



Public Hearing Draft
Zoning Ordinance

ARTICLE I

Administration

Adopted July, 2013

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Chapter 18.02 Purpose and Applicability

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Section 18.02.010 Title, Authority, and General Content

This title may be cited as the “city of Patterson zoning ordinance.” This title is adopted pursuant to the authority granted to the city of Patterson by California Government Code § 65800 et seq. The zoning code consists of the zoning map and certain designated zoning districts and regulations for each, as well as general requirements, which control the uses of land, population density, uses and locations of structures, height and bulk of structures, open spaces about structures, the aspects of certain uses in structures, the areas and dimensions of building sites, requirements for off-street parking, and attendant regulations within such zoning districts.

Section 18.02.020 Purpose and Intent

The zoning code is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare and, among other purposes, is adopted for the specified purposes more particularly described as follows:

- A) To implement the general plan of the city;
- B) To provide a definite and comprehensive zoning plan for development of the city and to guide, control, and regulate the future growth of the city in accordance with such plan and the city’s general plan;
- C) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial, and other areas and land uses within the city, and to assure the orderly and beneficial development thereof;
- D) To minimize conflicts between private individuals or groups or other conflicts which might result from incompatible or inappropriate adjacent land uses;
- E) To maintain and to enhance desirable characteristics of neighborhoods; to provide open space for light and air; to prevent undue concentration of population; to promote orderly community development; and to otherwise promote the implementation of the city of Patterson general plan;
- F) To promote orderly growth with the provision of providing adequate infrastructure and the efficient use of land.

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Section 18.02.030 Applicability of Regulations

This title applies to all land uses, structures, subdivisions, and development within the city of Patterson, as outlined below. Generally, the enactment of this code shall not terminate or otherwise affect entitlements, permits, or approvals authorized under the provisions of any ordinance repealed, suspended, or revised by the adoption of this code, nor shall any prior violation of any such prior ordinance be excused by the adoption of this code.

- A) **New or Altered Land Uses or Structures.** Compliance with this title is required to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.
- B) **Existing Uses and Structures.** An existing land use or structure is lawful only when it was legally established and is operated and maintained in compliance with all applicable provisions of this title. See Chapter 18.92 (Nonconforming Uses and Structures) for more details.
- C) **Minimum Requirements.** The provisions of this title shall be the minimum to ensure the public health, safety, and welfare. For discretionary actions, city officials or bodies have the discretion to impose more stringent requirements than set forth in this title as may be necessary to promote orderly land use development and the purposes of this title.
- D) **Land Use Permit or Entitlement Required – Limitation on Subsequent Permits.** Land use permits or entitlements are required when a development, as defined in this title, is proposed. No person shall begin construction, occupy, or conduct a use or operation within the city, and the city shall not issue any other permit related to the development, until any required land use permit or entitlements have been approved and the appeals period has expired.
- E) **Other Requirements and Permits.** Nothing in this title eliminates the need for obtaining any other permits required by the city, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.
- F) **Effect of Zoning Ordinance Changes on Projects in Process.** The enactment of this title, or any amendments thereto, may have the effect of imposing different standards on new land uses, development, and/or structures than those that applied to existing land uses, development, and/or structures. Following the effective date of this title, the following provisions shall apply. Successive amendments to this title shall specify their applicability to pending applications and projects not yet or under construction; in the event an amendment is silent on this matter, the following shall apply:

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- 1) Pending Applications. All land use permit applications that are active and that have been determined by the planning director to be complete before the effective date of this title, or any amendments thereto, will be processed according to the regulations in effect when the application was deemed complete.
 - 2) Approved Projects Not Yet Under Construction. Any structure authorized by a planning permit or entitlement for which construction has not begun as of the effective date of this title, or any amendment thereto, may still be constructed in compliance with the approved permit, as long as construction is completed and the approved land use is established before the expiration of the permit or, where applicable, before the expiration of any approved time extension.
 - 3) Projects Under Construction. A structure that is under construction pursuant to a valid building permit on the effective date of this title, or any amendments thereto, may be completed and need not be changed to satisfy any new or different requirements of this title as long as construction is beyond the approval of the first inspection on the effective date of this title, or any amendment thereto, and provided that construction is diligently prosecuted to completion. Such a structure shall be deemed to be a lawfully existing building.
- G) Conflicting Requirements. Wherever conflict occurs between the provisions of this title and any other provision of law, the more restrictive of any such provisions shall apply, except for conflicts between the requirements of this title and any adopted specific plan or special planning area, in which case the requirements of the specific plan or special planning area shall govern.
- H) Severability. If any portion of this title is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, such decision shall not affect the validity of the remaining portions of this title. The city council hereby declares that this title and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted, irrespective of the fact that one or more portions of this title may be declared invalid, unconstitutional, or unenforceable.

Chapter 18.04 Administrative Responsibility

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Section 18.04.010 Purpose

The purpose of this chapter is to establish and describe the respective administrative responsibilities of city officials and bodies (e.g., planning director, planning commission, city council) for purposes of this title.

Section 18.04.020 Planning Agency

California Government Code § 65100 requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The functions of the planning agency, as designated by the title, shall be carried out by the following bodies. In the absence of an assignment, the city council shall retain responsibility and authority as the legislative body of the city.

- A) Planning Director. The planning director, or designee, shall have the responsibility and authority to administer and enforce this title as follows:
 - 1) Application Process. Receive and review all applications for development pursuant to this title. Processing includes but is not limited to the certification of completed applications, the establishment of a permanent file, posting of public notices, collection of applicable fees, preparation of reports, processing of appeals, and presentation of staff reports to the planning commission and city council.
 - 2) Interpretation. Interpret the provisions and advise the public on the requirements of this title.
 - 3) Amendment. Initiate action for amendment of this title where it is determined that such amendment would better implement the general plan goals and objectives and increase its effectiveness and/or improve or clarify the contents of this title.
 - 4) Permit Issuance. Issue permits under this title and certify that all such permits are in full conformance with its requirements.
 - 5) Coordination. Refer and coordinate matters related to the administration of this title with other agencies and city departments and provide information on the status of all development permits.

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- 6) Authority. Serve as the administrative zoning body and exercise that authority set forth in California Government Code § 65900 et seq.
- B) City Manager. The city manager or designee shall oversee the work of the planning director and shall exercise such other powers and duties as are prescribed by state law or local ordinance, or as directed by the city council.
 - C) Planning Commission. Pursuant to California Government Code § 65101, the city of Patterson has an established planning commission. The planning commission shall have the following land use responsibilities:
 - 1) Hear and decide applications for entitlements as provided in Article II (Procedures).
 - 2) Initiate studies of amendments to this title and make recommendations to the city council for amendments as provided in Article II (Procedures) and in California Government Code § 65853.
 - 3) Hear and make recommendations to the city council on applications for zoning amendments, the general plan and amendments thereto, specific plans, rezoning, and other related planning studies.
 - 4) Exercise such other powers and duties as are prescribed by state law or local ordinance, or as directed by the city council.
 - D) City Council. The city council is the legislative body of the city and shall have the following land use responsibilities:
 - 1) Hear and decide appeals of the planning commission.
 - 2) Hear and decide applications for permits and entitlements as listed in Article II (Procedures).
 - 3) Direct planning-related policy amendments and special studies as necessary or desired.
 - 4) Exercise such other powers and duties as are prescribed by state law or local ordinance.

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Section 18.06.010 Purpose

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

Section 18.06.020 Rules of Interpretation

The planning director shall have the authority and responsibility to interpret terms, provisions, and requirements of this code in accordance with the rules listed below.

- A) Abbreviations. The following phrases, personnel, and document titles are shortened in this code:
 - 1) City of Patterson = City
 - 2) Planning Director = Director
 - 3) City Council = Council
 - 4) Planning Department = Department
- B) Terminology. The following rules apply to all provisions in this code:
 - 1) Language. The words “shall,” “will,” “is to,” and “are to” and similar words and phrases are always mandatory. “Should” is not mandatory but is strongly recommended, and “may” is permissive.
 - 2) Tense and number. The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural, and plural numbers include the singular unless the natural construction of the word indicates otherwise.

18.06 Rules and Interpretation

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- 3) Conjunctions. “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to.”
- C) Number of Days. Whenever a number of days is specified in this code, or in any entitlement, condition of approval, or notice issued or given as provided in this code, the number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the city is not open for business.
 - D) Minimum Requirements. All provisions of this code are considered to be minimum requirements, unless specifically stated otherwise.
 - E) Calculations – Rounding. Where any provision of this code requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded to the nearest whole number (0.5 or more is rounded up, less than 0.5 is rounded down).
 - F) Zoning Regulations. Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted unless the use is determined to be similar to a listed use or use category.
 - G) Zone Boundaries. Where uncertainty exists as to the boundaries of any districts shown on the official zoning map, the following rules shall apply:
 - 1) Where a zoning district’s boundaries approximately follow lot, alley, or street lines, such lot lines and street and alley centerlines shall be construed as the district boundaries.
 - 2) If a zoning district’s boundary line divides a lot and the boundary line location is not otherwise designated by ordinance, the location of the boundary line shall be determined by use of the scale appearing on the zoning map.
 - 3) Where a public street or alley is officially vacated or abandoned, the property encompassed by said street or alley shall be included within the district or districts of the adjoining property on either side of said vacated or abandoned street or alley. If the adjoining properties are in different zoning districts, the boundary lines shall be the centerline of the former street or alley and the extension of the side yard lines of the adjacent properties.

- H) Consistency of Text and Diagrams. Diagrams are provided within this code to illustrate the requirements of the zoning code's text. In the event of conflict between the text of this code and provided diagrams, the text shall determine the city's regulations.

Section 18.06.030 Conflicts with Other Regulations

Wherever conflict occurs between the provisions of this title and any other provision of law, the more restrictive of any such provisions shall apply.

Chapter 18.08 Enforcement

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Section 18.08.010 Purpose

The purpose of this chapter is to establish the authority and process for enforcement of the requirements of this title and any conditions of approval for the planning permits and entitlements identified in this title for purposes of protecting the public health, safety, and welfare of the city of Patterson.

Section 18.08.020 Enforcement

All departments, officials, and public employees of the city vested with the duty of authority to issue permits or licenses shall conform to the provisions of this title, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this title, and any such permit or license issued in conflict with the provisions of this title shall be null and void. It shall be the duty of the building official of the city to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. It shall be the duty of the planning director to enforce all other provisions of this title.

Section 18.08.030 Penalties

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this title is guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for a term not exceeding one hundred fifty (150) days or by both such fine and imprisonment. Such person, firm, or corporation is 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.

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Section 18.08.040 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 any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this title, is unlawful and a public nuisance, and the city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoyment thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or parcel contrary to the provisions of this title.

Section 18.08.050 Remedies Cumulative

The remedies provided for in this title shall be cumulative and not exclusive.



Public Hearing Draft
Zoning Ordinance

ARTICLE II

Procedures

Adopted July, 2013

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Section 18.12.010 Purpose

The purpose of this chapter is to establish the general requirements of this title for the review and approval of proposed development and new land uses in the city.

Section 18.12.020 Requirements for Development and New Uses

All uses and structures shall be established, maintained, constructed, reconstructed, altered, or replaced in compliance with the following requirements:

- A) Allowed Uses. The use of land shall be consistent with the allowed use regulations as follows:
 - 1) Permanent Uses. Article III (Zoning Districts) lists the allowed uses and permit requirements for various land uses in each of the city’s base zoning districts and overlay zoning districts.
 - 2) Temporary Uses. Temporary uses, such as construction yards, seasonal sales lots, and special events, must comply with the requirements of Chapter 18.90 (Temporary Uses).
- B) Permit and Approval Requirements. Any development or land use approval required by this title must be obtained before it is constructed or otherwise established unless exempt under Section 18.12.030 (Additional Approvals).
- C) Development Standards. All uses and structures must comply with the development standards described in this title, including but not limited to Chapters 18.90 (General Development Standards) and 18.54 (Overlay Zoning Districts) and Article IV (Site Development). In addition:
 - 1) No structure shall be erected, maintained, converted, reconstructed, or structurally altered, nor shall any land be used for any purpose if such structure or use is not allowed in the zoning district in which it is located.
 - 2) No structure shall be erected, maintained, reconstructed, or structurally altered to exceed the height or envelope or setback limit for the zoning district in which the structure is located.

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- 3) No lot area shall be reduced or diminished to such an extent that the yard(s) or other open space(s) will be smaller than required by this title.
 - 4) The required yard and/or open space around a structure or on a vacant parcel shall not be used to meet the yard or open space requirements for any other existing or proposed structure.
 - 5) Every structure shall be located on a lot as defined by this title.
- D) Conditions of Approval. The use of land and the construction of structures authorized by permits or entitlements granted by the city in accordance with the procedures provided by this title shall comply with any applicable conditions of approval imposed by the designated approving authority in approving the permit or entitlement, including any permit or entitlement that was approved prior to the effective date of this title or any amendments thereto.
- E) Legal Parcel. The use of land or the construction of a new structure shall only be permitted on parcels that have been legally created in compliance with Title 16 (Divisions of Land) and the Subdivision Map Act. Legal nonconforming parcels may be used or developed in compliance with Chapter 18.92 (Nonconforming Uses and Structures).
- F) Development Agreements. All uses and structures shall comply with any applicable development agreement approved by the city in compliance with Chapter 18.20 (City Council Decisions).
- G) Building Permits and Other Permits. The structures shall comply with the requirements for building permits and applicable city, county, regional, special district, state, or federal permits.

Section 18.12.030 Additional Approvals

The establishment, operation, construction, or development of uses, properties, and structures may be subject to additional permitting and licensing requirements imposed by other sections of this municipal code or applicable local, state, or federal laws. All applicable permits, licenses, or other approvals including, without limitation, building, grading, or other construction permits and business licenses, shall be obtained prior to the start of work or operations.

Chapter 18.14 General Application Processing

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Section 18.14.010 Purpose

The purpose of this chapter is to establish standard procedures necessary for the clear and consistent processing of land use and planning permits and entitlements.

Section 18.14.020 Application and Fee

- A) Application. Applications pertaining to this title shall be submitted in writing to the planning director on a completed city application form designated for the particular request. Every application shall include the signatures of the applicant and property owner, agent authorization as appropriate, and any fee prescribed by city council resolution to cover the cost of investigation and processing. Applications shall be submitted together with all plans, maps, and data about the proposed project development or land use entitlements requested, project site, and vicinity deemed necessary by the planning director to provide the approving authority with adequate information on which to base decisions. Each permit application checklist lists the minimum necessary submittal materials for that particular type of permit.

- B) Fee. The city council shall set, by resolution, and may amend and revise from time to time, the fees for processing the various applications authorized or required by this code. All required fees shall be paid at the time an application is filed and no processing shall commence until the fee is paid in full.

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Section 18.14.030 Determination of Completeness

- A) Application Completeness. Within thirty (30) days of application submittal, the planning director shall determine whether or not the application is complete. The planning director shall notify the applicant of the determination that either:
- 1) All the submittal requirements have been satisfied and the application has been accepted as complete; or
 - 2) Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with city standards and requirements.
- B) Application Completeness Without Notification. If the written determination is not made within thirty (30) days after receipt, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter.
- C) Resubmittal. Upon receipt and resubmittal of any incomplete application, a new thirty (30) day period shall begin during which the planning director shall determine the completeness of the application.
- D) Incomplete Application. If additional information or submittals are required and the application is not made complete within one (1) year, or some greater period as determined by the planning director, of the completeness determination letter, the application may be deemed by the city to have been withdrawn and no action will be taken on the application. Unexpended fees, as determined by the planning director, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with this article.
- E) Right to Appeal. The applicant may appeal the determination in accordance with Section 18.14.070 (Appeals) and the Permit Streamlining Act (California Government Code § 65943).

Section 18.14.040 Application Review and Report

After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). The planning director will consult with other departments and committees as appropriate to ensure compliance with all provisions of the municipal code and other adopted policies and plans. The planning director will prepare a report to the designated approving authority describing the project, and his or her recommendation to approve, conditionally approve, or deny the application. The report shall be provided to the applicant prior to consideration of the entitlement request. The report may be amended

as necessary or supplemented with additional information at any time prior to the hearing to address issues or information not reasonably known at the time the report is prepared.

Section 18.14.050 Public Hearing and Public Notice

- A) Public Hearing Required. The following procedures shall govern the notice and public hearing, where required pursuant to this title. The designated approving authority shall hold a public hearing to consider all applications for a conditional use permit, variance, architectural and site plan review, alteration permit, planned development, master plan, specific plan, zoning code and map amendment, rezoning, development agreement, and general plan amendment considered by the planning commission or city council.
- B) Notice of Hearing. Pursuant to California Government Code §§ 65090 to 65094, not less than ten (10) days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, and provide a general description of the matter to be considered and the real property which is the subject of the hearing.
- 1) Notice of public hearing shall be published in at least one newspaper of general circulation in the city.
 - 2) Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of property within a radius of three hundred feet (300') of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners as shown upon the current tax assessor's records. The radius may be increased as determined to be necessary and desirable by the planning director based on the nature of the proposed project. If the number of owners exceeds one thousand (1,000), the city may, in lieu of mailed notice, provide notice by placing notice of at least one-eighth (1/8) page in one newspaper of general circulation within the city.
 - 3) Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.
 - 4) Notice of the public hearing shall be posted on the project site along the project perimeter fronting on all improved public streets, unless determined not feasible by the planning director.
 - 5) Notice of the public hearing shall be posted at city hall.

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- 6) Notice of the public hearing shall be mailed to any person who has filed a written request for notice.
 - 7) In addition to the notice required by this section, the city may give notice of the hearing in any other manner it deems necessary or desirable.
- C) Notice of Planning Director Determination. Certain administrative permits and entitlements decided by the planning director require a notice to neighboring property owners, including administrative use review, minor adjustment, and minor design review. Notice of the filing of an application for these applications shall be mailed to persons owning property within three hundred feet (300') of the project site. The notice shall include all of the following information and specify that the application will be decided by the city unless a written request for appeal is received on or before a date specified in the notice which shall be ten (10) days after the date of mailing:
- 1) A brief statement explaining the criteria and standards considered relevant to the decision.
 - 2) A statement of the standards and facts relied upon in rendering the decision.
 - 3) Findings as listed for each entitlement or justification for the decision based on the criteria, standards, and facts set forth.
 - 4) An explanation of appeal rights and appeal deadlines.
- D) Requests for Notification. Any person who requests to be on a mailing list for notice of hearing shall submit such request in writing to the planning department. The city may impose a reasonable fee for the purpose of recovering the cost of such notification.
- E) Receipt of Notice. Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this title shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.
- F) Hearing Procedure. Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The approving authority shall conduct the public hearing and hear testimony from interested persons. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued to a date certain. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.

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Section 18.14.060 Approving Authority

A) Designated Approving Authority. The approving authority as designated in Table 18.14.060-1 (Approving Authority for Land Use Entitlements) shall approve, conditionally approve, or deny the proposed land use or development permit or entitlement in accordance with the requirements of this title. Table 18.14.060 1 identifies recommending (R) and final (F) authorities for each permit or entitlement. In acting on a permit, the approving authority shall make all required findings. An action of the approving authority may be appealed pursuant to procedures set forth in Section 18.14.070 (Appeals).

Table 18.14.060-1 Approving Authority for Land Use Entitlements

Type of Entitlement, Permit, or Decision	Planning Director	Planning Commission	City Council
Zoning Clearance	F		
Official Code Interpretation	F		
Similar Use Determination	F		
Administrative Use Review	F		
Home Occupation Use Permit	F		
Temporary Use Permit	F		
Sign Permit	F		
Master Sign Plan	F		
Temporary Sign Permit	F		
Minor Adjustment	F		
Minor Design Review	F		
Williamson Act Contract	F		
Conditional Use Permit	R	F	
Variance	R	F	
Architectural and Site Plan Review	R	F	
Alteration Permit	R	F	
Planned Development	R	R	F
Master Plan	R	R	F
Specific Plan	R	R	F
Zoning Ordinance and Map Amendment	R	R	F
Prezoning	R	R	F
Development Agreement	R	R	F
General Plan Amendment	R	R	F

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- B) **Multiple Entitlements.** When a proposed project requires more than one permit with more than one approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all such requested permits. Projects that require legislative approvals (e.g., zoning code and map amendment, general plan amendment) may go to the city council as stand-alone items with the associated quasi-judicial approvals stopping at the planning commission.
- C) **Referral to the Planning Commission.** At any point in the application review process, the planning director may transfer decision-making authority to the planning commission at his/her discretion because of policy implications, unique or unusual circumstances, or the magnitude of the project. Decisions referred to the planning commission shall be considered as a noticed public hearing. A referral to another decision-maker is not an appeal and requires no appeal application or fee.

Section 18.14.070 Appeals

- A) **Appeal Authority.** Any interested person may appeal certain actions of the planning director or planning commission made pursuant to this article to the designated appeal authority listed in Table 18.14.070-1 (Appeal Authority) within ten (10) days from the date of the action. Actions by the city council are final and no further administrative appeals are available.

