. Animal care, sales, and service, including veterinary;

ii. Bakeries;

iii. Banks;

iv. Delicatessens;

v. Department stores;

vi. Hotels and motels;

vii. Jewelry stores;

viii. Music, dance, and art studios, including retail sales of associated merchandise;

ix. Pharmacies (no drive-thru service);

x. Professional offices;

xi. Restaurants;

xii. Signs;

xiii. Sporting goods stores;

xiv. Supermarkets.

b. Uses Permitted Subject to a Conditional Use Permit.

i. Bars;

ii. Check cashing businesses;

iii Dance halls;

iv. Drive-thru restaurants;

v. Parking structures;

vi. Pharmacies (with drive-thru service);

vii. Restaurant/bars;

viii. Theaters/cinemas.

c. Addition of Permitted Uses. The provisions of Section 17.08.030 of this title shall apply, excepting that the authority for determining compatibility and making the necessary findings shall be vested in the city manager, or, by extension, his designee. Further, the provisions of Section 17.08.030(B)(3) shall not apply.

3. Mixed-Use. Mixed use development (commercial-residential; office-residential) is permitted within the C-3 zone district subject to the provisions of Section 17.08.090 of this title. Mixed-use development (commercial-residential; office residential) is conditionally-permitted within the R-3 and R-3-A zone districts subject to the provisions of Section 17.08.050 of this title. Any commercial or office uses contained within a mixed-use development in a residential zone district shall have frontage on, and be oriented towards, a public street.

4. Off-Street Parking.

    a. For residential uses, the provisions of the applicable district (i.e. R-3 or R-3-A) shall apply.

    b. For mixed-use development, the applicant or applicants shall prepare a shared parking plan for review and approval by the city engineer.

    c. For commercial uses within the C-3 area, parking shall be provided at a ratio of between two and one-half and five spaces per one thousand (1,000) square feet of building space. For sites or developments with multiple uses and/or buildings wherein shared parking would be provided, the applicant or applicants shall prepare a shared parking plan for review and approval by the city engineer.

5. Location of Off-Street Parking Areas.

    a. Off-street parking areas, aside from those serving single dwellings, shall be located behind or to the side of buildings.

    b. Parking serving commercial uses within the C-3 zone district may be oriented towards San Benito Road/Oller Street/State Route 180.

    c. On-street parking is permissible in areas utilizing a specific plan street standard that accommodates on-street parking.

6. Residential Density Accommodations. Mixed-use developments or developments that qualify for and receive certification through the Leadership in Energy and Environmental Design (LEED) program are eligible for a ten (10) percent variation above or below the allowable number of units per acre designated by the general plan.

(Ord. No. 13-07, § 2, 1-28-2014)

17.98.090 Regional Park (RP) overlay district.

This area, located physically near the center of the plan area, provides a mix of residential units along with a large regional park.

A. Applicable Zone Districts—R-1, R-2, O.

B. Development Standards.

1. Off-Street Parking. The provisions of the applicable district (i.e. R-1 or R-2) shall apply.

2. Location of Off-Street Parking Areas.

    a. Off-street parking areas, aside from those serving single dwellings, shall be located behind or to the side of buildings.

    b. On-street parking is permissible in areas utilizing a specific plan street standard that accommodates on-street parking.

3. Residential Density Accommodations. Developments that qualify for and receive certification through the Leadership in Energy and Environmental Design (LEED) program are eligible for a ten

(10) percent variation above or below the allowable number of units per acre designated by the general plan.

(Ord. No. 13-07, § 2, 1-28-2014)

17.98.100 Residential South (RS) overlay district.

The Residential South district provides for lower-density residential development that serves as a transition to the agricultural areas to the south of the plan area.

A. Applicable Zone Districts—R-1, P-F, O.

B. Development Standards.

1. Off-Street Parking. The provisions of the R-1 district shall apply.

2. Location of Off-Street Parking Areas.

a. Off-street parking areas, aside from those serving single dwellings, shall be located behind or to the side of buildings.

b. On-street parking is permissible in areas utilizing a specific plan street standard that accommodates on-street parking.

3. Residential Density Accommodations. Developments that qualify for and receive certification through the Leadership in Energy and Environmental Design (LEED) program are eligible for a ten (10) percent variation above or below the allowable number of units per acre designated by the general plan.