Table 18.14.070-1 Appeal Authority

Approval Authority for Action Being Appealed	Appeal Authority	
	Planning Commission	City Council
Planning Director	X	
Planning Commission		X

- A) **Filing an Appeal.** All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within ten (10) business days following the date of determination or action for which an appeal is made, accompanied by a filing fee established by city council resolution, and submitted to the city clerk.
- B) **Stay Pending Appeal.** Timely filing of a written appeal shall automatically stay all actions and put in abeyance all approvals or permits which may have been granted, and neither the applicant nor any enforcing agency may rely upon the decision, approval, or denial or other action appeal, until the appeal has been resolved.

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- C) Appeal Hearing Schedule.
 - 1) Unless otherwise agreed to by the applicant, an appeal for consideration by the planning commission shall be scheduled for a public hearing by the planning department at its earliest regular meeting, consistent with agenda preparation procedures, schedules for planning commission meetings, and notice requirements, if applicable.
 - 2) Unless otherwise agreed to by the applicant, an appeal for consideration by the city council shall be scheduled for a public hearing by the city clerk at its earliest regular meeting, consistent with agenda preparation procedures, schedules for city council meetings, and notice requirements, if applicable.
- D) Notice of Appeal Hearings. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Section 18.14.050 (Public Hearing and Public Notice).
- E) Appeal Hearing and Action. Each appeal shall be considered a de novo (new) hearing. In taking its action on an appeal, the appeal authority shall state the basis for its action. The appeal authority may act to confirm, modify, reverse the action of the approving authority, in whole or in part, or add or amend such conditions as it deems necessary. The action of the appeal authority is final on the date of decision and, unless expressly provided by this chapter, may not be further appealed. Copies of the decision shall be mailed to the appellant and to the appealed deciding body. The decision of the city council shall be final.

Section 18.14.080 Effective Date

Generally, the action to approve, conditionally approve, or deny a permit or entitlement authorized by this title shall be effective on the eleventh (11th) day after the date of action, immediately following expiration of the ten (10) day appeal period. Legislative actions by the city council involving adoption by ordinance (e.g., zoning code and map amendment, specific plan) become effective thirty (30) days from the date of final action and may not be appealed. Permit(s) shall not be issued until the effective date of required permit.

Section 18.14.090 Permit Time Limits and Extensions

- A) Time Limits. Unless a condition of approval or other provision of this title establishes a different time limit, any permit not exercised within two (2) years of approval shall expire and become void, except where an extension of time is approved pursuant to this section.
- B) Exercising Permits. The exercise of a permit occurs when the property owner has performed substantial work as determined by the planning director and the

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building official and incurred substantial liabilities in good faith reliance upon such permit(s). A permit may be otherwise exercised pursuant to a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitute exercise of the permit. Unless otherwise provided, permits that have not been exercised prior to a zoning amendment which would make the permitted use or structure nonconforming shall automatically be deemed invalid on the effective date of the zoning amendment.

- C) Permit Extensions. The approval of an extension extends the expiration date for two (2) years from the original permit date. After this initial permit extension, a final one (1) year extension of time may be granted pursuant to the same process as set forth in this section.
- 1) Process. The same approving authority that granted the original permit may extend the period within which the exercise of a permit must occur. Notice and/or public hearing shall be provided in the same manner as for the original permit. An application for extension shall be filed not less than thirty (30) days prior to the expiration date of the permit, along with appropriate fees and application submittal materials.
 - 2) Conditions. The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved.
 - 3) Permit Extension Findings. The extension may be granted only when the designated approving authority finds that the original permit findings can still be made and there are no changed circumstances or there has been diligent pursuit to exercise the permit that warrants such extension.
 - 4) Expiration. If the time limits are reached with no extension requested, or a requested extension is denied or expires, the permit expires.
- D) Permit Expiration for a Closed Business. All permits and entitlements shall expire when a business is closed for more than one calendar year. Approval of new permits and entitlements based on current requirements shall be required prior to any business activity on the site.

Section 18.14.100 Modification

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

If the planning director determines that a proposed project action is not in substantial conformance with the original approval, the planning director shall notify the property owner of the requirement to submit a permit modification application for consideration and action by the same approving authority as the original permit. A permit modification may be granted only when the approving authority makes all findings required for the original approval.

Section 18.14.110 Revocation

This section provides procedures for the revocation of previously approved land use entitlements or permits.

- A) Consideration. The approving authority for the original entitlement or permit shall consider the revocation of same entitlement or permit.
- B) Noticed Public Hearing. The decision to revoke an entitlement or permit granted pursuant to the provisions of this title shall be considered at a noticed public hearing. Public notice shall be provided and public hearing conducted pursuant to Section 18.14.050 (Public Hearing and Public Notice).
- C) Findings. A decision to revoke an entitlement or permit may be made if any one of the following findings can be made:
 - 1) Circumstances under which the entitlement or permit was granted have been changed to a degree that one or more of the findings contained in the original entitlement or permit can no longer be met.
 - 2) The entitlement or permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the evidence presented during the public hearing, for the entitlement or permit.
 - 3) One or more of the conditions of the entitlement or permit have not been substantially fulfilled or have been violated.
 - 4) The use or structure for which the entitlement or permit was granted has ceased to exist or has lost its legal nonconforming use status.
 - 5) The improvement authorized in compliance with the entitlement or permit is in violation of any code, law, ordinance, regulation, or statute.
 - 6) The improvement or use allowed by the entitlement or permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a public nuisance.

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Section 18.14.120 Reapplications

An application shall not be accepted or acted upon if within the past twelve (12) months the city has denied an application for substantially the same project on substantially the same real property, unless the planning director finds one or more of the following circumstances to exist:

- A) **New Evidence.** There is new evidence that would support approving the project that was not presented at the previous hearing and could not have been previously discovered in the exercise of reasonable diligence by the applicant.
- B) **Substantial and Permanent Change of Circumstances.** There has been a substantial and material change of circumstances since the previous hearing that affects the applicant's real property.
- C) **Mistake at Previous Hearing.** A mistake was made at the previous hearing that was a material factor in the denial of the previous application.

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Section 18.16.010 Purpose

The purpose of this chapter is to establish procedures for planning- and zoning-related permits that are decided administratively by the planning director or his/her designee. Each permit and entitlement type is described in this chapter in terms of purpose and applicability, approving authority, and unique processing provisions. Exemptions to permit requirements are listed throughout. General processing procedures are established in Chapter 18.14 (General Application Processing Procedures). Table 18.14.060-1 (Approving Authority for Land Use Entitlements) provides a summary of the administrative permits and entitlements decided by the planning director.

Section 18.16.020 Zoning Clearance

- A) Purpose. The purpose of the zoning clearance process is to ensure that all new and modified uses and structures comply with applicable provisions of this code, using administrative procedures and thorough but typically “over-the-counter” planning approvals for building permits, business licenses, and other city applications that require approval from a different city department and can be processed by the planning department in a relatively short time period.
- B) Applicability. Zoning clearance is required for the following actions:

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- 1) All structures that require a building permit.
 - 2) All planning entitlement and permit approvals to ensure compliance with applicable conditions of approval.
 - 3) Other city applications that may be subject to the provisions of this title, including, but not limited to, business license, encroachment, and grading and improvement plans.
- C) **Review Process.** Zoning clearance shall be processed in conjunction with related city action, such as a building permit application or business license. Zoning clearance is an administrative function of the planning director, and no public hearing or notice is required.
- D) **Findings.** Zoning clearance shall be granted only when the planning director finds the proposal to be in conformance with all applicable provisions of this title. No permit or application listed in Subsections 18.16.030.A (Purpose and Applicability) shall be issued without approval of zoning clearance.
- E) **Compliance Requirements.** The planning director may impose requirements in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood.

Section 18.16.030 Official Code Interpretation

- A) **Purpose and Applicability.** The planning director may issue an official code interpretation pursuant to this section when, in his or her opinion, the meaning or applicability of any provision of this code is ambiguous, misleading, or unclear. The purpose of such interpretations is to disclose the manner in which this title shall be applied in future cases, provided that any interpretation may be superseded by a later interpretation when the planning director determines that the earlier interpretation was in error or no longer applicable under the current circumstances. The planning director may issue an official code interpretation or refer the question to the planning commission for a determination.
- B) **Review Process.**
- 1) Official code interpretations shall be issued in writing and shall state the facts upon which the planning director relied to make the determination.
 - 2) **Records of Interpretations and Referral.** The planning department shall keep records of official determinations on file for future reference.
 - 3) An official code interpretation is an administrative function of the planning director, and no public hearing or notice is required.

- 4) The applicant is permitted to appeal an official code interpretation to the planning commission.

Section 18.16.040 Similar Use Determination

- A) Purpose. The land use table in Article III (Zoning Districts) may not include all possible uses. When a specific use is not listed and it is unclear whether the use is permitted, permitted with a use permit, or not permitted, the similar use determination allows the director to determine whether or not a proposed use is similar to a listed use and whether it may be permitted or permitted with a use permit in a particular zoning district.
- B) Applicability. A similar use determination is required when a use is not specifically listed in this code but may be permitted if it is determined to be similar in nature to a use that is permitted or permitted with a use permit.
- C) Review Process.
 - 1) A similar use determination can be initiated by staff or the public using an application provided by the planning director.
 - 2) The planning director shall prepare a similar use determination.
 - 3) The issuance of a similar use determination is an administrative function of the planning director, and no public hearing or notice is required.
 - 4) The applicant is permitted to appeal a Similar Use Determination to the Planning Commission.
- D) Findings. The planning director shall make a similar use determination after making all of the findings listed below. If the planning director does not make all of these findings, he/she shall not make the similar use determination.
 - 1) The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity, environmental impact, or population density than the uses listed in the zoning district.
 - 2) The proposed use will be consistent with the purposes of the applicable zoning district.
 - 3) The proposed use will be consistent with the general plan, any applicable specific plan, and the development code.

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- E) Determinations. Similar use determinations shall be made in writing and shall contain the facts that support the determination. The department shall maintain all such determinations on record for review by the general public upon request. The notice of decision shall be provided, in writing, to the applicant and interested parties. The notice shall include:
- 1) A brief statement explaining the criteria and standards considered relevant to the decision.
 - 2) A statement of the standards and facts relied upon in rendering the decision.
 - 3) An explanation of appeal rights and appeal deadlines.

Section 18.16.050 Administrative Use Review

- A) Purpose. Administrative use review provides a process for director review and determination of requests for uses and activities whose effects on adjacent sites and surroundings need to be evaluated in terms of specific development proposal for the specific site. It is anticipated that uses qualifying for an administrative use review are minor in nature, only have an impact on immediately adjacent properties, and can be modified and/or conditioned to ensure compatibility.
- B) Applicability. This section applies to land use requiring an administrative use review as designated with an “AR” on the allowed use tables, including Table 18.38.030-1 (Use Matrix for Residential Districts), Table 18.42.030-1 (Use Matrix for Commercial and Medical Professional Districts), Table 18.46.030-1 (Use Matrix for Industrial Districts), and Table 18.50.030-1 (Use Matrix for Public/Quasi-Public and Parks and Recreation Districts).
- C) Review Process.
- 1) The planning director is the approving authority for administrative use review. However, the planning director may also refer an administrative use review to the planning commission for review and approval as pursuant to Subsection 18.14.060.C (Referral to the Planning Commission).
 - 2) Public notice of the application submittal and pending determination shall be made in accordance with Section 18.14.050.C (Notice of Planning Director Determination).
 - 3) Planning director determination shall be based on standards and criteria set forth within this code and shall be accompanied by brief, written findings and a determination.

- D) Findings. The director shall approve, or approve with conditions, an application for an administrative use review after making all of findings below. If the director does not make all of these findings, he/she shall deny the administrative use review.
- 1) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this zoning code, municipal code, general plan, and any applicable specific plans or city regulations/standards.
 - 2) The site is physically suited for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints, and can be conditioned to meet all related performance criteria and development standards.
 - 3) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.
- E) Conditions. In approving an administrative use review, the director may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained within this code.

Section 18.16.060 Home Occupation Use Permit

- A) Purpose. The purpose of a home occupation use permit is to ensure that home occupations in residential neighborhoods are compatible with the surrounding neighborhood character and are generally undetectable from normal and usual residential activity.
- B) Applicability. A home occupation use permit shall be required for all home-based businesses. An employee or contract employee of a licensed business enterprise (not located within a home) may work from home without first obtaining a home occupation permit. .
- C) Review Process.
- 1) Upon acceptance of a home occupation application, the planning director or a designated representative shall review the request for compliance with development standards related to the proposed activities and render a decision within a five (5) day review period. The decision shall clearly state, in writing, any conditions of approval or reasons for denial.

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- 2) Immediately following the effective date of an approved home occupation, the applicant shall obtain a city business license.
- D) Findings. A home occupation permit shall be granted only when the planning director determines that the proposed home occupation complies with all of the following findings:
- 1) The proposed home occupation is consistent with the general plan, any applicable specific plan or master plan, and all applicable provisions of this title.
 - 2) The proposed home occupation is consistent with the standards and prohibited use regulations in Chapter 18.64 (Home Occupations).
 - 3) The establishment, maintenance, or operation of the home occupation applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
- E) Compliance Requirements. The planning director may impose requirements and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood.
- F) Relocation of a Home Occupation. If a home occupation relocates, a new permit and review shall be required for the new location.

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Section 18.16.070 Temporary Use Permit

- A) Purpose. Temporary use permits provide a process for administrative review for short-term activities that may not meet the normal development or use standards of the applicable zoning district, but may be acceptable because of their temporary nature. The intent of the permit requirements is to ensure that the temporary use does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing within the community.
- B) Applicability. A temporary use permit shall be required prior to the establishment of those uses specified in Chapter 18.90 (Temporary Uses).
- C) Review Process.
 - 1) The planning department and other departments as necessary shall review the request and render a decision within a ten (10) business day review period. The decision shall clearly state, in writing, any conditions of approval or reasons for denial.
 - 2) Temporary use permits will be reviewed for compliance with restrictions and standards related to those activities provided in Chapter 18.90 (Temporary Uses).
- D) Findings. The planning director shall approve, or approve with conditions, an application for a temporary use permit after making all of the findings below. If the director does not make all of these findings, he or she shall deny the temporary use permit.
 - 1) The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
 - 2) The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
 - 3) Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this zoning code.
- E) Conditions. In approving a temporary use permit, the director may impose such conditions as are needed to ensure that the required findings can be made. Such conditions may include but shall not be limited to the following:

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- 1) Measures to minimize impact on adjacent uses, such as buffers, hours of operation, lighting requirements, and/or parking measures.
- 2) Property maintenance requirements to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.
- 3) Appropriate performance guarantees/security may be required before initiation of the use to ensure proper cleanup after the use is finished.
- 4) Other conditions of approval deemed reasonable and necessary to ensure that the approval would be in compliance with the findings above.

Section 18.16.080 Sign Permit

- A) Purpose. The purpose of a sign permit is to provide a review process for new signs to ensure consistency with the general requirements of this title and the specific requirements of Chapter 18.82 (Signs).
- B) Applicability. A sign permit shall be required prior to the installation, construction, or alteration of any sign in the city, unless expressly exempted in Chapter 18.82 (Signs). Signs requiring a permit shall comply with the provisions of this title and all other applicable laws and ordinances. A building permit may also be required. After approval of a sign permit, each sign installed and maintained on the subject site shall comply with the permit and plan.
- C) Review Process.
 - 1) The sign permit application shall include architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include illustrations of copy, colors, materials, and samples of the proposed colors and materials. The plans submitted shall also show the location of each sign on buildings and the site.
 - 2) After receipt of a sign application, the planning director or a designated representative shall render a decision to approve or deny the sign request within ten (10) working days. Prior to denial of the application, the planning director or designated representative shall identify and request any modifications necessary in order to approve the application. Such a review shall ensure that any sign proposal is in conformance with this title and is consistent with its intent and purpose.
- D) Findings. The planning director shall issue the sign permit only after determining and finding that the request complies with all requirements of Chapter 18.82

(Signs) applicable to the proposed sign, including any applicable master sign plan.

- E) Compliance Requirements. The planning director may impose requirements related to approval of the sign permit in order to ensure compliance with this title and the general plan.

Section 18.16.090 Master Sign Plan

- A) Purpose. A master sign plan provides a process for the city's review of, and decisions related to, requests for signs for multi-tenant projects. The intent of a master sign plan is to allow for the integration of a project's signs with the design of the structures to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects.
- B) Applicability. A master sign plan is required for the activities listed below.
 - 1) All new nonresidential project with four (4) or more tenants.
 - 2) Significant modifications to existing signs or the addition of new signage within an existing nonresidential project with four (4) or more tenants.
 - 3) Major rehabilitation work on an existing nonresidential project with four (4) or more tenants that involves exterior remodeling and/or the application proposes modification to existing signs on the site within a one (1) year period. For the purposes of this chapter, major rehabilitation means adding more than fifty percent (50%) to the gross floor area of the building/buildings, or exterior redesign of more than fifty percent (50%) of the length of any facade within the project.
 - 4) All signs installed or replaced within the nonresidential project shall comply with the approved master sign plan.
- C) Review Process.
 - 1) The application shall include architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include illustrations of copy, colors, materials, and samples of the proposed colors and materials. The plans submitted shall also show the location of each sign on buildings and the site. Finally, the application shall provide standards for the uniform style, construction, size, and placement of signs within the proposed project.
 - 2) After receipt of a master sign plan application, the planning director or a designated representative shall render a decision to approve or deny the

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- request within thirty (30) working days. Prior to denial of the application, the planning director or designated representative shall identify and request any modifications necessary in order to approve the application. Such a review shall ensure that any sign proposal is in conformance with this title and is consistent with its intent and purpose.
- D) Findings. A master sign plan, or revisions thereto, may be approved only when the designated approving authority makes all of the following findings:
- 1) The proposed master sign plan is consistent with the development standards for signs as provided in Chapter 18.82 (Signs).
 - 2) The size, location, and design of the signs are visually complementary and compatible with the scale and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street.
 - 3) The proposed signs are in substantial conformance with the design review criteria provided in Chapter 18.82 (Signs).
- E) Compliance Requirements. The planning director may impose requirements when approving a master sign plan to ensure compliance with this title and the general plan.
- F) Revisions. The director may approve revisions to a master sign plan approved by the director. The director may approve revisions to a master sign plan approved by the commission if the director first determines that the revision is minor and that the intent of the original approval, and any applicable conditions are not affected. A new master sign plan approval shall be obtained for revisions that would substantially deviate from the original approval.

Section 18.16.100 Temporary Sign Permit

- A) Purpose. The purpose of a temporary sign permit is to provide a review process for new temporary signs to ensure consistency with the general requirements of this title and the specific requirements of Section 18.82.080 (Standards for Temporary Signs).
- B) Applicability. A temporary sign permit shall be required prior to the installation, construction, or alteration of any temporary sign in the city, unless expressly exempted in Section 18.82.030B (Signs and Sign Changes Allowed Without a Sign Permit). Temporary signs requiring a permit shall comply with the provisions of this title and all other applicable laws and ordinances. A building permit may also be required. After approval of a temporary sign permit, each temporary sign

installed and maintained on the subject site shall comply with the permit and plan.

C) Review Process.

- 1) The temporary sign permit application shall include plans of all proposed temporary signs drawn to scale with all dimensions noted and show the location of each temporary sign on buildings and the site. The application shall also identify the proposed dates and duration of temporary signs.
- 2) After receipt of a temporary sign application, the planning director or a designated representative shall render a decision to approve or deny the temporary sign request within ten (10) working days. Prior to denial of the application, the planning director or designated representative shall identify and request any modifications necessary in order to approve the application. Such a review shall ensure that any temporary sign proposal is in conformance with this title and is consistent with its intent and purpose.

D) Findings. The planning director shall issue the temporary sign permit only after determining and finding that the request complies with all requirements of Chapter 18.82.080 (Standards for Temporary Signs) applicable to the proposed temporary sign.

E) Compliance Requirements. The planning director may impose requirements related to approval of the temporary sign permit in order to ensure compliance with this title and the general plan.

Section 18.16.110 Minor Adjustment

- A) Purpose. The purpose of the minor adjustment is to establish a process to allow creative design solutions and to accommodate unique site conditions that may not meet the strict requirements of this title.
- B) Applicability. A minor adjustment may be granted to modify certain requirements of this code, as listed in Table 18.16.110-1 (Standards Subject to Minor Adjustment). Minor adjustments do not apply to land use and are not intended to waive a specific prohibition or procedural requirement and are limited to when the following conditions apply:
 - 1) Fence height.
 - i) Exceptional topographic conditions or other unique situation of the parcels; or

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- ii) Activities on neighboring property that interfere with peaceful enjoyment of the subject property.
 - 2) Setbacks, lot width, projections, maximum lot coverage and other dimensional requirements.
 - i) Exceptional narrowness, shallowness, or the unusual shape of a parcel of property;
 - ii) Exceptional topographic conditions or other extraordinary situation of the parcel;
 - iii) For the purpose of avoiding or reducing impact to floodplains, significant trees, wetlands, or other natural features; or
 - iv) Existing structures within the Downtown Residential (DC) or Downtown Residential (DR) that were legally constructed according to the regulations in place at that time (e.g. older historic homes).
 - 3) Parking or loading areas.
 - i) The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity, or modified parking dimensions, as demonstrated by a parking analysis or other facts provided by the applicant; and
 - ii) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses.
 - iii) Loading area standards may be adjusted if such a reduction is deemed appropriate after analysis of the use, anticipated shipping or delivery traffic generated by the use, and alternatives for loading/unloading, such as use of on- or off-street parking areas during non-business hours provided that traffic is not impeded.
 - 4) An adjustment to maximum height is only permitted for unique architectural features that contribute to the design aesthetic of the building.
- C) Standards Subject to a Minor Adjustment. Adjustments are limited to those listed in Table 18.16.110-1 (Standards Subject to Minor Adjustment).