(Ord. No. 13-07, § 2, 1-28-2014)

Chapter 17.99 COMMERCIAL CANNABIS OVERLAY DISTRICT

17.99.010 Purpose and intent.

A. There is created a commercial cannabis overlay district, the boundaries of which are shown on the map entitled, "Commercial Cannabis Overlay District," which is on file at city hall. Said map is adopted and made a part of this ordinance.

B. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Mendota, to facilitate the establishment of permitted commercial cannabis businesses within the city while ensuring that such businesses do not interfere with other lawful land uses, and to provide new sources of revenue to fund city services.

(Ord. No. 17-13, § 3, 9-12-2017)

17.99.020 Definitions.

"Applicant" shall mean the individual or entity applying for a conditional use permit pursuant to the provisions of this section.

"Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

"Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.

"Cannabis dispensary" means any facility or location, whether fixed or mobile, where cannabis is offered, provided, sold, made available or otherwise distributed for commercial purposes to more than two persons.

"Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

"Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided for in Division 10 of the California Business and Professions Code.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

"Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform.

"Distribution" means the procurement, sale, and transport of cannabis and cannabis products between entities licensed pursuant to Division 10 of the California Business and Professions Code.

"Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

"Non-storefront retail" means retail sales of cannabis or cannabis products to customers exclusively via means of delivery by a person authorized to do so by the department of cannabis control.

"Retail" means the retail sale and delivery of cannabis or cannabis products to customers by a person authorized to do so by the department of cannabis control.

"Testing laboratory" or "testing service" means a laboratory, facility, or entity in that offers or performs tests of cannabis or cannabis products and that is both of the following: (1) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state; and (2) licensed by the department of cannabis control.

(Ord. No. 17-13, § 3, 9-12-2017; Ord. No. 20-16, § 2, 9-22-2020; Ord. No. 21-16, § 2, 10-26-2021)

17.99.030 Conflict between regulations.

Where a conflict occurs between the Commercial Cannabis Overlay District and any other section of the zoning code, or any provision of the Mendota Municipal Code, the Commercial Cannabis Overlay District regulations shall prevail.

(Ord. No. 17-13, § 3, 9-12-2017)

17.99.040 Use classifications.

The use classifications allowed in the Commercial Cannabis Overlay District shall be those use classifications allowed in the underlying base zoning district.

(Ord. No. 17-13, § 3, 9-12-2017)

17.99.050 Development standards.

The development standards for all development within the Commercial Cannabis Overlay District shall be those standards of the underlying base zoning district.

(Ord. No. 17-13, § 3, 9-12-2017)

17.99.060 Permitted uses.

A. The following uses shall be permitted in the commercial cannabis overlay district if a conditional use permit is obtained:

1. Cannabis cultivation.
2. Cannabis manufacturing.
3. Cannabis testing services.
4. Cannabis distribution.
5. Non-storefront retail.

B. In addition to the findings required by section 17.08.050, the following findings shall also be made before any conditional use permit for commercial cannabis activity is granted:

1. That a development agreement has been entered into by and between the city and the applicant, which is consistent with the provisions of this chapter, promotes the purposes and intent of the commercial cannabis overlay district, and ensures that the property will be used for commercial cannabis activity only.
2. That a cannabis odors plan has been developed to mitigate site odors to the maximum extent feasible using best management practices.
3. That all commercial cannabis activities except cultivation will occur within a fully- or partially-enclosed building, or within a temporary structure, and will not be visible from the property boundary or public right-of-way.
4. That all pesticide use will comply with the state department of pesticide regulations.
5. That a site security plan has been prepared demonstrating sufficient site security measures to prevent all unauthorized access to the site.
6. That a power use plan has been prepared demonstrating sufficient power supply for the proposed use.
7. That the applicant has obtained all necessary state permits and authorizations to engage in the proposed use.
8. That the applicant has provided the city all information required by state authorities pursuant to Division 10 of the California Business and Professions Code.
9. That the applicant will provide the city all information required by the state for any renewal of a state license related to commercial cannabis activity as well as the state licensing authority's decision on any such renewal.
10. That the applicant has consented to the city's inspection, without notice, of any and all records required to be maintained under any local, state, or federal law.

11. That the applicant will immediately provide notice to the city of any suspension or revocation of any state license issued pursuant to Business and Professions Code Section 26050 et seq.