Table 18.16.110-1 Standards Subject to Minor Adjustment

Standard	Maximum Reduction or Increase
Fence height	2-foot increase
Parking or loading areas. A decrease in the required number and design of parking aisles and spaces.	15%
Setbacks (reduction). A decrease in a required setback, but no closer to the property line than the average of the developed lots on the same block face, and so that no projection into a public utility easement is allowed.	2 foot decrease or 20% ¹ whichever is less
Projections. An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback area, but no closer to any property line than allowed by the building code.	20% additional
Maximum lot coverage (increase)	10%
Maximum height (increase)	20%
Lot Dimensions (decrease) ²	25%

1. Setbacks are limited to a maximum of 4'-0"
2. Permitted in the Downtown Residential (DR) district only.

D) Review Process.

- 1) The planning director is the approving authority for a minor adjustment. However, the planning director may also refer a minor adjustment to the planning commission for review and approval as pursuant to Subsection 18.14.060.C (Referral to the Planning Commission).
- 2) Public notice of the application submittal and pending determination shall be made in accordance with Section 18.14.050.C (Notice of Planning Director Determination).
- 3) Planning director determination shall be based on standards and criteria set forth within this code and shall be accompanied by brief, written findings and a determination.

E) Findings. The planning director shall approve, or approve with conditions, an application for a minor adjustment after finding all of the following. If the planning director does not make all of these findings, he/she shall deny the minor adjustment.

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- 1) The proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries.
 - 2) The proposed development is compatible with existing and proposed land uses in the surrounding area.
 - 3) Any adjustments to or deviations from the density, requirements, or design standards result in the creation of project amenities that would not be available through strict adherence to code provisions (e.g., additional open space, protection of natural resources, improved pedestrian connectivity, public plazas).
 - 4) Granting the minor adjustment will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
 - 5) The minor adjustment is consistent with the general plan or any applicable specific plan or development agreement.
 - 6) The minor adjustment is the minimum required in that it allows the specified improvement or development to occur, but does not provide additional development rights.
- F) Conditions. In approving a minor adjustment, the director may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained within this code.

Section 18.16.120 Minor Design Review

- A) Purpose. This purpose of minor design review is to establish a process for certain types of residential and nonresidential projects that are relatively minor in nature to facilitate project review in a timely and efficient manner with planning director review and determination; to ensure that development projects comply with all applicable local design guidelines, standards, and ordinances; to minimize adverse effects on surrounding properties and the environment; and to be consistent with the general plan, which promotes high aesthetic and functional standards to complement and add to the physical, economic, and social character of Patterson.
- B) Applicability. Minor design review is required for changes to properties that are considered “aesthetically insignificant” as follows:
- 1) Single-family homes, except when part of a development plan, master plan, or specific plan.

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- 2) Aesthetically insignificant projects where the planning director determines that a new small structure, or a change or addition to an existing building or other site feature, has no potential for conflict with the city's design objectives due to its size, location, form, materials, or colors.
 - 3) Minor or incidental projects where the planning director determines that the project, such as a sign, building addition or remodel, or a new small structure, is minor or incidental to a larger, previously approved project.
 - 4) Demolitions where the planning director determines that the proposed demolition has no historical, architectural, or aesthetic significance.
- C) Review Process.
- 1) The planning director is the approving authority for minor design review. However, the planning director may also refer a minor design review to the planning commission for review and approval as pursuant to Subsection 18.14.060.C (Referral to the Planning Commission).
 - 2) Public notice of the application submittal and pending determination shall be made in accordance with Section 18.14.050.C (Notice of Planning Director Determination).
 - 3) Planning director determination shall be based on standards and criteria set forth within this code and adopted community design guidelines and shall be accompanied by brief, written findings and a determination.
- D) Findings. The planning director, where authorized, shall make the following findings before approving a minor design review application:
- 1) The proposed project is consistent with the general plan.
 - 2) The proposed use is in accord with the objective of the zoning code and the purposes of the district in which the site is located.
 - 3) The proposed project is in compliance with each of the applicable provisions of the zoning code and community design guidelines.
 - 4) The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- E) Conditions. In approving a minor design review, the director may impose any reasonable conditions to ensure that the approval will comply with the findings required, as well as any performance criteria and development standards contained within this code.

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Section 18.16.130 Williamson Act Contract Management

- A) Purpose and Description. The purpose of this chapter is to provide for the continuation, nonrenewal, or cancellation of Williamson Act contracts for properties annexed into the city. A Williamson Act contract is also known as a Land Conservation Act of 1965 contract and shall be referred to herein as contract or contracts.
- B) Contracts. It is the intent of the city to continue contracts in force at the time the property is annexed into the city consistent with general plan policy. No new agricultural preserves will be initiated for property within the city. The city, after acquiring land in a preserve by annexation, shall have all rights and responsibilities specified in California Government Code § 51235.
- C) Filing of Map. On or before September 1 of each year, the city shall file with the director of conservation a map of the city and designate thereon all contracted parcels at the end of the preceding fiscal year.
- D) Uses. Uses permitted under this section shall be consistent with the principles of compatibility set forth in California Government Code § 51238.1(a)(b)(c). The city council may conditionally approve uses to establish conformity with the principles of compatibility.
- E) Notice of Nonrenewal—Renewal—Recording Requirements.
 - 1) Nonrenewal Process.
 - a) Filing.
 - i) Initiation. Notice of nonrenewal may be initiated by either of the following, in compliance with state law (California Government Code § 51245):
 - ii) Council. The council may initiate a notice of nonrenewal; or
 - iii) Property Owner(s). The property owner(s) may initiate a notice of nonrenewal.
 - iv) A copy of the notice shall be filed with the planning division of the community development department.
 - 2) Contents. The notice shall contain the following materials:
 - a) Notice Form. One copy of the completed notice form.

- b) Preliminary Title Report. One copy of a current preliminary title report. Reports more than six (6) months old are not considered current and shall not be accepted.
 - c) Deadline. The written notice shall be served on the city by the property owner(s) at least ninety (90) days, or on the property owner(s) by the city at least sixty (60) days, before the annual renewal date of the contract.
- 3) Recordation. The notice of nonrenewal shall be recorded in the following manner:
- a) Document Preparation. Once the notice is deemed complete and acceptable per subsection (A)(1)(c) of this section, the city clerk shall prepare all documents for recordation.
 - b) Forwarded for Recordation. The city clerk shall forward the notice to the county recorder's office for recordation.
 - c) Mailing of Copies. A copy of the recorded notice shall be mailed to the following:
 - i) The property owner(s),
 - ii) The director of conservation, and
 - iii) The county assessor.
 - d) December Deadline. The notice shall be recorded in the county recorder's office before December 1 in order to be processed for the following March 1 lien date, in compliance with state law (California Government Code § 51245).
 - e) Terminates in Ten Years. The notice of nonrenewal terminates the contract in ten (10) years, in compliance with state law (California Government Code § 51246(a)).
 - f) Assessment. During this ten (10) year nonrenewal period, the assessment of the subject property may incrementally increase.
- F) Cancellation.
- 1) Filing.
 - a) Initiation. A petition for cancellation may only be initiated by the property owner(s), consistent with California Government Code § 51281.

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- b) The petition for cancellation shall be filed with the planning division of the city's community development department.
- 2) Contents. The petition for cancellation shall contain the following materials:
 - a) Petition Form. One complete copy of the city's required form.
 - b) Preliminary Title Report. One copy of a current preliminary title report. Title reports more than six months old at time of application are not considered current and shall not be accepted.
 - c) A copy of the contract under which the parcel(s) are encumbered.
 - d) A current assessor's parcel map showing the contracted parcels.
 - e) Additional Information. Any additional information the director determines to be necessary to process the petition.
- 3) Tentative Cancellation of Contract.
 - a) Notice. Notice of a public hearing shall be given as follows:
 - i) Notice to Director of Conservation. Notice shall be provided to the director of conservation, along with the required findings, at least thirty (30) days prior to a public hearing at which the city council will take action on the tentative cancellation.
 - ii) Published Notice. A notice shall be published at least once in a local newspaper of general circulation within the city at least ten (10) days before the hearing.
 - iii) Mailed Notice. Notice shall be mailed to owners of contracted property within one (1) mile, property owners within five hundred feet (500'), other concerned agencies, and the department of conservation.
- 4) Review Procedure. The council shall conduct a public hearing for a tentative cancellation of the contract.
- 5) Findings. The council may grant cancellation of the contract only if all the findings in subsection (B)(3)(a) or (B)(3)(b), below, can be made in a positive manner:
 - a) The cancellation is consistent with the purposes of the Williamson Act. This finding can only be made if the cancellation is:

- i) For property on which a notice of nonrenewal has been served in compliance with state law (California Government Code § 51245);
 - ii) Not likely to result in the removal of adjoining lands from agricultural use;
 - iii) For an alternative use of land which is consistent with the land uses, objectives, policies, and programs of the general plan and any applicable PD zoning;
 - iv) Intended to ensure/maintain a contiguous pattern of urban development; and
 - v) In an area which has no noncontracted land available and suitable for the proposed use which is intended for the subject property or development of the contracted land would provide for a more contiguous pattern of urban development than would development of the available noncontracted land.
- 6) The Cancellation Is in the Public Interest. This finding can only be made if:
- a) Other public considerations substantially outweigh the objectives of the Williamson Act; and
 - b) There is no proximate noncontracted land in the area which is available and suitable for the proposed use which is intended for the subject property, or development of the contracted land would provide for a more contiguous pattern of urban development than would development of any proximate noncontracted land.
- 7) Notice of Decision. A notice of the decision on the tentative cancellation of the contract shall be published within thirty (30) days of the council's decision, with a copy to the director of the department of conservation, in compliance with California Government Code § 51284, and to the county assessor's office.
- 8) Recordation. The city clerk shall record the certificate of tentative cancellation with the county recorder in compliance with California Government Code § 51283.4(a).
- G) Fees. Prior to giving approval to any contract cancellation, the city council shall determine and certify the cancellation fee pursuant to California Government Code § 51283 or § 51297. Cancellation fees that are not paid within one (1) year of the recording of the certificate of tentative cancellation will be recomputed as of the date of notice (California Government Code § 51283.4(a) and (b)).

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- 1) Cancellation Fee Waiver. If it finds that it is in the public interest, the city council may waive any payment or any portion of a payment by the landowner. It may extend the time for making the payment, or a portion of the payment, contingent upon the future use made of the land, and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been cancelled, if all of the following occur:
 - a) The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to the owner.
 - b) The city council has determined it is in the best interest of the program to conserve agricultural land use that the payment be either deferred or not required.
 - c) The waiver or extension of time is approved by the secretary of the resources agency. The secretary will approve a waiver or extension of time only on the finding that the granting of the waiver or extension of time by the local agency is consistent with the policies of the Williamson Act and that the local agency complied with the act in approving the cancellation. In evaluating a request for a waiver or extension of time, the secretary shall review the findings of the city council, the evidence in the record of the council, and any other evidence received concerning the cancellation, waiver, or extension of time (California Government Code § 51283(c)).
 - 2) Recordation. The cancellation of a contract shall not be final until the community development director is satisfied that any required conditions have been fulfilled and the certificate of cancellation is recorded pursuant to California Government Code § 51283.4(a).
- H) Precedence.
- 1) If any part of this chapter is found to conflict with any part of state law governing Land Conservation Act of 1965 contracts, the applicable section of state law shall prevail.

Section 18.16.140 Nonconforming Permit

- A) Purpose. The purpose of the Nonconforming Permit is to allow for individual review of requests to expand or modify a nonconforming structure that was constructed prior to the establishment of zoning regulations. The continuation of the nonconformity shall only be permitted if the use and structure is generally

compatibility with the surrounding neighborhood and does not place an undue burden on neighboring properties.

- B) **Applicability.** Nonconforming Permits may only be requested and considered for nonconforming uses and structures on property zoned Downtown Residential (DR). In order to apply for a nonconforming permit the structure must have been built prior to January 1, 1994. This permit cannot be used to allow the continuation of a non-conforming use.
- C) **Permit Requirements.** A Nonconforming Permit is required for the expansion or modification of existing nonconforming structure.
- D) **Approving Authority.** The Planning Director shall have approval authority for all Nonconforming Permits.
- E) **Required Findings.** A Nonconforming Permit shall be granted only when the Planning Director determines that the proposed structure complies with all of the following findings:
 - 1) The structure as proposed will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the City.
 - 2) The benefit to the public health, safety, or welfare exceeds the detriment inherent in the continuation or expansion of nonconformity.
 - 3) The modified or expanded nonconforming structure would not be incompatible with reasonably foreseeable uses as allowed under the applicable zoning regulations.
- F) **Conditions/Guarantees.** The Director may impose conditions and/or require guarantees for the Nonconforming Permit to ensure compliance with this section and other applicable provisions of this Title and to prevent adverse or detrimental impact to the surrounding neighborhood

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Section 18.18.010 Purpose

The purpose of this chapter is to establish permits and entitlements that are decided by the planning commission. Each permit and entitlement type is described in this chapter in terms of purpose and applicability, unique review process, findings for approval, and conditions. General processing procedures are established in Chapter 18.14 (General Application Processing Procedures).

Section 18.18.020 Conditional Use Permit

G) Purpose and Intent. The purpose of the conditional use permit is to ensure the proper integration of uses which, because of their special nature and/or potential for becoming a nuisance, may be suitable only in certain locations or zoning districts and then only when such uses can be controlled or designed in a particular manner. Conditional uses often involve such factors as noise, dust, dirt, litter, fumes, odors, vibrations, traffic congestion, and other problems or hazards of various kinds.

Uses set forth in this title as conditional uses, including all matters relating to their establishment, operation, and maintenance, are determined to be of such a nature and character as to preclude listing them as permitted uses in any district without special review. The special review shall be for the purpose of determining whether each proposed conditional use is, and will continue to be, compatible with its surrounding, existing and planned, uses and whether it will conform to the requirements of the district in which it will be situated, and to other applicable requirements under this title, and for the further purpose of establishing such special conditions as may be necessary to ensure the harmonious integration and continued compatibility of the use in its immediate neighborhood and within the surrounding area.

H) Review Process.

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- 1) The planning commission, in accordance with provisions of this article, may approve, conditionally approve, or deny an application for a conditional use permit and in granting approval may impose such requirements and conditions with respect to location, siting, construction, maintenance, operation, duration, and any other aspect of the use as may be deemed necessary for the protection of adjacent properties and uses and the public welfare. The granting of a conditional use permit shall not exempt the applicant from complying with the requirements of the city's building codes, other requirements of this code, or other city, county, state, or federal requirements which may be applicable.
 - 2) The application shall be accompanied by plot plans, elevations, landscaping plans, and any additional maps, drawings, and/or materials as may be deemed necessary by the planning director, and in such detail as may be required in order to adequately review the application and evaluate its effect on surrounding properties.
 - 3) Public hearing is required for a conditional use permit. Notice and hearing shall be provided in accordance with Section 18.14.050 (Public Hearing and Public Notice).
 - 4) Upon the approval of an application, the planning director, or his or her designee, shall have prepared an approval notification that will constitute the conditional use permit, one copy of which shall be forwarded to the applicant, one copy of which shall be retained in the files of the planning department, and one copy of which shall be forwarded to the building official. In addition, a copy shall be forwarded to any other department or agency the planning director considers affected by the issuance of the conditional use permit.
- I) Findings. In order to grant a conditional use permit, the planning commission shall make all of the following findings:
- 1) The requested conditional use permit is consistent with the city general plan and this title.
 - 2) The establishment, maintenance, or operation of the proposed use or structure will conform to the requirements and the intent of this title; and such proposed use or structure will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the city.
- J) Time Limits and Extensions. A conditional use permit shall be in effect for the duration of the use, or for a time period or periods specified in the conditions of

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approval, or until such time as a revocation of the conditional use permit is effectuated. A conditional use permit may be extended in accordance with provisions of Section 18.14.090 (Permit Time Limits, Extensions, and Expiration).

- K) Permit Runs with Land. Unless otherwise specified in the conditions, a conditional use permit shall apply to the property for which it was granted and shall be transferable to any future owner or tenant thereof.
- L) Revocation. A conditional use permit granted in accordance with the terms of this chapter shall be deemed revoked if not exercised within one (1) year from date of approval. A conditional use permit may also be revoked consistent with provisions in Section 18.14.110 (Revocation).

Section 18.18.030 Variance

- A) Purpose and Intent. The purpose of a variance is to provide flexibility from the strict application of development standards when special circumstances pertaining to the property, such as size, shape, topography, or location, deprive such property of privileges enjoyed by other properties in the vicinity and in the same district (consistent with the objectives of this title). Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.
- B) Applicability. A variance may be granted for any exception to the requirements of this title. However, a variance from this title may not be granted to do any of the activities listed below.
 - 1) Allow a land use not otherwise permitted in the zoning district.
 - 2) Increase the maximum allowed residential density except as allowed by state law.
 - 3) Waive or modify a procedural requirement.
- C) Review Process.
 - 1) The application shall be accompanied by plot plans, elevations, landscaping plans, data, and any additional maps, drawings, and/or materials as may be deemed necessary by the planning director, and in such detail as may be required in order to adequately review the application and evaluate that the conditions set forth in this chapter apply to the subject property. The applicant shall have the burden of providing the facts necessary to establish the existence of such conditions. An application for a variance shall be

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- accompanied by a fee in a sum to be established by the city council by resolution.
- 2) Public hearing is required for a variance. Notice and hearing shall be provided in accordance with Section 18.14.050 (Public Hearing and Public Notice).
 - 3) The planning commission may approve, conditionally approve, or deny an application for a variance, and in granting approval may impose such requirements and conditions with respect to location, construction, maintenance, operation, duration, and any other aspect of the use as may be deemed necessary for the protection of adjacent properties and uses and the public welfare. The granting of a variance shall not exempt the applicant from complying with the requirements of the city's building codes, other requirements of this code, or other city, county, state, or federal requirements which may be applicable.
 - 4) Upon the approval of an application, the planning director, or his or her designee, shall have prepared an approval notification that will constitute the variance, one copy of which shall be forwarded to the applicant, one copy of which shall be retained in the files of the planning department, and one copy of which shall be forwarded to the building official. In addition, a copy shall be forwarded to any other department or agency the planning director considers affected by the issuance of the variance.
- D) Findings. In order to grant a variance, the planning commission shall make all of the following findings:
- 1) There are exceptional or extraordinary circumstances or conditions applying to land, buildings, or uses referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district.
 - 2) The granting of such application will not, under the circumstances of the particular case or as conditioned, materially affect adversely, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the subject site, or to the general welfare of the city.
 - 3) The strict application of this title deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.
 - 4) The granting of such variance shall not constitute a special privilege.
- E) Precedents. The granting of a prior variance shall not set a precedent for the granting of a further variance, and each application shall be considered only on its individual merits.

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- F) Time Limits and Extensions. A variance shall be in effect for the duration of the use, or for a time period or periods specified in the conditions of approval, or until such time as a revocation of the variance is effectuated. A variance may be extended in accordance with provisions of Section 18.14.090 (Permit Time Limits, Extensions, and Expiration).
- G) Variance Runs with Land. Unless otherwise specified in the conditions, a variance shall apply to the property for which it was granted and shall be transferable to any future owner or tenant thereof.
- H) Revocation. A variance granted in accordance with the terms of this chapter shall be deemed revoked if not exercised within one (1) year from date of approval. A variance may also be revoked consistent with provisions in Section 18.14.110 (Revocation).
- I) New Applications. Following the denial or revocation of a variance, no application for the same or a substantially similar variance on the same site shall be filed within one (1) year of the denial, unless it can be shown that there has been a change in the property or its environs which substantially affects a condition upon which a variance is based.

Section 18.18.040 Architectural and Site Plan Review

- A) Purpose and Intent. It is determined that inadequate design and planning relating to the proposed development and future maintenance of buildings, structures, signs, off-street parking, landscaping, and other similar site improvements adversely affects the value of both improved and unimproved real property for residential, commercial, industrial, or other uses. This chapter establishes architectural and site plan review procedures which are intended to promote more comprehensive and proficient design and planning and thereby achieve the following objectives:
 - 1) To promote orderly and compatible development in the city, thereby preserving and enhancing the value of real property and improvements thereon.
 - 2) To ensure that site development, the exterior appearance of buildings, landscaping, signage, and other structures are in substantial compliance with standards and guidelines which maximize aesthetic considerations and minimize adverse environmental impacts upon the surrounding area.
 - 3) To protect the public health, welfare, and safety by encouraging the most appropriate uses of real property within the city.