(Ord. No. 17-13, § 3, 9-12-2017; Ord. No. 20-16, § 2, 9-22-2020; Ord. No. 21-16, § 2, 10-26-2021)

17.99.070 Conditions of development.

The development agreement required pursuant to Section 17.99.060(B)(1) shall include the following terms:

A. The applicant agrees to pay an annual fee based on the total square footage of the developed portions of the property in an amount as follows:

1. Five dollars ($5.00) per square foot for so long as the developed portions of the property are less than two hundred thousand (200,000) square feet.

2. Four dollars ($4.00) per square foot for so long as the developed portions of the property are between two hundred thousand (200,000) square feet and four hundred ninety-nine thousand, nine hundred ninety-nine (499,999) square feet.

3. Mutually agreeable terms between the city and applicant so long as the developed portions of the property are five hundred thousand (500,000) square feet or greater.

B. The fee required pursuant to subdivision (A) shall be paid by the applicant in quarterly installments at times and locations specified by the city, and may not be paid in cash.

C. The applicant shall be responsible for paying the fee required pursuant to subdivision (A) for all developed portions of the property regardless of whether portions of the developed property are leased or otherwise conveyed to third parties. Any transfer of the applicant's interest in the developed property shall not affect the applicant's obligation to pay the fee required pursuant to subdivision (A) unless the recipient assumes the applicant's obligation to pay the fee for all developed portions of the property as required by this Section 17.99.070.

(Ord. No. 17-13, § 3, 9-12-2017; Ord. No. 20-16, § 2, 9-22-2020)

17.99.080 Reserved.

Editor's note(s)—Ord. No. 21-08, § 2, adopted May 25, 2021, repealed § 17.99.080, which pertained to prohibited uses and derived from Ord. No. 17-13, § 3, adopted Sept. 12, 2017; Ord. No. 20-16, § 2, adopted Sept. 22, 2020.

17.99.090 Severability.

If any part of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter.

(Ord. No. 17-13, § 3, 9-12-2017)

Chapter 17.100 WIRELESS TELECOMMUNICATIONS FACILITIES ("WCF")

17.100.010 Purpose.

The purpose and intent of this section is to provide a uniform and comprehensive set of standards for the development, siting, and installation of wireless telecommunications facilities. These regulations are intended to protect and promote the public health, safety and welfare of the residents of the city of Mendota, to preserve community character, protect aesthetic quality in accordance with the guidelines and intent of the Telecommunications Act of 1996, and to encourage siting in preferred locations to minimize aesthetic impacts and to minimize the intrusion of these uses into residential areas.

(Ord. No. 17-06, § 1, 4-25-2017)

17.100.020 Definitions.

The following abbreviations, phrases, terms, and words shall have the meanings assigned in this section or, as appropriate, in this chapter of the Mendota Municipal Code, as may be amended from time to time, unless the context indicates otherwise. Words that are not defined in this section or other chapters or sections of the Mendota Municipal Code shall have the meanings as set forth in Chapter 6 of Title 47 of the United States Code, Part 1 of Title 47 of the Code of Federal Regulations, and, if not defined therein, their common and ordinary meaning.

"Antenna" means a device used in communications designed to radiate and/or capture electromagnetic signals and its associated equipment. The term includes a macrocell antenna and a microcell antenna.

"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 does not encompass a tower as defined herein or any equipment associated with a tower. The term "base station" includes, without limitation:

1. 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.
2. Radio transceivers, 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).
3. Any structure other than a tower that, at the time the relevant application is filed with the city under this section, supports or houses equipment described in paragraphs (1) and (2) above that has been reviewed and approved by the city.

"Collocation" means the installation of antennas operated by different entities in close proximity so that use of substantial elements of the facility such as the antenna tower, equipment shelter, or fenced enclosures are shared. Collocation also includes replacement of an existing tower with one capable of supporting additional antennas.

"Facility." See "wireless telecommunications facility."

"Radio frequency ("RF")" means electromagnetic radiation in the portion of the spectrum from three kilohertz (kHz) to three hundred (300) gigahertz (gHz).

"Stealth design" means design techniques that blend the facility or additions with the natural or manmade environment in such a manner as to be effectively unnoticeable.

"Stealth structure" means a self-supporting antenna tower designed to closely resemble a commonplace object that effectively blends with its surroundings.

"Tower." See "antenna tower."

"Wireless communications" means the transmission and/or reception of information through space using electromagnetic energy.

"Wireless telecommunications facility ("WCF")" means structures and/or equipment, including antennas, antenna towers, equipment cabinets, buildings, generators, fencing, access roads and the land upon which they are situated, associated with wireless communications.

"Wireless communications service" means all FCC-licensed back-haul and other fixed wireless services, broadcast, private, and public safety communication services, and unlicensed wireless services.

(Ord. No. 17-06, § 1, 4-25-2017)

17.100.030 Application requirements.

In addition to meeting standard application submittal requirements for conditional use permits pursuant to Section 17.08.050 of this title, all applicants for wireless telecommunications facilities shall provide the information listed below. The city may waive any of the submittal requirements listed below or require additional information based upon specific project factors:

A. Geographic Service Area. Identify the geographic service area for the subject installation, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. Describe how this service area fits into and is necessary for the company's service network.

B. Visual Impact Analysis. A visual impact analysis shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility. A map depicting where the photos were taken shall be included.

C. Narrative.

1. Height. Show the height of the facility. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required.

2. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment, and landscaping.

3. Noise/Acoustical Information. As part of the application for environment initial study, provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.

4. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening, and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.

5. Fire Service. Provide evidence of compliance with applicable fire safety regulations or a service letter from the applicable fire district.

6. Hazardous Materials. Listing of all hazardous materials to be used onsite.

7. For all applications for facilities located in the public right-of-way, include on the plot plan the location of parking for maintenance personnel.

8. A letter stating the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible, and aesthetically desirable.

9. The lease area of the proposed wireless telecommunications facility on the plot plan.

10. For all applications for wireless telecommunications facilities operating below twelve hundred (1,200) megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the sheriff's wireless services unit to determine potential interference with the regional communication system. Interference with that system may be grounds for denial.

(Ord. No. 17-06, § 1, 4-25-2017)

17.100.040 Application procedure.

A. Tiered Permitting System. Applications for installation or modification of wireless telecommunication facilities will be designated into one of three tiers.

1. Tier 1 Permits. Tier 1 permit application procedure will apply to:

a. Any modification of an existing tower or base station that does not substantially change the physical dimensions of that tower or base station and involves: (i) the collocation of new transmission equipment, (ii) the removal of transmission equipment, or (iii) the replacement of transmission equipment.

b. Any collocation that does not substantially change the physical dimensions of an existing tower or base station.

2. Tier 2 Permits. Tier 2 permit application procedure will apply to any modification that substantially changes the physical dimensions of an existing tower or base station. Substantial changes as determined within this section shall include:

a. For facilities not located in the public rights-of-way:

i. The height of the tower is increased by (I) more than ten (10) percent, or (II) by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; or

ii. There is added an appurtenance to the body of the tower that would protrude from the edge of the tower by (I) more than twenty (20) feet, or (II) more than the width of the tower at the level of the appurtenance, whichever is greater.

b. For facilities located in the public rights-of-way and for all base stations:

i. The height of the tower or base station is increased by more than ten (10) percent or ten (10) feet, whichever is greater; or

ii. There is added an appurtenance to the body of that structure that would protrude from the edge of that structure by more than six feet; or

iii. It involves the installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure; or

iv. It involves the installation of any new equipment cabinets on the ground if there is no pre-existing ground cabinet associated with that structure.

c. For any existing tower or base station at the time an application is filed:

i. It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or

ii. There is entailed in the proposed modification any excavation or deployment outside of the current site of the tower or base station; or

iii. The proposed modification would cause the concealment/camouflage elements of the tower or base station to be defeated; or

iv. The proposed modification would not comply with the conditions associated with the prior siting approval of construction or modification of the tower or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding thresholds in this section.

d. To measure changes in height for the purposes of this section, the baseline is:

i. For deployments that are or will be separated horizontally, measured from the original support structure;

3. Tier 3 Permits. Any installation of a new wireless telecommunications facility that is not a (3) A tier 3 WCF permit shall be required for the siting of any new WCF that is not a collocation subject to a tier 1 or 2 WCF permit.