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- B) **Applicability.** Whenever a development project is proposed and/or an application is made for a building permit to establish, construct, convert, move, structurally alter, or occupy a lot or other parcel of real property, an application for architectural and site plan review shall be required. However, the planning director may determine that the proposed project is “aesthetically insignificant” and may require a lesser administrative design review (Section 18.16.120 Minor Design Review).
- C) **Submittal Requirements.** All applications for architectural and site plan review shall be submitted on the required city form, along with the adopted fee and all application submittal requirements listed on the current permit application form.
- D) **Review Process.**
 - 1) The planning commission, in accordance with provisions of this title, may approve, conditionally approve, or deny an application for architectural and site plan review, and in granting approval may impose such requirements and conditions with respect to compliance with and conformity to adopted design review guidelines, site layout, location of open space, building design, building siting, compatibility with surrounding land and development, and other associated items as determined by the planning commission.
 - 2) Public hearing is required for architectural and site plan review. Public hearing and notice shall be provided consistent with the provisions of Section 18.14.050 (Public Hearing and Public Notice).
 - 3) Upon the decision to approve, conditionally approve, or deny an application, the planning director, or his or her designee, shall have prepared a notification of decision, one copy of which shall be forwarded to the applicant, one copy of which shall be retained in the files of the planning department, and one copy of which shall be forwarded to the building official. In addition, a copy shall be forwarded to any other department or agency the planning director considers affected by the decision.
- E) **Findings.** In order to grant approval of an architectural and site plan review, the planning commission must make all of the following findings:
 - 1) The architectural and general appearance of the structures and grounds shall have architectural unity and be in keeping with the character of the neighborhood as not to be detrimental to the orderly and harmonious development of the city, or to the desirability of investment or occupation in the neighborhood.

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- 2) The site plan is consistent with this title, any applicable specific plan, any adopted development standards and design guidelines, and the general plan.

Section 18.18.050 Alteration Permit

- A) **Alteration Permit Required.** It is unlawful for any person to tear down, demolish, construct, alter (utilizing materials not compatible with existing or original materials), remove, or relocate any improvement, or any exterior portion thereof, which has received a historic designation, or to alter in any manner any exterior architectural feature of such a historic designated site, landmark, or improvement, including, but not limited to, roofs, eaves, fascia and siding, masonry walls and supports, porches, landings, outside stairs, columns, windows and frames, and auxiliary buildings without first obtaining approval to do so in the manner provided in this chapter.
- B) **Alteration Permit Procedure.** The following procedures shall be followed in processing applications for permit approval for work covered by this chapter:
 - 1) The building official shall report any application for a building permit to work on a designated historic site, landmark, improvement, or historic district to the planning director.
 - 2) If no building permit would otherwise be required pursuant to this code, application for approval to pursue work on a designated historic site, landmark, or improvement, or within a historic district, shall be made to the planning director who will then present such applications to the commission.
 - 3) All such applications shall be accompanied by the following:
 - a) A clear statement of the proposed work;
 - b) Plans describing the size, characteristics, and appearance of the proposed work and its relationship to adjacent structures, if any;
 - c) A site plan showing all existing buildings and structures and the proposed work;
 - d) Reasons for the proposed work, or demolition if demolition is proposed;
 - e) Property owners concurrence, if applicant is not the property owner;
- C) Any other materials considered by the planning director or planning commission to be reasonably necessary for the proper evaluation of the proposal.

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- D) Public Hearing. The planning commission shall hold a public hearing on the application. Notice of such hearing shall be given as required by state law. The planning commission shall complete its review and make a decision within fifty (50) days of the date of receipt of the completed application.
- E) Findings. The planning commission, or the city council upon appeal, may approve, approve with modifications, or disapprove an alteration permit based on the following and criteria pursuant to Section 18.54.030C (Powers and Duties) for the historic preservation overlay district. Prior to approval, or approval with modifications, the planning commission, or the city council upon appeal, shall find that:
 - 1) The action proposed is consistent with the purposes of this chapter.
 - 2) The action proposed will not detrimentally alter, destroy, or adversely affect any exterior architectural feature, or character of a historical site, building, landmark, structure, district, or improvement.
 - 3) In the case of construction of a new improvement, building, or structure upon a historic site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings, structures, and features on and around said site.
 - 4) If applicable, the applicant has demonstrated that the action is necessary to correct an unsafe or dangerous condition on the property.

Section 18.18.060 Creative Sign Permit

- A) Purpose. The purpose of a creative sign permit is to provide a process for property owners and businesses to propose, and for the city to consider special deviations from the regulations for on-site permanent signs provided in this Title under certain limited circumstances. The creative sign permit also provides a process for the city to review special signage types prior to issuance of a sign permit. The intent of the creative sign permit is to:
 - 1) Encourage signs of unique design that exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
 - 2) Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the city, while mitigating the impacts of large or unusually designed signs.
- B) Applicability. An applicant may request approval of a creative sign permit in order to allow a sign that may require standards that differ from the signage

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provisions of this Title, but comply with the purpose and findings for creative sign permit. Establishments that are eligible for creative sign permit include any commercial, office, or industrial use in the city.

C) Approving Authority and Procedures.

- 1) The planning commission, or his or her designee, shall be the designated approving authority for creative sign permit.
- 2) Multiple Signs. One creative sign permit application may be submitted for multiple signs, provided all signs are on the same property and/or as part of the same tenant. In such instances, the application may be granted in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, a written notice shall specify the ground(s) for such denial.

D) Review Process.

- 1) The planning commission, in accordance with provisions of this article, may approve, conditionally approve, or deny an application for a creative sign permit and in granting approval may impose such requirements and conditions with respect to location, siting, construction, maintenance, operation, and any other aspect of the use as may be deemed necessary for the protection of the public welfare. The granting of a creative sign permit shall not exempt the applicant from complying with the requirements of the city's building codes, other requirements of this code, or other city, county, state, or federal requirements which may be applicable.
- 2) The application shall be accompanied by plot plans, elevations, landscaping plans, and any additional maps, drawings, and/or materials as may be deemed necessary by the planning director and in such detail as may be required in order to adequately review the application and evaluate its effect on surrounding properties.
- 3) Public hearing is required for a creative sign permit. Notice and hearing shall be provided in accordance with Section 18.14.050 (Public Hearing and Public Notice).
- 4) Upon the approval of an application, the planning director, or his or her designee, shall have prepared an approval notification that will constitute the creative sign permit, one copy of which shall be forwarded to the applicant, one copy of which shall be retained in the files of the planning department, and one copy of which shall be forwarded to the building official. In addition, a

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copy shall be forwarded to any other department or agency the planning director considers affected by the issuance of the permit.

- E) Deviations Allowed. The following types of deviations from the signage standards of this Title may be requested by the applicant for a creative sign permit and may, upon written findings, be approved by the approving authority:
- 1) Increases in maximum allowed area for permanent signs on the subject site;
 - 2) Allowances for types of lighting not otherwise permitted by this Title;
 - 3) Allowances for types of signs not specifically permitted by this Title; and
 - 4) Allowances for signs to exceed the maximum height requirement(s).
- F) Considerations and Basis for Deviations. In approving an application for a Creative Sign Permit and any deviations from the signage standards of this Title, the designated Approving Authority shall ensure that the proposed sign meets the following criteria:
- 1) Design quality. The sign shall:
 - i) Have a positive visual impact on the surrounding area;
 - ii) Be of unique design and exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
 - iii) Provide strong graphic character through the imaginative use of color, graphics, proportion, quality materials, scale, and texture.
 - 2) Contextual criteria. The sign shall contain at least one of the following elements:
 - i) Classic historic design style;
 - ii) Creative image reflecting current or historic character of the City; or
 - iii) Inventive representation of the logo, name, or use of the structure or business.
 - 3) Architectural criteria. The sign shall:
 - i) Utilize or enhance the architectural elements of the building; and

- ii) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the facade.
 - iii) Impacts on surrounding uses. The sign shall be located and designed not to cause light and glare impacts on surrounding uses, especially residential uses.
- G) Findings. A creative sign permit shall be granted only when the designated approving authority makes all of the following findings:
 - 1) The proposed creative sign permit is consistent with the objectives of the general plan;
 - 2) The proposed signage is consistent with the purposes of the creative sign permit; and
 - 3) The proposed deviations from the signage standards of this title are consistent with the considerations and basis for deviations listed in this title..
- H) Time Limits and Extensions. A creative sign permit shall be in effect for the duration of the use, or for a time period or periods specified in the conditions of approval, or until such time as a revocation of the permit is effectuated. A creative sign permit may be extended in accordance with provisions of Section 18.14.090 (Permit Time Limits, Extensions, and Expiration).
- I) Permit Runs with Land. Unless otherwise specified in the conditions, a conditional use permit shall apply to the property for which it was granted and shall be transferable to any future owner or tenant thereof.
- J) Revocation. A creative sign permit granted in accordance with the terms of this chapter shall be deemed revoked if not exercised within one (1) year from date of approval. A creative sign permit may also be revoked consistent with provisions in Section 18.14.110 (Revocation).

Chapter 18.20 City Council Decisions

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Section 18.20.010 Purpose

The purpose of this chapter is to establish permits and entitlements that are decided by the city council. Each permit and entitlement type is described in this chapter in terms of purpose and applicability, unique review process, findings for approval, and conditions. General processing procedures are established in Chapter 17.14 (General Application Processing Procedures).

Section 18.20.020 Planned Development

- A) Purpose and Intent. The application of the conventional regulations can stifle creative planning and design efforts. The planned development entitlement allows for the approval of projects with the (PD) district overlay zoning designation. Planned Developments are intended to apply to integrated development as a means of providing opportunities for creative and cohesive design concepts for a range of project types and sizes. The planned development entitlement is intended to allow modification of requirements established by other ordinances and diversification in the relationship of different uses, buildings, structures, lot sizes, and open spaces, while ensuring compliance with, and implementation of, the general plan. Additional objectives include the provision of development consistent with site characteristics, creation of optimum quantity and use of open space, encouragement of good design, and promotion of compatible uses.

- B) Applicability. A planned development entitlement (formerly development plan) is required for any proposed development on property zoned planned development (PD) on the city’s zoning map. The approval of a PD district designation on the zoning map is a legislative act which must precede approval of a planned

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development. For additional information on the zoning map amendment process, see Section 18.20.050 (Zoning Ordinance/Map Amendment).

- C) Planned Development Process, The planned development entitlement (formerly development plan) is decided by the city council at a public hearing, after planning commission consideration and recommendation with a public hearing. Public hearings and notices shall be provided consistent with requirements of Section 18.14.050 (Public Hearing and Public Notice).
- 1) Planned developments shall be adopted by resolution of the city council.
 - 2) The city council, in accordance with provisions of this title, may approve, conditionally approve, or deny an application for a planned development and in granting approval may impose such requirements and conditions with respect to compliance with and conformity to the general plan, zoning code, and community design guidelines, compatibility with surrounding land and development, and other associated items as determined by the city council.
 - 3) Administrative Amendments. Amendments to an approved development or its conditions of approval, may be approved by the planning director, or his or her designee, if he or she determines that the amendments are minor in character and are in substantial compliance with the previously approved plan.
 - 4) Non-administrative Amendments. If the planning director, or his or her designee, determines that a proposed amendment to an approved development or its conditions of approval would substantially affect the subject land area, or would constitute a substantial change to the approved planned development or its conditions of approval, then the amendment shall be processed and considered for approval in the same manner as the original application.
- D) Planned Development Requirements. All applications for planned development shall be submitted on the required city form, along with the adopted fee and all application submittal requirements listed on the current permit application form.
- E) Design Objectives. Within the PD proposal, the applicant shall state how the following design objectives will be addressed:
- 1) The bulk and height of buildings, land coverage, visual appearance from adjacent land, and design compatibility with on- and off-site structures and land uses;
 - 2) The design of structures, to provide for harmonious composition of mass, scale, color, and textures, with special emphasis on the transition from one

- building type to another, termination of groups of structures, relationships to streets, exploitation of views, and integration of spaces and building forms with the topography of the site and the urban or suburban character of the area;
- 3) The provisions of an efficient, direct, and convenient system of pedestrian circulation, together with landscaping and appropriate treatment of any public areas; and
 - 4) The integration of off-street parking and loading areas into the overall vehicular circulation system.
- F) Other Requirements. The city council may require standards, regulations, limitations, and restrictions which are either more or less restrictive than those specified elsewhere in this code, which are designed to protect and maintain property values and amenities in the community, and which foster and maintain the health, safety, and general welfare of the community, including without limitation, any of the following:
- 1) Limitations on height of buildings and structures;
 - 2) Percentage limitations on coverage of land by buildings and structures;
 - 3) Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;
 - 4) The location, width, and improvement of vehicular and pedestrian access to various portions of the property, including that within abutting streets;
 - 5) Planting and maintenance of trees, shrubs, plants, and turf in accordance with a landscaping plan;
 - 6) Construction of fences, walls, and lighting;
 - 7) Limitations upon the size, design, number, lighting, and location of signs and advertising structures;
 - 8) Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;
 - 9) Location and size of off-street loading areas;
 - 10) Limitations on the use of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when use involves noise, dust, odor, fumes, smoke vibration, glare, or

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- radiation incompatible with present or potential development of surrounding property;
- 11) Architectural design of buildings and structures;
 - 12) Requiring instruments of credit, bonds, or any other form of security which is acceptable to ensure development as approved; and
 - 13) The naming of roads and streets in accordance with city policy.

Section 18.20.030 Master Plan

- A) Purpose. The purpose of a master plan is to allow for the coordinated comprehensive planning of a subarea of the city in order to accomplish any of the following objectives:
 - 1) Protect a unique environmental, historical, architectural, or other significant site feature that cannot be adequately protected by adoption of another land use zone.
 - 2) Allow the development of an exceptional project design that cannot be built under an existing zoning district or due to constraints of existing development standards.
 - 3) Further the implementation of specific goals and policies of the city as provided in the general plan.
 - 4) “Plan ahead” and look beyond the limits of a particular property to solve circulation, drainage, and neighborhood compatibility problems.
 - 5) Provide flexibility for developments beyond conventional zoning regulations to address special or unique needs or characteristics.
- B) Applicability. A master plan is required to meet the master planning (planned development) requirements of the general plan.
 - 1) Residential expansion area identified in the general plan.
 - 2) Mixed-use hillside development as identified in the general plan.
 - 3) Other areas as determined by the planning director, planning commission, and/or city council.
- C) Master Plan Requirements. Each master plan application shall include the following:

- 1) Land use plan. A land use diagram that clearly identifies the uses allowed in each neighborhood based on the land use designations described in Part I – Land Use Diagrams and Standards. The qualities desired in residential expansion areas shall include, but are not limited to, the following:
 - f) A mix of housing products and densities serving the broadest range of households, incomes, and ages.
 - g) A neighborhood center containing higher-density residential development, retail, restaurants, entertainment, office, and public uses within a short walk or bicycle ride of surrounding residences.
 - h) Parks, schools, and other public/quasi-public uses within a short walk or bicycle ride.
 - i) A complete and interconnected system of mobility consisting of roadways, bicycle and pedestrian paths, and transit stops.
 - j) Short blocks with a substantial tree canopy shading the street and sidewalk.
 - k) Connectivity to surrounding neighborhoods, regional retail centers, and employment.
 - l) A sense of personal safety.
 - m) Elements that foster the sustainable use of scarce or non-renewable resources. Additional qualities as determined appropriate by the city council on a case-by-case basis consistent with the policies and implementation measures of the general plan.
- 2) Services and Infrastructure Plans. Infrastructure plans for water supply, wastewater collection and treatment, storm water runoff, and circulation shall be required. In addition, the master plan shall describe the provision of necessary facilities, equipment, and staffing for police and fire protection, parks and recreation, and schools.
- 3) Infrastructure Financing Program. Infrastructure financing program which sets forth the method of revenue generation (e.g., special district, etc.) and the obligations of the project and the city toward the cost of infrastructure necessary to serve the project.
- 4) Phasing Plan. Phasing plan which describes the following:
 - n) The boundaries of each phase reflecting a logical order of development.

- B) Applicability. The general plan identifies certain new development areas of the city which require a specific plan or master plan (planned development) to implement general plan policies. Specific plans are also encouraged if they will lead to more effective implementation of the general plan.
- C) Review Procedure.
 - 1) The designated approving authority for a specific plan is the city council, which shall hold a public hearing on the planning commission recommendation prior to taking action. The planning commission shall hold a public hearing and then shall provide a recommendation, which recommendation shall include the reasons for the recommendation and the relationship of the proposal to the general plan. The city council approves by ordinance or denies the specific plan in accordance with the requirements of this title.
 - 2) Public hearing and notice shall be provided consistent with Section 18.14.050 (Public Hearing and Public Notice).
 - 3) An amendment to specific plan text and map may be initiated by the planning commission or the city council, or may be initiated by the original applicant for the specific plan district or a successor thereto, provided such applicant or successor has, at the time of application for an amendment, a continuing controlling interest in development or management of uses within the planned community zone.
- D) Specific Plan Contents. In addition to the minimum content requirements of California Government Code § 65451, the following items outline the city's content requirements for an application:
 - 1) Statement of relationship of the specific plan to the general plan.
 - 2) Policies for development and standards for regulating development within the plan area.
 - 3) The proposed land uses for all areas covered by the plan.
 - 4) The types and configurations of buildings to be included in all developments within the plan area.
 - 5) The location of and types of streets.
 - 6) Public facilities and infrastructure required to serve developments within the specific plan area.

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- 7) A parking and circulation plan for off-street parking areas showing the location of parking lots, the approximate number of spaces, and the approximate location of entrances and exits.
 - 8) Proposed conservation, open space, and/or recreation areas, if any.
 - 9) Any other programs, guidelines, or standards appropriate for the area covered by the specific plan.
- E) Environmental Review. The majority of specific plans will require the preparation of an environment impact report (EIR) under the California Environmental Quality Act and Guidelines. Once certified, the EIR for a specific plan may be relied upon for further entitlements sought subsequent to adoption of the specific plan. Unless otherwise exempt, an initial study shall be prepared for all subsequent applications to determine whether a supplement to the EIR must be prepared. In the event that a supplement to the EIR is determined not to be necessary, a negative declaration or mitigated negative declaration shall be prepared.
- F) Approval Findings. The following findings shall be made prior to the approval of a specific plan:
- 1) The proposed specific plan is consistent with the goals, policies, and objectives of the general plan, development agreement, or other implementation instrument.
 - 2) The proposed specific plan will not adversely affect surrounding properties.

Section 18.20.050 Zoning Ordinance/Map Amendment

- A) Purpose. The purpose of a zoning code/map amendment is to allow modification to any provisions of this title (including adoption of new regulations or deletion of existing regulations), or to rezone or change the zoning designation on the zoning map for any parcel(s). This section is consistent with California Government Code § 65853.
- B) Review Process.
- 1) A zoning code/map amendment may be initiated by the planning commission or the city council, by application of property owner(s) of parcel(s) to be affected by the zoning code/map amendment, or by recommendation of the planning director.
 - 2) The designated approving authority for a zoning code/map amendment is the city council, which shall hold a public hearing on the planning commission recommendation prior to taking action. The planning commission shall hold a

public hearing and then shall provide a recommendation, which shall include the reasons for the recommendation and the relationship of the proposal to the general plan and any specific plans. The city council approves by ordinance or denies the zoning code/map amendment in accordance with the requirements of this title.

- 3) Public hearing and notice shall be provided consistent with Section 18.14.050 (Public Hearing and Public Notice).
- C) Findings. Zoning code/map amendments may be approved only when the city council finds the following:
- 1) The zoning code/map amendment is consistent with the general plan goals, policies, and implementation programs.
 - 2) The zoning code/map amendment is desired by public necessity, convenience, and general welfare.
 - 3) The zoning code/map amendment will result in an orderly planning use of land resources.

Section 18.20.060 Prezoning

- A) Purpose. The purpose of prezoning is to establish the designation of land uses for unincorporated property adjoining the city, within the sphere of influence, prior to annexation.
- B) Review Process. The method of accomplishing prezoning shall be the same as for zoning amendment as provided in Section 17.20.040 (Zoning Ordinance/Map Amendment). Such zoning shall become effective at the time annexation becomes effective. Upon passage of an ordinance establishing the applicable pre-district designation for property outside the city, the zoning map shall be revised to show the potential or “pre-district” classification to become effective upon annexation, and shall identify each district or districts applicable to such property with the label of “PRE-DISTRICT” in addition to such other map designation as may be applicable.

Section 18.20.070 Development Agreement

- A) Authority and Purpose. This chapter is adopted pursuant to the provisions of California Government Code §§ 65864 and 65869.5. The purpose of adopting this chapter is to establish procedures and requirements for the consideration of development agreements in conjunction with specific development plans.