B. Permit Review Time Periods. The timeframe for review of an application shall begin to run when the application is submitted, but shall be tolled if the city finds the application incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made within thirty (30) days of submission of the application. After submission of additional information, the city will notify the applicant within ten (10) days of this submission if the additional information failed to complete the application.

1. Tier 1 Processing Time. For tier 1 permits, the city will act on the WCF application together with any other city permits required for a proposed WCF modification, within sixty (60) days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

2. Tier 2 Processing Time. For tier 2 permits, the city will act on the application within ninety (90) days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

3. Tier 3 Processing Time. For tier 3 permits, the city will act on the application within one hundred fifty (150) days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

C. Development Standards. Except as otherwise provided in this section, a proposed WCF project shall comply with the following standards:

1. Shall utilize the smallest footprint possible;

2. Shall be designed to minimize the overall height, mass, and size of the cabinet and enclosure structure;

3. Shall be screened from public view;

4. Shall be architecturally compatible with the existing site;

5. Shall be placed at a location that would not require the removal of any required landscaping or would reduce the quantity of landscaping to a level of noncompliance with the zoning code;

6. An antenna, base station, or tower shall be designed to minimize its visibility from off-site locations and shall be of a "camouflaged" or "stealth" design, including concealment, screening, and other techniques to hide or blend the antenna, base station, or tower into the surrounding area;

7. A building-mounted antenna, base station, or tower shall be architecturally compatible with the existing building on which the antenna, base station, or tower is attached;

8. For any tier 2 or tier 3 WCF proposed to be attached on an historic building or, as designated by Section 15.04.130, historic review shall also be required;

9. Except as otherwise permitted by the Spectrum Act, a building-mounted WCF may extend fifteen (15) feet beyond the permitted height of the building in the zone district;

10. Except as otherwise permitted by the Spectrum Act, a tower or other stand-alone tier 3 WCF project shall not exceed sixty-five (65) feet in height; and

11. A tower or other stand-alone tier 3 WCF may encroach into the interior/street side and rear setback.

D. Conditions for Approval. In addition to any other conditions of approval permitted under federal and state law and this code that the zoning administrator deems appropriate or required under this code, all WCF projects approved under this chapter, whether approved by the zoning administrator or deemed granted by operation of law, shall be subject to the following conditions of approval:

1. Permit Conditions. The grant or approval of a WCF tier 1 permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by the Spectrum Act.

2. As-Built Plans. The applicant shall submit to the zoning administrator an as-built set of plans and photographs depicting the entire WCF as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.

3. Applicant shall hire a radio engineer licensed by the state of California to measure the actual radio frequency emission of the WCF and determine if it meets FCC's standards. A report, certified by the engineer, of all calculations, required measurements, and the engineer's findings with respect to compliance with the FCC's radio frequency emission standards shall be submitted to the planning division within one year of commencement of operation.

4. Indemnification. To the extent permitted by law, the applicant shall indemnify and hold harmless the city, its city council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the project, including (without limitation) reimbursing the city for its actual attorneys' fees and costs incurred in defense of the litigation. The city may, in its sole discretion and at applicant's expense, elect to defend any such action with attorneys of its own choice.

5. Compliance with Applicable Laws. The applicant shall comply with all applicable provisions of the code, any permit issued under this code, and all other applicable federal, state and local laws (including without limitation all building code, electrical code and other public safety requirements). Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this code, any permit issued under this code, or all other applicable laws and regulations.

6. Compliance with Approved Plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.

E. Denial of Application. If the city denies a wireless telecommunications facility application, the city will notify the applicant of the denial in writing of the reasons for the denial.

F. Removal of Abandoned Equipment. A WCF (tier 1, tier 2, or tier 3) or a component of that WCF that ceases to be in use for more than ninety (90) days shall be removed by the applicant, wireless communications service provider, or property owner within ninety (90) days of the cessation of use of that WCF. A new conditional

use permit shall not be issued to an owner or operator of a WCF or a wireless communications service provider until the abandoned WCF or its component is removed.

G. Permit Revocation. The zoning administrator may revoke any WCF permit if the permit holder fails to comply with any condition of the permit. The zoning administrator's decision to revoke a permit shall be appealable to the planning commission and the decision of the planning commission may be appealed to the city council, as provided in Section 17.08.050.

(Ord. No. 17-06, § 1, 4-25-2017)