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- B) Applicants. Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has a legal or equitable interest in the property which is proposed to be the subject of the development agreement. The planning director may require an applicant to submit proof of his or her legal or equitable interest in the real property and of the authority of any agent of applicant to act for applicant.
- C) Application and Fee. Application and fee shall be provided in accordance with provisions of Section 18.40.020 (Application and Fee). At a minimum, the development agreement application shall contain the following information:
- 1) The property lines for the properties within three hundred feet (300') of the exterior boundary lines of the subject property.
 - 2) A clear indication of the names of all the streets and of the assessor's parcel numbers of each parcel shown on the map that is the subject of the agreement.
 - 3) The names and mailing addresses as listed on the latest assessment roll of the owners of the property shown on the map.
 - 4) The legal description or other description acceptable to the planning director.
 - 5) The proposed use or uses, density, or intensity of use of the property, the maximum height and size of any proposed buildings, the proposed duration of the agreement, and any proposed reservations or dedications of land for public purposes.
- D) Development Agreement Contents.
- 1) A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provision for reservation or dedication of land for public purposes.
 - 2) The development agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions as well as other discretionary actions taken by the city concurrent with, or applicable to, said project; provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions and concurrent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.

- 3) The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.
 - 4) The agreement may also include terms and conditions relating to applicant relating to applicant financing of necessary public facilities and subsequent reimbursement over time.
- E) Review Process.
- 1) The designated approving authority for a development agreement is the city council, which shall hold a public hearing prior to taking action.
 - 2) The planning commission shall hold a public hearing and provide a recommendation.
 - 3) Public hearing and corresponding notice shall be consistent with provisions of Section 18.14.050 (Public Hearing and Public Notice).
 - 4) The city council approves by ordinance or denies the development agreement in accordance with the requirements of this title.
- F) Planning Commission Findings. After the public hearing by the planning commission, which may be held in conjunction with other required hearings for the project, the planning commission shall make its recommendation in writing to the council. The recommendation shall include findings on the planning commission's determination of whether or not the proposed development agreement:
- 1) Is consistent with the objectives, policies, general land uses, and programs specified in the general plan and any applicable specific plan.
 - 2) Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.
 - 3) Is in conformity with the public convenience and general welfare and good land use practices.
 - 4) Will be detrimental to the health, safety, and general welfare.
 - 5) Will adversely affect the orderly development of property or the preservation of property values.
 - 6) Will provide sufficient benefit to the city to justify entering into this agreement.

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- G) City Council Action. After holding a public hearing, the city council may accept, modify, or disapprove the recommendation of the planning commission. If the city council approves the development agreement, it shall do so by the adoption of an ordinance as required by California Government Code § 65867.5. After the ordinance approving the development agreement takes effect, the city may enter into and execute the agreement.
- H) Initiation of Amendments or Cancellation. Either party may propose an amendment to or the cancellation, in whole or in part, of a development agreement. If proposed by a developer, the procedure for proposing and the adoption of an amendment to or cancellation, in whole or in part, of the development agreement shall be the same as the procedure for entering into the development agreement in the first instance herein (California Government Code § 65868). However, where the city initiates the proposed amendment or cancellation of the development agreement, the city shall first give at least thirty (30) days notice to the property owner of its intention to initiate such proceedings in advance of the giving of public notice of hearing.
- I) Recordation of Agreements, Amendments, or Cancellation.
 - 1) Within ten (10) days after the city enters into the development agreement, the city clerk shall have the agreement recorded with the county recorder.
 - 2) If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in California Government Code § 65868, or if the city terminates or modifies the agreement as provided in California Government Code § 65865.1 for the failure of the application to comply in good faith with the terms or conditions of the agreement, the city clerk shall likewise record notice of such action with the county recorder.
- J) Review of Agreements.
 - 1) The planning department shall review the development agreement every twelve (12) months after the date the agreement is entered into, until the project is fully implemented. After full project implementation, the city shall review the development agreement as often and in the manner as may be specified within the terms of each specific development agreement.
 - 2) The planning department shall begin the review proceeding by giving notice to the property owner that the city intends to undertake a periodic review of the development agreement of the property owner. The department shall give the notice at least thirty (30) days in advance at the time at which the matter will be considered by the planning commission and city council.

- 3) The planning commission and city council shall conduct a public hearing at which the property owner shall demonstrate good faith compliance with the terms of the agreement. The burden of proof on such issue shall be upon the property owner.

Section 18.20.080 General Plan Amendment

- A) Purpose. The purpose of a general plan amendment is to allow for modifications to the general plan text (e.g., goals, policies, or implementation programs) or to change the general plan land use designation on any parcel(s).
- B) Review Process.
 - 1) The designated approving authority for general plan amendments is the city council, which shall hold a public hearing prior to taking action.
 - 2) The planning commission shall hold a public hearing and provide a recommendation.
 - 3) Public hearing and corresponding notice shall be consistent with provisions of Section 18.14.050 (Public Hearing and Public Notice).
 - 4) The city council approves by resolution or denies the general plan amendment in accordance with the requirements of this title.
- C) Frequency of Amendment. Pursuant to California Government Code § 65358, no mandatory element of the General Plan may be amended more frequently than four (4) times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one (1) change to the general plan.
- D) Initiation of Amendment. A general plan amendment may be initiated by the planning commission or the city council, by application of property owner(s) of parcel(s) to be affected by the general plan amendment, or by recommendation of the planning director to clarify text, address changes mandated by state law, maintain internal general plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the city.
- E) Findings. The city council may approve a general plan amendment upon finding that the amendment is in the public interest and that the general plan as amended will remain internally consistent. In the event that a general plan amendment is requested by a private property owner, the applicant shall demonstrate to the city council that there is a substantial public benefit to be derived from such amendment and how the proposed amendment furthers the goals of the general plan.



Public Hearing Draft
Zoning Ordinance

ARTICLE III

ZONING DISTRICTS

Adopted July, 2013

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Chapter 18.30 Establishment of Zoning Districts

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Section 18.30.010 Purpose

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

Section 18.30.020 Zoning Districts

The city of Patterson is divided into zoning districts that are generally grouped into two categories: (A) base zoning districts, and (B) overlay zoning districts. These districts implement the city's general plan land use categories as described in Table 18.30.020-1. Each zone is further defined and regulated in the subsequent sections of this chapter.

- A) **Base Zoning Districts.** The base zoning district is the primary zoning district that applies to a property. Every parcel throughout the city has a base zoning district that establishes the primary type and intensity of land use for the parcel, along with development regulations for that particular type and intensity of land use. Base zoning districts are grouped into four categories as follows:
 - 1) Residential districts
 - 2) Commercial and medical/professional office districts
 - 3) Industrial districts
 - 4) Public/quasi-public and parks and recreation districts
- B) **Overlay Districts.** Overlay zoning districts supplement or modify the base zoning district for one or more of the following purposes:
 - 1) To allow more flexibility from the standard provisions of the underlying base zone;
 - 2) When special provisions are needed to protect unique site features or implement location-specific provisions; and/or

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3) To specify a particular standard or guideline for an area.

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

Table 18.30.020-1: Zoning Districts

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented by Zoning District
Residential Districts		
ER	Estate Residential	Estate Residential
LR, narrow	Low Density Residential, narrow	Low Density Residential
LR, wide	Low Density Residential. wide	
DR	Downtown Residential	Downtown Residential
MR	Medium Density Residential	Medium Density Residential
HR	High Density Residential	High Density Residential
Commercial and Medical/Professional Office Districts		
NC	Neighborhood Commercial	Neighborhood Commercial
HSC	Highway Service Commercial	Highway Service Commercial
DC	Downtown Core	Downtown Core
GC	General Commercial	General Commercial Regional Commercial
MPO	Medical/Professional Office	Medical/Professional Office (MP)
Industrial Districts		
LI	Light Industrial	Light Industrial
HI	Heavy Industrial	Heavy Industrial
IBP	West Patterson Industrial Business Park District	Light Industrial
IL	West Patterson Light Industrial District	Light Industrial
Public/Quasi-Public and Parks and Recreation Districts		
PQP	Public/Quasi-Public	Public/Quasi-Public
PR	Parks and Recreation	Parks and Recreation Open Space (OS)
Overlay Districts		
PD	Planned Development	
HP	Historic Preservation	
MU	Mixed Use	Mixed Use
MUH	Mixed Use Hillside	Mixed Use Hillside Development (MUHD)

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Section 18.30.030 Zoning Map

The city council hereby adopts the city of Patterson zoning map (hereafter referred to as the zoning map) as the official designation of zoning district boundaries on real property within the city. The zoning map shall be regulated as set forth below.

- A) Incorporated by Reference. The zoning map is hereby incorporated into this zoning code by reference as though it were fully included.
- B) Map Amendments. Amendments to the zoning map shall follow the process established in Section 18.20.050 (Zoning Ordinance/Map Amendment).
- C) Relationship to General Plan and Other Plans. The zoning map shall implement and shall be consistent with the city's adopted general plan. The zoning map shall be specifically consistent with the general plan land use and any adopted specific plans or planned developments.
- D) Zoning District Symbol. Zoning districts shall be illustrated on the zoning map as follows:
 - 1) Each base zoning district shall be described on the zoning map by use of its identified zoning district symbol, as listed in Table 18.30.020-1.
 - 2) Overlay Districts shall be designated by their representative symbol along with the base zoning district in a format determined by the planning director.
- E) Zoning Map Interpretation. If there is uncertainty about the location of any zoning district boundary shown on the zoning map, the precise location of the boundary shall be determined by the planning director as follows:
 - 1) The boundaries of a zoning district shall be the centerlines of either streets or alleys, or lot lines of real property, unless otherwise shown. Where a district's boundaries approximately follow centerlines or lot lines, those lines shall be interpreted as the district boundaries.
 - 2) If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary shall be determined by using the scale appearing on the zoning map. Except as otherwise provided by this code through integrated development, each portion of the property shall be developed to the standards and allowed use provisions of the applied zoning district and any applied overlay zone(s).
 - 3) Where the street layout on the ground or the lot lines differ from such layout or lines shown on the zoning map, the planning director shall determine the

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exact boundary and the map shall be amended to conform to the layout on the ground.

- 4) Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley shall be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

Chapter 18.34 Land Use Classification

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Section 18.34.010 Purpose

The purpose of this chapter is to establish land use classifications and to explain how land uses are regulated in this title. This chapter explains the use classification system, the allowed use and permit requirements, how uses not listed are regulated, and how similar uses are determined. It is not possible to list every possible use, so general categories are provided, specific uses are identified as needed, and a process is provided to classify uses that do not clearly fit into a use classification.

Section 18.34.020 Classification of Land Uses

In order to simplify land use regulations, land uses listed in this chapter and throughout this title have been grouped into general categories on the basis of common function, product, or compatibility characteristics. These general allowed use categories are called use classifications. Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. Each land use is described in Article V (Definitions) of this title, as grouped by use classification.

The following rules apply to use classifications:

- A) **Uses Not Listed.** Land uses that are not listed in the zoning district tables are not allowed, except as otherwise provided for in this title.
- B) **Illegal Uses.** No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the city.
- C) **Similar Uses.** When a use is not specifically listed in this code, it shall be understood that the use may be permitted if the planning director determines that the use is similar to other uses listed based on established criteria and required findings outlined in Section 18.16.040 (Similar Use Determinations). It is further recognized that every conceivable use cannot be identified in this title and, anticipating that new uses will evolve over time, the planning director may make a similar use determination to compare a proposed use and measure it against those uses listed.

18.34 Land Use Classification



- D) **Overlay Zoning District.** When a property is located within an overlay zoning district that regulates the allowed use provisions of that subject property, the allowed use regulations of the overlay zoning district shall prevail. When an overlay zoning district is silent on allowed use provisions, it defers the allowed use provisions to the base zoning district. Only where there is a conflict between the base zoning district and overlay zoning district do the regulations of the overlay zoning district prevail.

Section 18.34.030 Allowed Land Uses and Permit Requirements

Zoning district allowed use tables throughout this chapter (Tables 18.38.030-1, 18.42.030-1, 18.46.030-1, and 18.50.030-1) identify allowed land use and permit requirements in each of the city's base zoning districts. Generally, a use is allowed by right, allowed through issuance of an administrative, limited, or conditional use permit, or not permitted. In addition to the permit requirements of this title, other permits may be required prior to establishment of the use (e.g., building permit). The permitting requirements identified in these tables are:

- A) **Permitted (P).** A land use shown with a "P" indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this zoning ordinance (e.g., development standards, design review).
- B) **Administrative (AR).** A land use shown with an "AR" indicates that the land use is permitted in the designated zoning district upon issuance of an administrative review from the designated approving authority, subject to compliance with all applicable provisions of this zoning ordinance (e.g., development standards, design review).

An administrative review may only be considered for projects exempt from the California Environmental Quality Act (CEQA). If not exempt, a conditional use permit shall be required.

- C) **Conditional (CUP).** A land use shown with a "CUP" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning ordinance (e.g., development standards, design review).
- D) **Not Permitted (N).** A land use shown with an "N" in the table is not allowed in the applicable zoning district. Additionally, uses not shown in the table are not permitted.

Chapter 18.38 – Residential Districts

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Section 18.38.010 Purpose

The purpose of this chapter is to establish residential zoning districts in the city, along with allowed use and development standards applicable to those districts. These districts are consistent with and implement the city’s general plan residential land use categories (Estate Residential, Low Density Residential, Downtown Residential, Medium Density Residential, and High Density Residential).

Section 18.38.020 Characteristics of the Residential Districts

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

- A) Estate Residential (ER) Zoning District. This district is applied to areas of the city where development is limited to very low density concentrations of single-family dwellings. The zone implements the general plan’s Estate Residential land use designation by allowing residential developments at an intensity of at or less than 1.0 dwelling units per gross acre. The ER district is intended to stabilize and protect the low-intensity residential characteristics of the district, to promote and encourage a suitable environment for family life, and to provide for detached single-family dwellings and the services appurtenant thereto.

- B) Low Density Residential (LR) Zoning District. This district is applied to areas of the city where development is limited to low density concentrations of single-family dwellings. The zone implements the general plan’s Low Density Residential land use designation by allowing residential developments between 1.1 and 5.0 dwelling units per gross acre. The LR district is intended to stabilize and protect the residential characteristics of the district, to promote and encourage a suitable environment for family life, and to provide for detached single-family dwellings and the services appurtenant thereto. This district includes two variations: Low Density Residential, narrow (LR-n) has the standard side yard setbacks of 5’-0” and Low Density Residential, wide (LR-w)

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which has a minimum building separation of 15'-0." The later district is intended to require increased separation between single family homes.

- C) Downtown Residential (DR) Zoning District. The district implements the general plan's Downtown Residential land use designation by allowing for residential development between 3.1 and 10.0 dwelling units per gross acre. The DR district is intended to stabilize and protect the residential characteristics of the district, to promote and encourage a suitable residential environment, and to provide for single-family detached and attached homes, duplexes, secondary residential units, and the services appurtenant thereto.
- D) Medium Density Residential (MR) Zoning District. This district designates property for the development of a wide range of housing types with a density range between 12.1 and 20.0 dwelling units per gross acre. The zone implements the general plan's Medium Density Residential land use designation and is intended for higher-density single-family homes (attached or detached), condominiums, and small apartment complexes. This district provides a compatible transition between the lower-density residential neighborhoods of the city and the commercial centers.
- E) High Density Residential (HR) Zoning District. This district designates property for the development of residential uses with a density between 20.1 and 40.0 dwelling units per gross acre. The zone implements the general plan's High Density Residential land use designation and is intended for higher-density residential development, such as apartments, condominiums, lofts, and other multi-story residential uses. This district is typically located along major roadways and transit corridors near and adjacent to or within service and employment centers. High-density residential development is designed to be pedestrian- and transit-friendly.

Section 18.38.030 Allowed Land Uses and Permit Requirements

Table 18.38.030-1 below identifies allowed uses and corresponding permit requirements for the residential zoning districts subject to compliance with Chapter 18.34 (Land Use Classification) and all other provisions of this title. Descriptions/definitions of the land uses can be found in Article 11 (Definitions). The Specific Use Regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

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

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**Table 18.38.030-1
Permitted Use Matrix for Residential Districts**

	Residential Zoning District (See Section 18.38.020 for descriptions)					Special Use Regulations
	ER	LR (n,w)	DR	MR	HR	
Residential Uses						
Duplexes ¹	AR	AR	AR	AR	AR	
Family day care home (large)	CUP	CUP	CUP	CUP	CUP	Chapter 18.63
Family day care home (small)	P	P	P	P	P	
Group care facility (large) ²	N	N	N	N	CUP	
Group care facility (small) ²	P	P	P	CUP	CUP	
Live/work units ³	CUP	N	CUP	N	N	Chapter 18.68
Manufactured housing ⁴	P	P	P	P	P	
Mobile homes (accessory)	P	N	N	N	N	
Mobile home parks	N	N	N	CUP	CUP	
Multiple-family units	N	N	CUP	P	P	
Single-family, second units	P	P	P	N	N	Chapter 18.66
Single-family units	P	P	P	CUP	CUP	
Single-family units, attached ¹	N	CUP	CUP	P	CUP	
Transitional housing	CUP	CUP	CUP	CUP	CUP	
Agriculture, Resource, and Open Space Uses						
Agricultural uses ⁵	N	N	N	N	N	
Recreation, Education, and Public Assembly Uses						
Child-care center	CUP ⁶	CUP ⁶	CUP ⁶	CUP	CUP	Chapter 18.63
Community garden and/or farmer's market	CUP	CUP	CUP	CUP	CUP	
Country clubs and related uses	CUP	CUP	CUP	CUP	CUP	
Emergency shelters	CUP	CUP	CUP	CUP	CUP	
Golf courses	CUP	CUP	CUP	CUP	CUP	
Golf driving ranges	CUP	CUP	CUP	CUP	CUP	
Museums/Libraries	CUP	CUP	CUP	CUP	CUP	
Parks, plazas, and playgrounds	CUP	CUP	CUP	CUP	CUP	
Places of worship	CUP	CUP	CUP	CUP	CUP	
Public facility	CUP	CUP	CUP	CUP	CUP	
Temporary uses ⁷	see note	see note	see note	see note	see note	Chapter 18.90
Utility, Transportation, and Communication Uses						
Communication equipment buildings	CUP	CUP	CUP	CUP	CUP	

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	Residential Zoning District (See Section 18.38.020 for descriptions)					Special Use Regulations
	ER	LR (n,w)	DR	MR	HR	
Electric substations ⁸	CUP	CUP	CUP	CUP	CUP	
Public utility structures ⁸	CUP	CUP	CUP	CUP	CUP	
Retail, Service, and Office Uses						
Home occupations ^{9, 10}	AR	AR	AR	AR	AR	
Personal services	N	N	N	N	CUP	
Automobile and Vehicle Uses						
Vehicle storage (large) ¹¹	see note	see note	see note	see note	see note	

Table Notes:

1. Duplexes and halfplexes may be permitted with administrative use review (AR) on corner lots larger than 7,000 square feet.
2. Facility shall be state licensed.
3. See land use classifications in Chapter 18.96 for definition of live/work quarters.
4. Manufactured house on permanent foundations, subject to provisions
5. Agricultural uses to include livestock farming and dairying.
6. Only permitted as an accessory use defined as a Place of Worship or Public Facility.
7. See chapter 18.92
8. Includes electronic substations, including microwave facilities in conjunction there with.
9. Storage, corporation, and repair yards prohibited.
10. Requires a business license and subject to the provisions in Chapter 18.64.
11. No overnight storage or parking of vehicles with a curb weight higher than 10,000 pounds.

Section 18.38.040 Development Standards

The following development standards are applicable to the residential zoning districts. These standards, along with other development standards (e.g., landscaping requirements, signs, parking standards) in this title and city-adopted design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development.

**Table 18.38.040-1
Development Standards for Residential Districts**

	Residential Districts (See Section 18.38.020 for descriptions)					
	ER	LR-n	LR-w	DR	MR	HR
Density (units per gross acre) ¹						
Minimum	none	1.1	1.1	3.1	5.1	12.1
Maximum	1.0	5.0	5.0	10.0	12.0	20.0
Setbacks (minimum) ²						
Front yard – general	20'	20'	20'	20'	20'	25'

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	Residential Districts (See Section 18.38.020 for descriptions)					
	ER	LR-n	LR-w	DR	MR	HR
Front yard – living area ³	15'	15'	15'	15'	15'	–
Side – interior lot	5'	5'	5'	5'	5'	15'
Side – street side/ corner lot	10'	10'	10'	10'	10'	25'
Rear yard	20'	20'	20'	20'	20'	20'
Rear – setback to alley ROW	5'	5'	5'	5'	5'	5'
Distance Between Buildings						
Distance between main building and accessory buildings	10'	10'	10'	10'	10'	10'
Distance between accessory buildings	10'	10'	10'	10'	10'	10'
Distance between main buildings	10'	10'	10'	10'	25'	25'
Distance between any wall of a main building containing living room windows and any other wall of a main building	10'	10'	10'	10'	35'	35'
Distance between wall of a single family home and neighboring single family home (primary structure only)	15'	10'	15'	10'	n/a	n/a
Lot Area ^{4, 8}						
Minimum	12,000 sf	6,000 sf	6,000 sf	6,000 sf	9,000 sf ^{5,6}	10,000 sf
Corner Minimum	14,000 sf	7,000 sf,	7,000 sf	7,000sf	n/a	n/a
Lot Dimensions (minimum)						
Width/frontage – interior lot	60'	45'	45'	45'	50'	70'
Width/frontage – corner lot	70'	70'	70'	70'	70'	70'
Average width – cul-de-sac	60'	45'	45'	45'	50'	70'
Frontage – cul-de-sac	40'	35'	35'	35'	35'	50'
Depth	100'	70'	70'	70'	70'	100'
Height (maximum) ⁷						
Primary Structure/Unit	<u>2 stories</u> (32')	2 stories (32')	2 stories (32')	3 stories (45')	2 stories (32')	3 stories (45')
Accessory Structure	<u>1 story</u> (12')	1 story (12')	1 story (12')	1 story (12')	1 story (12')	1 story (12')
Lot Coverage (maximum impervious surface)						
<u>Maximum</u>	<u>40%</u>	<u>70%</u>	<u>70%</u>	<u>80%</u>	<u>75%</u>	<u>75%</u>
<u>Maximum (front yard)</u>	<u>60%</u>	<u>60%</u>	<u>60%</u>	<u>75%</u>	<u>60%</u>	<u>60%</u>

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	Residential Districts (See Section 18.38.020 for descriptions)					
	ER	LR-n	LR-w	DR	MR	HR
Maximum footprint ⁹	25%	35%	35%	35%	n/a	n/a
Landscaping	See regulations in Chapter 18.78					
Lighting	See regulations in Chapter 18.80					
Fences, Walls and Screening	See regulations in Chapter 18.70					
Parking and Loading	See regulations in Chapter 18.76					
Signs	See regulations in Chapter 18.82					
Projections and Encroachments	See regulations in Section 18.60.030 and Section 18.60.040					

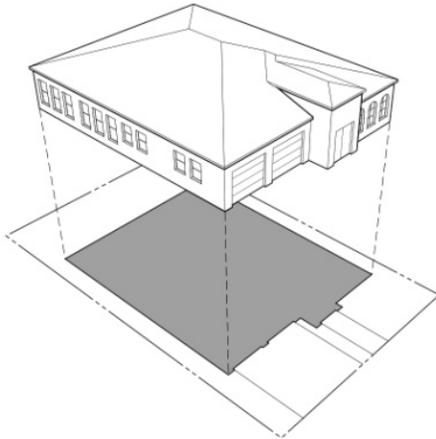
Table Notes:

1. Project may be eligible for a bonus as described in Chapter 18.88.
2. See additional regulations for setbacks and encroachments for accessory structures, fireplaces, architectural features, patios, decks, and fences in Section 18.60.040.
3. Active living space (bedrooms, living rooms, dining areas, porches, etc.) may be set back a minimum of 15 feet. Garages shall be set back a minimum of 20 feet.
4. For uses requiring a conditional use permit, the planning commission may establish alternative minimum lot sizes.
5. Minimum lot size requirements for single-family units in this district are the same as those in the LR district.
6. Only permitted on corner lots..
7. See Section 18.60.030 and Section 18.60.040 for permitted projections into setbacks and exceptions to height limitations. A height increase may also be granted to allow for exceptional architecture or for unique architectural features (e.g., clock tower, church steeple, etc.) through the adjustment process (Section 18.16.110 (Minor Adjustment)).
8. The anti-monotony provisions in Section 18.38.040 (B) apply to all lots smaller than 10,000 square feet.
9. Only applies to single family residential structures. This is the maximum ground floor footprint for the primary residential structure (including attached garages) and does not include accessory structures.

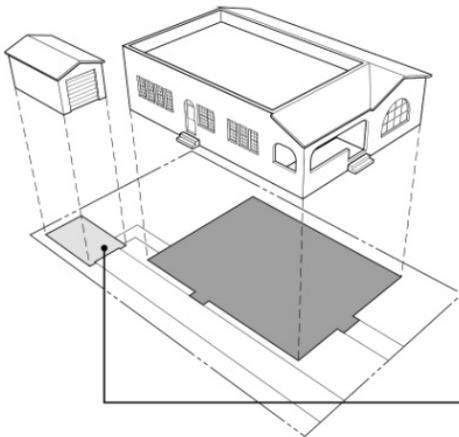
18.38 Residential Districts



Figure 18.38.040-1
Maximum Residential Footprint

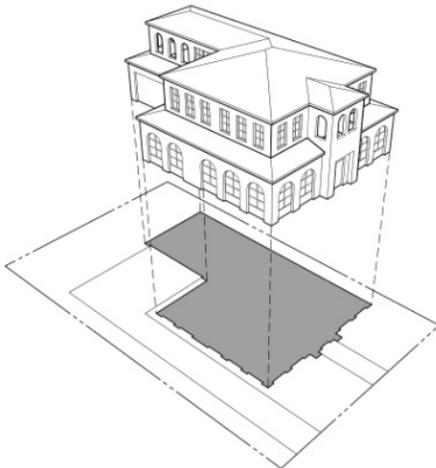


Full Lot Coverage
6,000 sq ft. Parcel
3,800 sq ft. Primary Structure



**35% Lot Coverage,
1 Story Primary Structure**
6,000 sq ft. Parcel
2,100 sq ft. Primary Structure

Exclude Accessory Structure from
Lot Coverage Calculation



**35% Lot Coverage,
2 Story Primary Structure**
6,000 sq ft. Parcel
4,000 sq ft. Primary Structure

18.38 Residential Districts

III

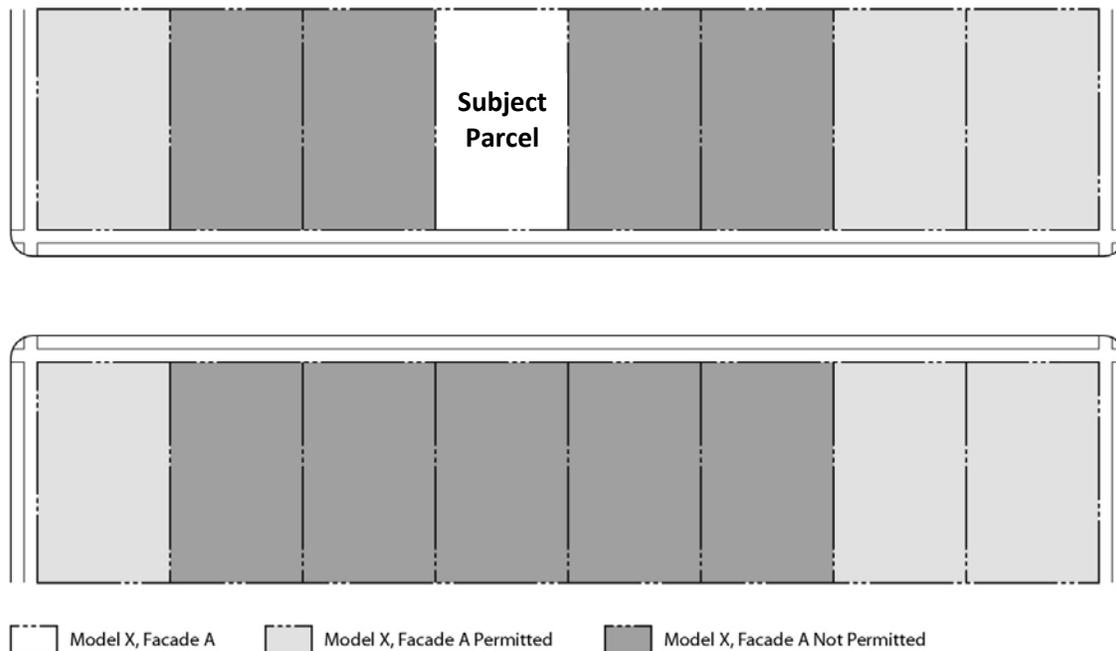
Section 18.38.050 Anti-Monotony Provisions

A. Applicability. The following provisions apply to all residential lots smaller than 10,000 square feet in size. These are considered minimum standard and additional requirements may be applied during the residential design review process.

B. Provisions:

1. No building permit shall be issued for a single family dwelling that is similar in appearance to any dwelling on either side of the same street within a two lot distance. For example, as illustrated in Figure 18.38.040-1 below, all of the homes in dark grey must have different features as identified in this section from the home identified by the white subject parcel.

**Figure 18.38.050-1
Repeating Home Plans not Permitted**



2. Similarity shall be avoided by implementing a minimum of three of the following:
 - a. Vary the lot width by more than 10 feet:
 - b. Vary the lot size by more than 25%;

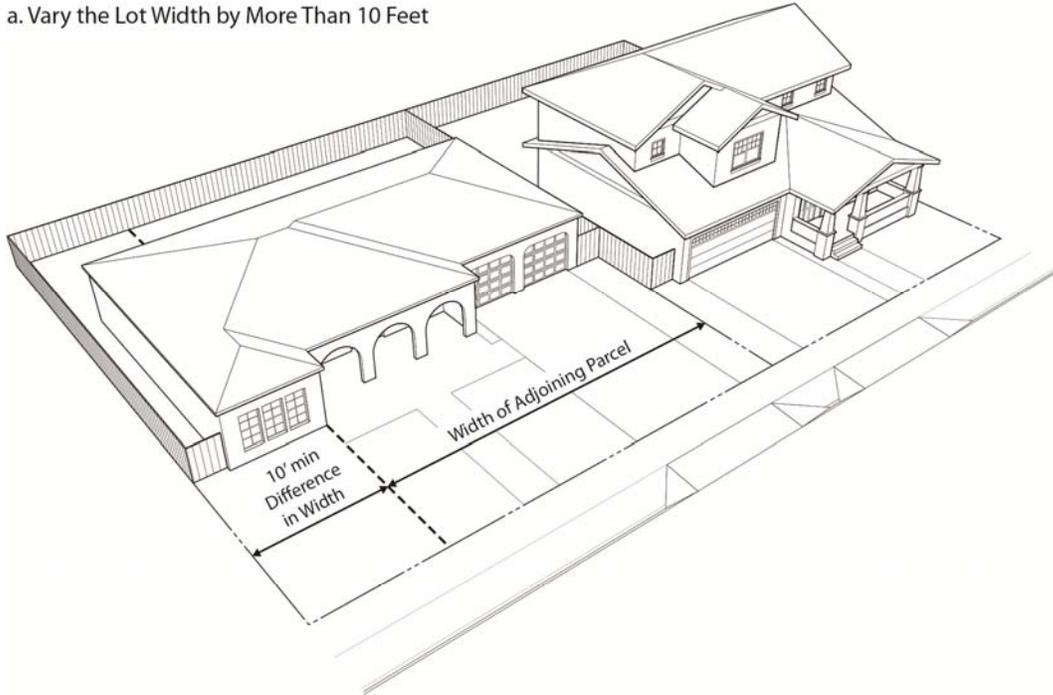
- c. Vary the roof type and / or significantly change the roof pitch;
- d. Increase the building or roof height by more than 8 feet;
- e. Use a different color pallet (e.g. wall, trim and roof color) and/or wall materials and textures;
- f. Vary the front setback distance by more than 5'-0";
- g. Significantly alter the shape of the front elevation silhouette;
- h. Change the relative location, sizes or windows and doors in the front elevation;
- i. Change the relative location of the garage door, if included on the front elevation;
- j. Change the housing architectural style; and/or
- k. Utilize a covered front porch.

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III

Figure 18.38.050-2
Anti-monotony Provisions

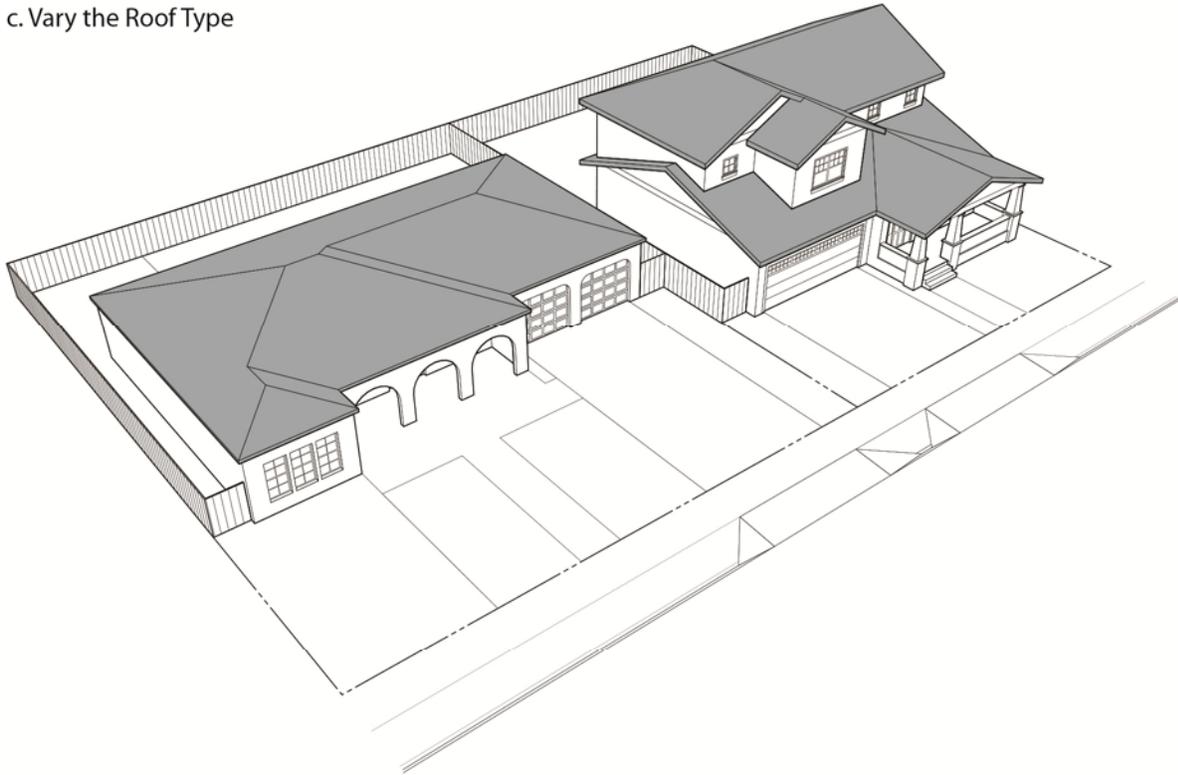
a. Vary the Lot Width by More Than 10 Feet



b. Vary the Lot Size by More Than 25%



c. Vary the Roof Type



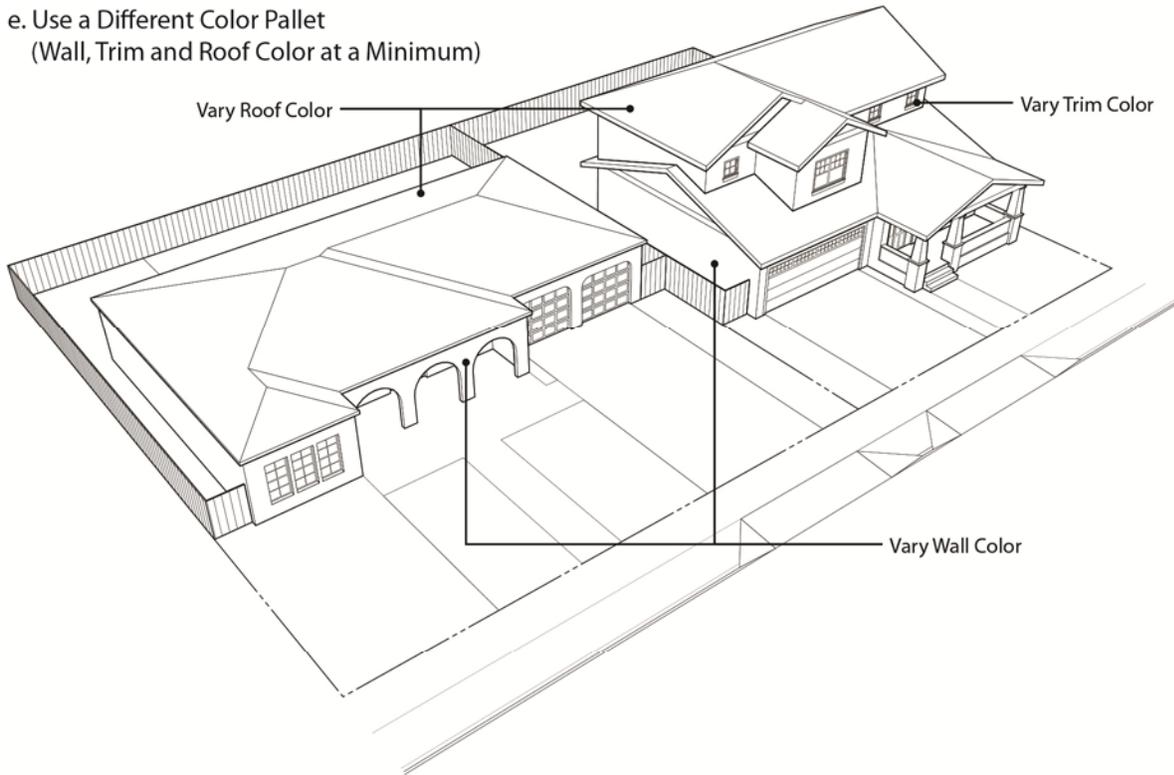
d. Increase the Building or Roof Height by More Than 8 Feet



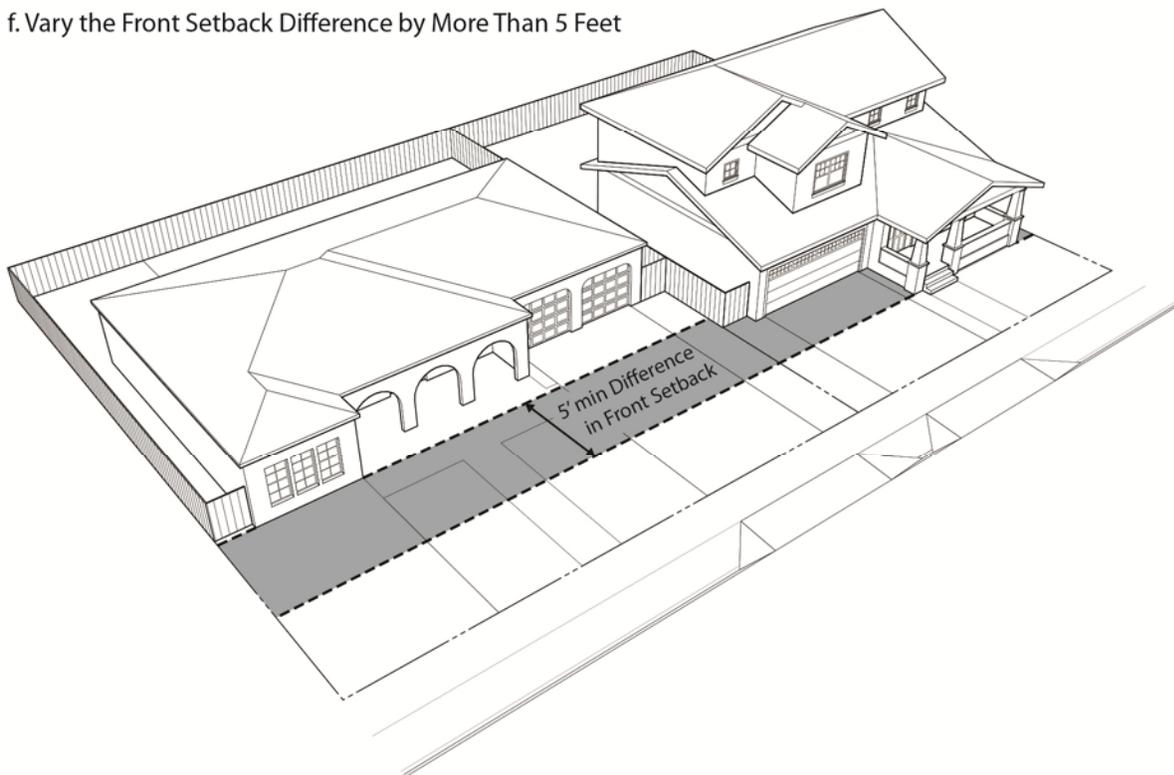
18.38 Residential Districts

III

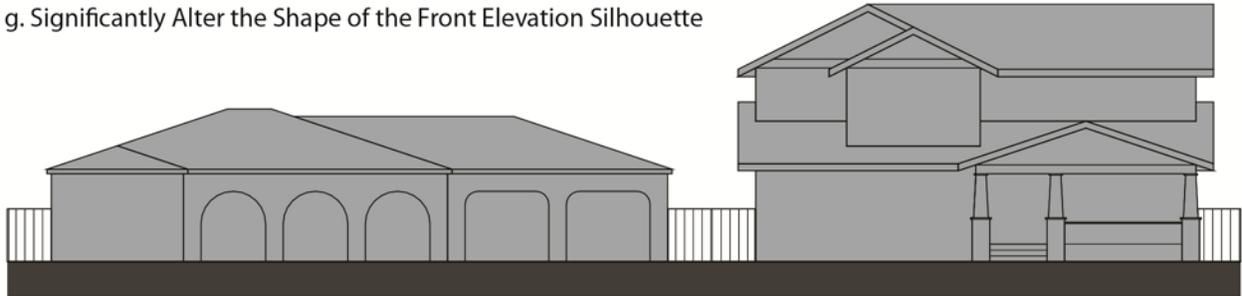
e. Use a Different Color Pallet
(Wall, Trim and Roof Color at a Minimum)



f. Vary the Front Setback Difference by More Than 5 Feet



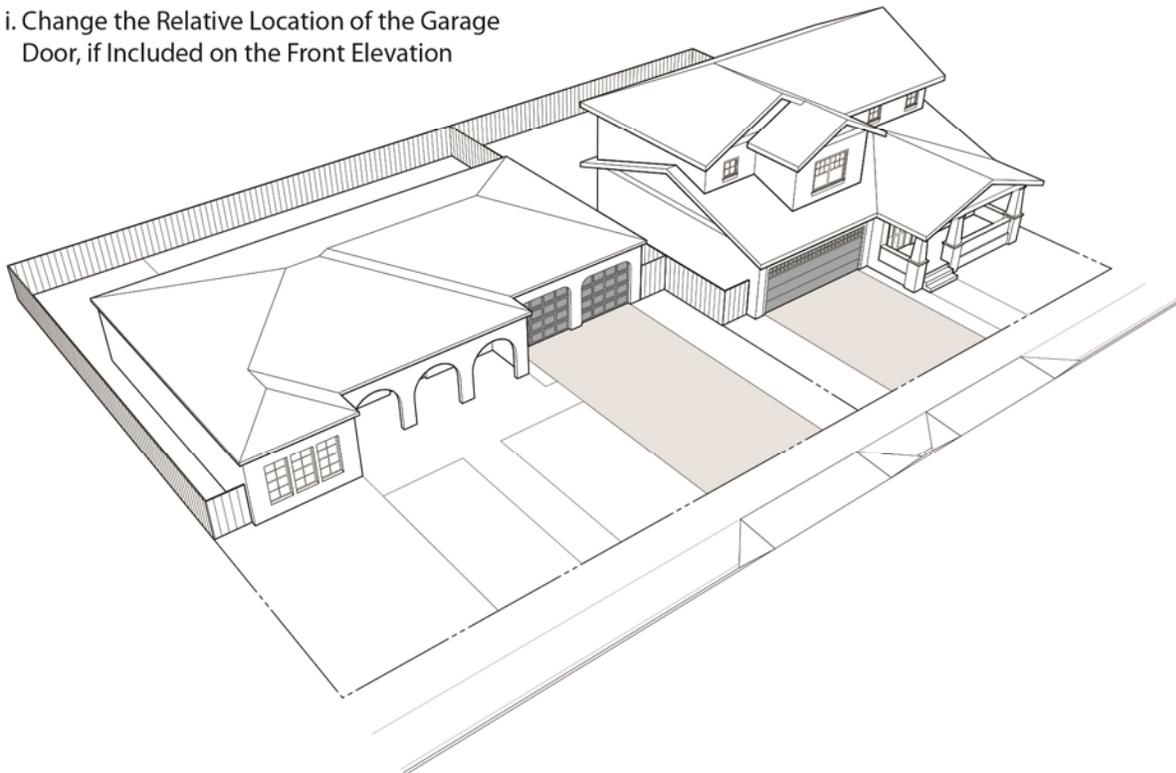
g. Significantly Alter the Shape of the Front Elevation Silhouette



h. Change the Relative Location and Sizes of Windows and Doors in the Front Elevation



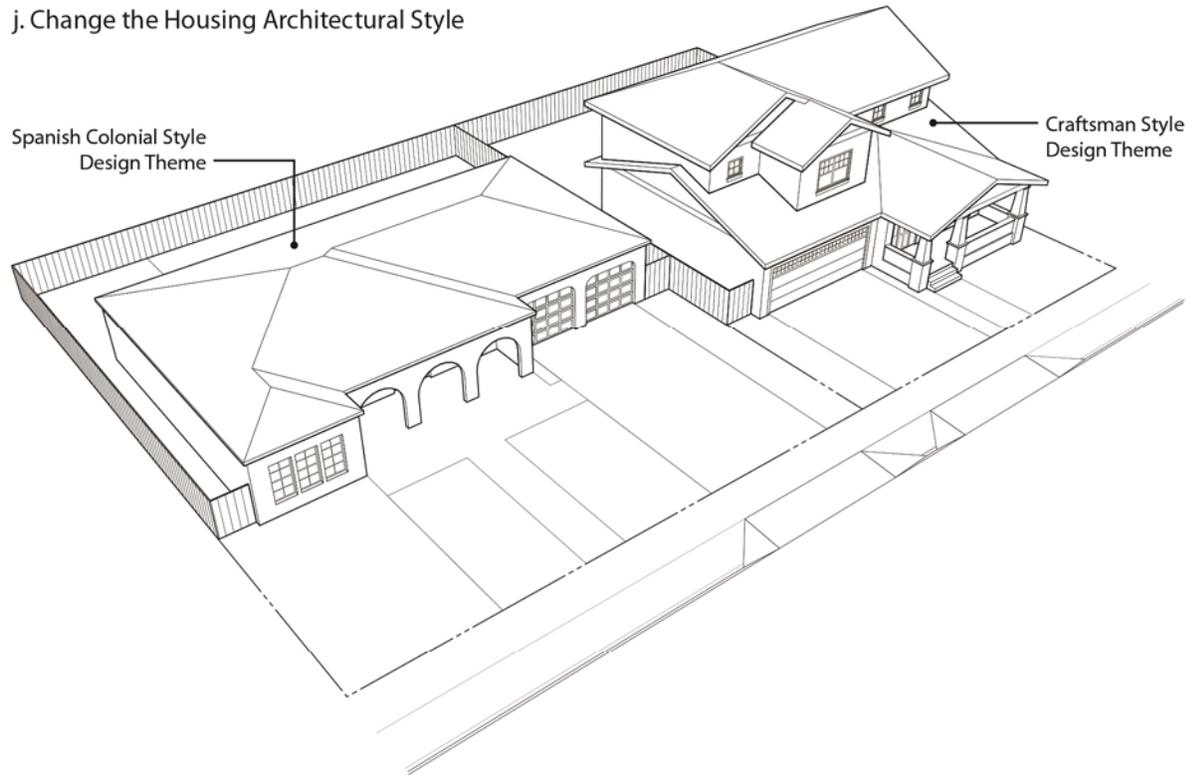
i. Change the Relative Location of the Garage Door, if Included on the Front Elevation



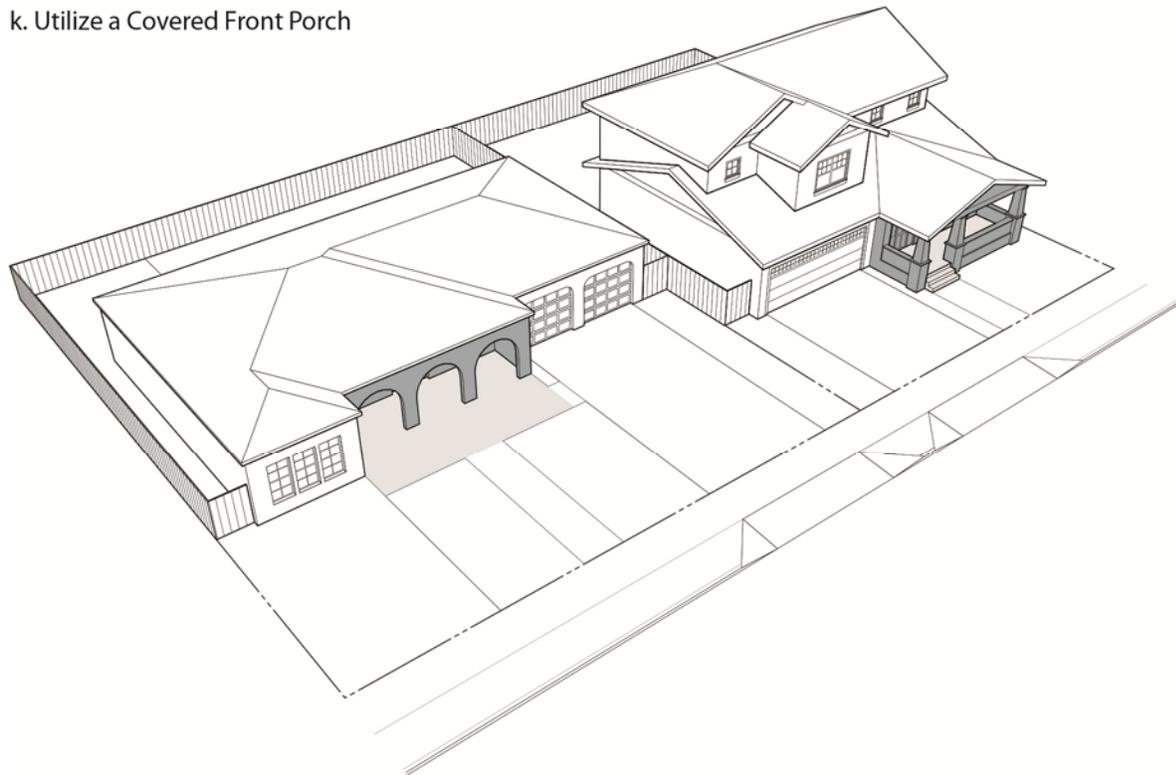
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III

j. Change the Housing Architectural Style



k. Utilize a Covered Front Porch



18.42 Commercial and Medical/Professional Office Districts



Chapter 18.42 Commercial and Medical/Professional Office Districts

Section 18.42.010 Purpose.....	III-21
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Section 18.42.030 Allowed Land Uses and Permit Requirements.....	III-22
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Section 18.42.010 Purpose

The purpose of this chapter is to establish commercial and office zoning districts in the city, along with allowed use and development standards applicable to those districts. These districts are consistent with and implement the city's general plan commercial and medical/professional office land use categories as shown in Table 18.42.010-1.

Section 18.42.020 Characteristics of the Commercial and Medical/Professional Office Districts

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

- A) **Neighborhood Commercial (NC) Zoning District.** The NC district is applied to areas where there is a high concentration of housing to support the neighborhood center concept in the city's general plan by providing commercial uses that serve daily needs (e.g., retail and personal services) within close proximity to residential uses. This zoning district encourages development that is pedestrian-oriented and is well connected to surrounding residential neighborhoods.
- B) **Highway Service Commercial (HSC) Zoning District.** The HSC district is consistent with the Highway Service Commercial land use designation in the general plan. This district is applied to locations along highways and is intended to provide businesses and services to meet the needs of the traveling public.
- C) **Downtown Core (DC) Zoning District.** The DC district is consistent with the Downtown Core land use designation in the general plan. The purpose of the DC district is to stabilize, improve, and protect the characteristics of commercial

18.42 Commercial and Medical/Professional Office Districts



businesses and to provide adequate locations for stores, shops, and offices which are supplying commodities or performing services for residents of the city as a whole. The DC district is intended to guide and regulate commercial development within the historic downtown area.

- D) General Commercial (GC) Zoning District. The GC district is consistent with the General Commercial land use category in the general plan. The purpose of the GC district is to stabilize, improve, and protect the characteristics of commercial businesses and to provide adequate locations for stores, shops, and offices which are supplying commodities or performing services for residents of the city as a whole. The GC district is intended to guide and regulate general commercial development.
- E) Medical/Professional Office (MPO) Zoning District. The MPO district is consistent with the Medical/Professional office land use designation in the general plan. The purpose of the MPO district is to provide for concentrations of hospitals, medical facilities, auxiliary uses, and medical services and to encourage the orderly and harmonious development of these facilities, which are performing services for residents of the city as a whole. The MPO district is intended to guide and regulate medical, professional office, and similar and compatible development.

Section 18.42.030 Allowed Land Uses and Permit Requirements

Table 18.42-1 below identifies allowed uses and corresponding permit requirements for the commercial and medical/professional office districts subject to compliance with Chapter 18.34 (Land Use Classification) and all other provisions of this title. Descriptions/definitions of the land uses can be found in Article V (Definitions). The Specific Use Regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

Use regulations in the table are shown with representative symbol by use classification listing: “AR” symbolizes uses permitted through administrative review, “P” symbolizes uses allowed by right, “CUP” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted.

18.42 Commercial and Medical/Professional Office Districts



**Table 18.42.030-1
Permitted Use Matrix for Commercial and Medical/Professional Office Districts**

	Commercial and Medical/Professional Office Zoning Districts (See Section 18.42.020 for descriptions)					Special Use Regulations
	NC	HSC	DC	GC	MPO	
Residential Uses						
Duplexes (joint use) ¹	CUP	N	CUP	N	N	
Group care facility (large) ²	N	N	N	N	CUP	
Group care facility (small) ²	CUP	N	N	CUP	CUP	
Live/work units ³	CUP	CUP	CUP	N	N	
Multiple-family units (joint use) ¹	CUP	N	CUP	N	N	
Recreation, Education, and Public Assembly Uses						
Child-care center	CUP	CUP	N	CUP	CUP	Chapter 18.63
Civic use ⁴	N	CUP	P	P	P	
Community center ⁴	N	CUP	P	P	P	
Community garden and/or farmer's market	AR	CUP	CUP	CUP	CUP	
Country club and related uses	CUP	CUP	N	CUP	N	
Drug and alcohol treatment facilities	N	N	N	CUP	CUP	
Golf driving ranges	CUP	CUP	N	CUP	N	
Information centers	P	P	P	P	N	
Mortuaries	N	N	CUP	CUP	N	
Parks, plazas, and playgrounds	P ⁵	CUP ⁵	P ⁵	P ⁵	CUP ⁵	
Places of assembly (large, 10,000 sf or more)	CUP	CUP	CUP	CUP	N	
Place of assembly (small, less than 10,000 sf)	P	N	CUP	P	N	
Public art ⁶	CUP	CUP	CUP	CUP	CUP	Chapter 18.74
Public facility	N	P	P	P	N	
Schools (private)	N	N	N	CUP	N	
Schools (public)	N	N	N	CUP	N	
Utility, Transportation, and Communication Uses						
Communication equipment buildings	N	CUP	N	N	N	
Electric substations	N	CUP	N	CUP	N	
Public utility structures	N	N	N	N	CUP	
Public utility yards	N	N	N	CUP	N	
Transit station/park and ride lots	P	P	N	N	N	
Retail, Service, and Office Uses						

18.42 Commercial and Medical/Professional Office Districts



	Commercial and Medical/Professional Office Zoning Districts (See Section 18.42.020 for descriptions)					Special Use Regulations
	NC	HSC	DC	GC	MPO	
Alcoholic beverage sales ⁷	CUP	CUP	CUP	CUP	N	
Art, antique, collectables	P	P	P	P	CUP	
Artisan shops	P	P	P	P	CUP	
Auctions (indoor only) ⁸	CUP	CUP	N	CUP	N	
Banks and financial services	P	P	P	P	P	
Bars and cocktail lounges, accessory ⁹	CUP	P	CUP	CUP	N	
Bars, cocktail lounges	CUP	CUP	CUP	CUP	N	
Bed and breakfast inns	P	P	CUP	CUP	N	
Building supply (large)	N	N P	N	CUP	N	
Building supply (small)	P	P	CUP	P	N	
Business support services	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	
Equipment sales and rental	CUP	CUP	CUP	CUP	N	
Gun shops	CUP	CUP	CUP	CUP	N	
Hospitals	N	CUP	N	N	P	
Hotels/motels	P	P	CUP	P	CUP	
Indoor amusement/entertainment facility	P	P	P	CUP	N	
Indoor recreation and fitness	P	CUP	P	P	CUP	
Itinerant/mobile vendors	N	N	N	N	N	
Manufactured home sales, new	N	CUP	N	CUP	N	
Medical and dental laboratories	CUP	CUP	CUP	P	P	
Medical and dental offices	P	CUP	P	P	P	
Medical clinics ¹¹	CUP	CUP	CUP	P	P	
Nightclubs	CUP	CUP	CUP	CUP	N	
Nurseries, for sale only	CUP	CUP	CUP	CUP	N	
Nurseries, includes growing of nursery stock	CUP	CUP	CUP	P	N	
Office, accessory	P	P	P	P	P	
Outdoor markets, sales establishments	CUP	CUP	CUP	CUP	N	
Personal services	P	CUP	P	P	CUP	
Private clubs	CUP	CUP	CUP	CUP	N	
Professional offices	P	P	P	P	P	
Recreational vehicle park	N	CUP	N	N	N	
Restaurants, no drive-thru service	P	P	P	P	CUP	
Restaurants, with drive-thru service	AR	AR	AR	AR	CUP	
Retail, accessory	CUP	P	P	CUP	N	

18.42 Commercial and Medical/Professional Office Districts



	Commercial and Medical/Professional Office Zoning Districts (See Section 18.42.020 for descriptions)					Special Use Regulations
	NC	HSC	DC	GC	MPO	
Retail, general	P	P	P	P	CUP	
Retail, big-box (>80,000 sq.ft.)	N	CUP	N	CUP	N	
Secondhand stores	AR	AR	AR	AR	AR	
Service, accessory	CUP	P	CUP	CUP	N	
Tattoo parlors	CUP	CUP	CUP	CUP	N	
Telephone answering services	N	CUP	N	N	CUP	
Temporary uses	see note	see note	see note	see note	see note	Chapter 18.90
Theaters, not including drive-in	CUP	CUP	CUP	CUP	N	
Tobacco shops	CUP	CUP	CUP	CUP	N	
Veterinary clinics, small animal only	CUP	CUP	CUP	CUP	N	
Wholesale commercial uses	CUP	CUP	CUP	CUP	N	
Automobile and Vehicle Uses						
Auto part sales	P	P	CUP	P	N	
Auto rental agencies	N	CUP	CUP	CUP	N	
Auto sales, new and used	N	CUP	N	CUP	N	
Car washing and detailing	N	CUP ¹²	N	CUP ¹²	N	
Fuel station	N	CUP	CUP	CUP	N	
Parking garages and lots	N	N	CUP	CUP	CUP	
Recreational vehicle sales	N	CUP	N	CUP	N	
Small vehicle sales and rental	N	CUP	N	CUP	N	
Vehicle services (major)	N	N	N	N	N	
Vehicle services (minor)	N	N	N	CUP	N	
Vehicle storage (large)	N	CUP	N	CUP	N	
Vehicle storage (small)	N	AR	CUP	AR	AR	
Industrial, Manufacturing, and Processing Uses						
Data center	<u>N</u>	N	N	CUP	N	
Storage, personal storage facility	<u>N</u>	N	N	CUP	N	
Storage, warehouse (small)	<u>N</u>	N	N	CUP	N	
Storage yard	<u>N</u>	N	N	N	N	

Table Notes:

1. When combined as a joint use (i.e., shops below and units above).
2. Facility shall be state licensed.
3. See land use classifications in Chapter 18.96 (Land Use Definitions) for definition of live/work units.
4. No significant storage or corporation yards permitted.
5. Parks, plazas and other types of open space are only permitted as accessory to another use.

18.42 Commercial and Medical/Professional Office Districts



6. *Two-dimensional art-works smaller than 10 square feet may be permitted through the Administrative Use Review process.*
7. *Subject to A.B.C. requirements, beer and wine are permitted for on-site consumption in conjunction with a restaurant use.*
8. *Auctions are not to include animals and shall be conducted with an enclosed building only.*
9. *Permitted when accessory to a hotel, motel, or restaurant.*
10. *Any use involving potentially hazardous materials is subject to Administrative Review (AR).*
11. *Includes laboratories that are ancillary to the primary use.*
12. *Permitted without a use permit if ancillary to a fueling station.*

18.42 Commercial and Medical/Professional Office Districts



Section 18.42.040 Development Standards

The following development standards are applicable to the commercial and medical/professional office districts. These standards, along with other development standards (e.g., landscaping requirements, signs, parking standards) in this title and city-adopted design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development.

**Table 18.42.040-2
Development Standards for Commercial and Medical/Professional Office Districts**

	Commercial and Medical/Professional Office Districts (See Section 18.42.020 for descriptions)				
	NC	HSC	DC	GC	MPO
Density (units per gross acre)¹					
Minimum	3.1	n/a	12.1	n/a	n/a
Maximum	10.0	n/a	20.0	n/a	n/a
Lot Coverage					
Minimum floor area ratio	–	–	0.5	–	–
Maximum floor area ratio	1.0	0.4	2.0	0.4	0.4
Maximum impervious surface	75%	80%	100%	80%	75%
Setbacks					
Front yard (minimum)	no min.	10'	no min.	no min.	15'
Front yard (maximum) ³	10'	n/a	10'	n/a	n/a
Side yard (minimum) ⁴	no min.	10'	no min.	no min.	5'
Rear yard (minimum) ⁴	no min.	10'	no min.	no min.	10'
Lot Area (minimum SF)⁵					
Lot area	2,000 sf	5,000 sf	2,000 sf	5,000 sf	5,000 sf
Lot Dimensions (minimum)					
Width	no min.	no min.	no min.	no min.	no min.
Depth	no min.	no min.	no min.	no min.	no min.
Height (maximum)⁶					
Building/Structure	2 stories (35')	3 stories (50')	3 stories (45')	2 stories (35')	2 stories (35')
Landscaping	See regulations in Chapter 18.80				
Lighting	See regulations in Chapter 18.82				

18.42 Commercial and Medical/Professional Office Districts



	Commercial and Medical/Professional Office Districts (See Section 18.42.020 for descriptions)				
	NC	HSC	DC	GC	MPO
Fences, Walls, and Screening	See regulations in Chapter 18.70				
Parking and Loading	See regulations in Chapter 18.76				
Signs	See regulations in Chapter 18.82				
Projections and Encroachments	See regulations in Chapter 18.60				

Table Notes:

1. Project may be eligible for a bonus as described in Chapter 18.88..
2. The maximum impervious surface ratio may be exceeded by a factor of 5% if other LID provisions are implemented (see Chapter 18.78 (Landscaping). See additional regulations for setbacks and encroachments for accessory structures, fireplaces, architectural features, patios, decks, and fences in Chapter 18.60 (General Development Standards).
3. No parking shall be placed between the building and the front property line.
4. Minimum side yard setback is 5 feet when abutting alleys and 10 feet when abutting residential districts. Minimum rear yard setback is 10 feet when abutting alleys or residential districts.
5. For uses requiring a conditional use permit, the planning commission may establish alternative minimum lot sizes..
6. See Chapter 18.60 (General Development Standards) for permitted projections into setbacks and exceptions to height limitations. A height increase may also be granted to allow for exceptional architecture or for unique architectural features (e.g., clock tower, church steeple, etc.) through the minor adjustment process (Section 18.16.110).

Chapter 18.46 Industrial Districts

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Section 18.46.010 Purpose

The purpose of this chapter is to establish zoning districts in the city that support industrial uses to implement the city’s Light Industrial, Heavy Industrial, West Patterson Industrial Business Park District, and West Patterson Light Industrial District general plan land use categories. These districts provide sufficient and appropriately located land for industrial uses that minimize impacts on residential neighborhoods.

Section 18.46.020 Characteristics of Industrial Districts

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

- A) Light Industrial (LI) District. This district is consistent with the general plan Light Industrial land use designation by providing locations for the development of industrial uses such as fabrication, manufacturing, assembly, or processing of materials that for the most part are already in processed form and which do not in their maintenance, assembly, manufacture, or plant operation create smoke, gas, odor, dust, sound, or other objectionable influences which might be obnoxious to persons conducting business or residing in this or any other zone.

- B) Heavy Industrial (HI) District. This district is consistent with the Heavy Industrial general plan land use designation by providing appropriate locations for intensive industrial uses that may generate noise, vibration, odor, or other conditions that make them undesirable and incompatible near or in conjunction with residential uses. A wide range of industrial manufacturing and warehousing uses are permitted in this district. The HI district is generally located in areas of the city where it would not create a substantial impact on sensitive residential, commercial, or office uses. Where feasible, development in the HI district may require additional measure to reduce impacts to neighboring properties such as increased setbacks, landscaping, and screening.

18.46 Industrial Districts



- C) West Patterson Industrial Business Park (IBP) District. This district is consistent with the Light Industrial land use designation of the general plan. The IBP zoning district is applied to areas appropriate for light industrial and business park land uses, including low-intensity manufacturing and assembly processes, research and development, corporate headquarters, offices, medical and health facility uses, and other uses as specified in this chapter. The land uses allowed and development standards required within the IBP district are intended to protect adjacent areas from impacts while allowing indoor, clean, and quiet industry. Land uses in the IBP zoning district are often organized as a business park, with tenants that may include some commercial and office activities.
- D) West Patterson Light Industrial (IL) District. The IL zoning district is consistent with the Light Industrial land use designation of the general plan. The IL zoning district is applied to areas appropriate for light industrial and manufacturing, warehousing, offices, and assembly uses. Land uses allowed in the IL zoning district will not create objectionable noise, smoke, odor, dust, noxious gases, glare, heat, vibration, or industrial wastes.

Section 18.46.030 Allowed Land Uses and Permit Requirements

Table 18.46.030-1 below identifies allowed uses and corresponding permit requirements for the industrial zoning districts subject to compliance with Chapter 18.34 (Land Use Classification) and all other provisions of this title. Descriptions/definitions of the land uses can be found in Article 11 (Definitions). The Specific Use Regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

Use regulations in the table are shown with representative symbol by use classification listing: “P” symbolizes uses allowed by right, “AR” symbolizes uses permitted through administrative review, “CUP” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted.

18.46 Industrial Districts



**Table 18.46.030-1
Permitted Use Matrix for Industrial Districts**

	Industrial Districts (See Section 18.46.020 for descriptions)				Specific Use Regulations
	LI	HI	IBP	IL	
Agriculture, Resource, and Open Space Uses					
Crop production and horticulture	P	P	P	P	
Recreation, Education, and Public Assembly Uses					
Athletic fields, accessory only ¹	P	P	P	P	
Child-care facility	CUP	N	AR	CUP	
Drug and alcohol treatment facilities	CUP	CUP	CUP	CUP	
Parks, plazas, and playgrounds	CUP	CUP	CUP	CUP	
Places of assembly (large, 10,000 sf or more)	CUP	N	CUP	CUP	
Places of assembly (small, less than 10,000 sf)	CUP	CUP	CUP	CUP	
Places of worship	CUP	N	CUP	CUP	
Public art ²	CUP	CUP	CUP	CUP	Chapter 18.74
Public facility	P	P	P	P	
Schools (private)	CUP	CUP	AR	CUP	
Schools (public)	CUP	CUP	CUP	CUP	
Schools (trade)	P	P	P	P	
Utility, Transportation, and Communication Uses					
Communication equipment buildings	CUP	CUP	CUP	CUP	
Communication towers	AR	AR	AR	AR	
Electric substations ³	CUP	CUP	CUP	CUP	
Public utility yards	P	P	P	P	
Public utility structures	P	P	AR	P	
Transit station/park and ride lots	AR	P	AR	P	
Retail, Service, and Office Uses					
Alcoholic beverage sales ⁴	CUP	CUP	N	CUP	
Art, antique, collectables	P	P	P	P	
Artisan shops	P	P	AR	P	
Auctions ⁵	P	P	CUP	P	
Banks and financial services	P	CUP	AR	CUP	
Bars and cocktail lounges, accessory ⁶	CUP	CUP	CUP	CUP	
Broadcast studios	AR	CUP	AR	CUP	
Building supply (large)	CUP	P	CUP	P	
Building supply (small)	P	P	P	P	

18.46 Industrial Districts

III

	Industrial Districts (See Section 18.46.020 for descriptions)				Specific Use Regulations
	LI	HI	IBP	IL	
Business support services	P	AR	P	P	
Hotels/motels	CUP	CUP	CUP	CUP	
Indoor amusement/entertainment facility	AR	CUP	AR	AR	
Indoor recreation and fitness	P	CUP	AR	CUP	
Manufactured home sales, new	CUP	CUP	CUP	CUP	
Medical and dental laboratories	CUP	P	CUP	CUP	
Medical and dental offices	CUP	CUP	P	N	
Nightclubs	CUP	CUP	CUP	CUP	
Offices, accessory	P	P	P	P	
Outdoor markets, sales establishments	CUP	CUP	CUP	CUP	
Outdoor promotions, sales or displays ⁷	CUP	CUP	CUP	CUP	
Personal services	P	CUP	P	CUP	
Personal services, accessory	P	P	P	P	
Professional offices	P	CUP	P	CUP	
Restaurants, no drive-thru	CUP	CUP	CUP	CUP	
Restaurants, with drive-thru service	CUP	CUP	CUP	CUP	
Retail, accessory	P	P	P	P	
Retail, general	P	CUP	AR	P	
Secondhand stores	AR	CUP	AR	AR	
Services, accessory	P	P	P	P	
Temporary uses ⁸	see note	see note	see note	see note	Chapter 18.92
Veterinary clinics, large animal	CUP	CUP	CUP	CUP	
Veterinary clinics, small animal	AR	AR	AR	AR	
Wholesale commercial uses	P	P	P	P	
Automobile and Vehicle Uses					
Automobile and vehicle dismantling	CUP	AR	N	CUP	
Automobile parts sales	P	P	P	P	
Automobile rental agencies	P	P	P	P	
Automobile sales, new and used	P	P	CUP	CUP	
Bus yards	P	P	N	CUP	
Car washing and detailing	CUP ⁷	P	CUP ⁷	CUP ⁷	
Fuel stations	P	P	P	P	
Parking garages and lots	P	P	P	P	
Recreational vehicle sales	CUP	CUP	CUP	CUP	

18.46 Industrial Districts



	Industrial Districts (See Section 18.46.020 for descriptions)				Specific Use Regulations
	LI	HI	IBP	IL	
Small vehicle sales and rental	P	P	CUP	CUP	
Vehicle services (major)	CUP	CUP	N	N	
Vehicle services (minor)	AR	AR	CUP	CUP	
Vehicle storage (large)	CUP	Y	N	N	
Vehicle parking (small)	Y	Y	CUP	CUP	
Industrial, Manufacturing, and Processing Uses					
Agricultural products processing	N	CUP	N	N	
Data center	P	P	P	P	
Fuel yards	CUP	CUP	CUP	CUP	
Manufacturing (major)	CUP	P	CUP	CUP	
Manufacturing (minor)	P	P	CUP	P	
Recycling facility, processing	CUP	CUP	CUP	CUP	
Recycling facility, scrap and dismantling facility	CUP	CUP	CUP	CUP	
Research and development	CUP	CUP	AR	CUP	
Sheet metal fabrication ⁸	CUP	P	CUP	CUP	
Sign fabrication companies ⁸	CUP	P	CUP	CUP	
Storage, personal storage facility	P	P	P	P	
Storage, warehouse (small)	P	P	CUP	CUP	
Storage yard	CUP	P	CUP	CUP	
Truck yards/terminals	CUP	CUP	CUP	CUP	
Wholesale and distribution	P	P	P	P	

Table Notes:

1. Athletic fields may be permitted as part of detention/retention facilities or as accessory to a primary use (e.g., recreational opportunities for employees).
2. Two-dimensional art-works smaller than 10 square feet may be permitted through the Administrative Use Review process.
3. Including microwave facilities in conjunction therewith and wireless communication (cellular phone) facilities as further defined and permitted to a maximum height of 15 feet above the maximum height allowed in the zone, as provided in Chapter 18.84.
4. Subject to A.B.C. requirements, beer and wine are permitted for on-site consumption in conjunction with a restaurant use.
5. Auctions are not to include animals and shall be conducted with an enclosed building only.
6. Permitted when accessory to a hotel, motel, or restaurant.
7. Permitted without a use permit is ancillary to a fueling station.
8. So long as the use is conducted entirely within an enclosed building. Outdoor storage is prohibited.

Section 18.46.040 Development Standards

The following development standards are applicable to the industrial zoning districts. These standards, along with other development standards (e.g., landscaping

18.46 Industrial Districts



requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development.

**Table 18.46.040-1
Development Standards for Industrial Districts**

Industrial Districts (See Section 18.46.020 for descriptions)				
	LI	HI	IBP	IL
Floor Area Ratio (maximum) ¹				
Floor area ratio	0.4	0.4	n/a	n/a
Setbacks (minimum) ²				
Front and exterior yard	10'	no min.	15'	15'
Side yard ³	no min.	no min.	n/a	n/a
Rear yard ³	no min.	no min.	n/a	n/a
Lot Area (minimum SF) ⁴				
Lot area	no min.	no min.	65,340 sf (1.5 acres)	87,120 sf (2 acres)
Building Size (minimum SF)				
Building size	no min.	no min.	15,000 sf	25,000 sf
Lot Dimensions (minimum)				
Width	no min.	no min.	75'	100'
Depth	no min.	no min.	75'	100'
Height (maximum) ⁵				
Building/structure	n/a	n/a	45' ⁶	45'
Building/structure within 100' of the property line of property zoned for residential use	32'	32'	n/a	n/a
Building/structure more than 100' from the property line of property zoned for residential use	45'	50'	n/a	n/a
Lot Coverage (maximum)				
Buildings	n/a	n/a	50%	50%
Impervious surface	90%	90%	80%	80%
Landscaping	See regulations in Chapter 18.78			
Lighting	See regulations in Chapter 18.80			
Fences, Walls and Screening	See regulations in Chapter 18.70			
Parking and Loading	See regulations in Chapter 18.76			
Signs	See regulations in Chapter 18.82			
Projections and Encroachments	See regulations in Chapter 18.60			

Table Notes:

1. *Project may be eligible for a bonus as described in Chapter 18.88.*
2. *See additional regulations for setbacks and encroachments for accessory structures, fireplaces, architectural features, patios, decks, and fences in Chapter 18.60.*
3. *Minimum side yard setback is 5 feet when abutting alleys and 10 feet when abutting residential districts. Minimum rear yard setback is 10 feet when abutting alleys or residential districts. The minimum setback for parking, buildings, and other structures along Rogers Road, Baldwin Road, and Sperry Avenue shall be 20 feet measured from the property line or the adopted right-of-way plan line, whichever is greater.*
4. *For uses requiring a conditional use permit, the planning commission may establish alternative minimum lot sizes. Projects with a land area 5 acres or greater, or projects with construction square footage of 30,000 square feet or greater, shall be subject to applicable review process in Article II.*
5. *See Chapter 18.60 for permitted projections into setbacks and exceptions to height limitations. A height increase may also be granted to allow for exceptional architecture or for unique architectural features (e.g., clock tower, church steeple, etc.) through the minor adjustment process (Section 18.16.110).*
6. *Except as may be required by the airport land use plan for the Patterson Airport.*

Section 18.46.050 Performance Standards

All land uses proposed in the IBP and IL zoning districts shall be operated and maintained so as to not be injurious to public health, safety or welfare, and shall comply with the following standards.

- A) **Air Emissions.** No approved land use shall generate or cause any visible dust, gasses, or smoke to be emitted into the atmosphere, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.
- B) **Glare and Heat.** No direct or sky-reflected glare or heat, whether from floodlights or from high temperature processes (including combustion or welding or otherwise) shall be visible or felt at the property line.
- C) **Ground Vibration.** No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.
- D) **Odor.** No approved and use shall generate or emit any odor or fumes perceptible at the property line.

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18.50 Public/Quasi-Public and Parks and Recreation Districts



Chapter 18.50 Public/Quasi-Public and Parks and Recreation Districts

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Section 18.50.010 Purpose

The purpose of this chapter is to establish public and quasi-public zoning districts in the city that provide appropriate locations for parks, open space, public service uses, and transportation facilities. These districts are consistent with and implement the City's Public/Quasi-Public, Parks and Recreation, Open Space, and Agriculture general plan land use categories. The districts provide locations in the city for necessary public services (e.g., fire and police stations) and locations for recreation and community gathering in close proximity to neighborhood residential.

Section 18.50.020 Characteristics of the Public/Quasi-Public and Parks and Recreation Districts

The following descriptions of each public/quasi-public and parks and recreation zoning districts identify the characteristic uses, intensity of uses, and level of development intended for that district.

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

18.50 Public/Quasi-Public and Parks and Recreation Districts



Section 18.50.030 Allowed Land Uses and Permit Requirements

Table 18.50.030-1 below identifies allowed uses and corresponding permit requirements for the public/quasi-public and parks and recreation zoning districts subject to compliance with Chapter 18.34 (Land Use Classification) and all other provisions of this title. Descriptions/definitions of the land uses can be found in Article 11 (Definitions). The Specific Use Regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

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

**Table 18.50.030-1
Permitted Use Matrix for Public/Quasi-Public and Parks and Recreation Districts**

Public/Quasi-Public and Parks & Recreation Districts (See Section 18.50.020 for descriptions)	Special Use Regulations	
	PQP	PR
Agriculture, Resource, and Open Space Uses		
Greenbelts	N	P
Observatories	N	CUP
Outdoor amphitheaters, public	N	CUP
Recreation, Education, and Public Assembly Uses		
Athletic fields	N	P
Child-care facility	CUP	N
Civic uses	P	N
Country clubs and related uses	CUP	CUP
Golf courses	N	CUP
Golf driving ranges	N	CUP
Indoor recreation and fitness	N	AR
Information centers	P	N
Museums/libraries	P	N
Outdoor recreation (large, 3 acres or more)	N	CUP
Outdoor recreation (small, less than 3 acres)	N	P
Parks, plazas and playgrounds	P	P
Places of assembly (large)	P	N

18.50 Public/Quasi-Public and Parks and Recreation Districts



Public/Quasi-Public and Parks & Recreation Districts (See Section 18.50.020 for descriptions)			Special Use Regulations
	PQP	PR	
Places of assembly (small)	P	N	
Places of worship	CUP	N	
Public art	CUP ¹	CUP ¹	Chapter 18.74
Public facility	P	N	
Schools (private)	P	N	
Schools (public)	P	N	
Temporary uses	see note	see note	Chapter 18.90
Trails (riding, hiking, bicycling, etc.)	P	P	
Zoos	N	CUP	
Utility, Transportation, and Communication Uses			
Public utility structures	CUP	N	
Retail, Service, and Office Uses			
Medical and dental laboratories	CUP	N	
Medical and dental offices	CUP	N	
Medical clinics ²	P	N	
Professional offices	CUP	N	
Restaurants, no drive-thru	CUP	N	
Restaurants, with drive-thru	CUP	N	
Automobile and Vehicle Uses			
Parking garages and lots	P	N	

Table Notes:

1. Two-dimensional works of art smaller than 10 square feet may be permitted through the Administrative Use Review process.

2. Includes laboratories that are ancillary to the primary use.

18.50 Public/Quasi-Public and Parks and Recreation Districts



Section 18.50.040 Development Standards

The following development standards are applicable to the public/quasi-public and parks and recreation zoning districts. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city’s minimum requirements and expectations for high quality development.

**Table 18.50.040-2
Development Standards for Public/Quasi-Public and Parks and Recreation Districts**

Public/Quasi-Public and Parks & Recreation Zoning Districts (See Section 18.50.020 for descriptions)		
	PQP	PR
Floor Area Ratio (maximum) ¹		
Floor area ratio	0.5	0.2
Setbacks (minimum)²		
Front yard	15'	20' ³
Side yard	5' ⁴	10'
Rear yard	10' ⁴	10'
Lot Area (minimum SF) ⁵		
Lot area	10,000 sf	20,000 sf
Lot Dimensions (minimum)		
Width	no min.	no min.
Depth	no min.	no min.
Height (maximum) ⁶		
Building/structure	3 stories (50')	2 stories (32')
Landscaping	See regulations in Chapter 18.78	
Lighting	See regulations in Chapter 18.80	
Fences, Walls and Screening	See regulations in Chapter 18.70	
Parking and Loading	See regulations in Chapter 18.76	
Signs	See regulations in Chapter 18.82	
Projections and Encroachments	See regulations in Chapter 18.60	

Table Notes:
 1. Project may be eligible for a bonus as described in Chapter 18.88.
 2. See additional regulations for setbacks and encroachments for accessory structures, fireplaces, architectural features, patios, decks, and fences in Chapter 18.60.
 3. Front setback of 30 feet required for accessory structures.

18.50 Public/Quasi-Public and Parks and Recreation Districts



4. Minimum side yard setback is 5 feet when abutting alleys and 10 feet when abutting residential districts. Minimum rear yard setback is 10 feet when abutting alleys or residential districts.

5. For uses requiring a conditional use permit, the planning commission may establish alternative minimum lot sizes.

6. See Chapter 18.60 for permitted projections into setbacks and exceptions to height limitations. A height increase may also be granted to allow for exceptional architecture or for unique architectural features (e.g., clock tower, church steeple, etc.) through the minor adjustment process (Section 18.16.110).

Chapter 18.54 Overlay Districts

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Section 18.54.010 Purpose of Overlay Districts

The overlay zoning districts established in this chapter are designed to supplement the use regulations and/or development standards of the applicable underlying base zoning district by recognizing distinctive areas of the city that have special and unique social, architectural, or environmental characteristics that require special considerations not otherwise adequately provided by the underlying base zone applicable to the property. The application of these overlay districts emphasizes the need for special attention in planning projects in the area governed by the overlay. The provisions of this chapter shall apply to all parcels of land located within the designed boundaries of an overlay district as illustrated on maps contained in this chapter and on the city zoning map. On the zoning map, overlay zoning districts shall be designated by their representative symbol along with the base zoning district in a format determined by the planning director. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply.

Section 18.54.020 Planned Development (PD) Overlay Zoning District

- A) Purpose and Intent. The PD district zoning designation is generally intended to apply to larger-scale, integrated development as a means of providing opportunities for creative and cohesive design concepts. The PD district is intended to allow modification of requirements established by other ordinances and diversification in the relationship of different uses, buildings, structures, lot sizes, and open spaces, while ensuring compliance with and implementation of the general plan. Additional objectives of the PD district include the provision of development consistent with site characteristics, creation of optimum quantity and use of open space, encouragement of good design, and promotion of compatible uses.

18.54 Overlay Districts



- B) Restriction. Unless authorized by grading permit or other entitlement, no person or entity shall grade or clear land, erect, move, or alter any building or structure on any land zoned PD district, unless in compliance with Section 18.68.080.
- C) Interim Exceptions. If any land has been zoned PD district, the following may be approved without any additional entitlement approvals:
 - 1) Single-Family Detached Dwelling. One detached single-family dwelling may be constructed without being subject to the requirements of this chapter where it is established to the satisfaction of the planning director that the vacant parcel of land on which the dwelling would be constructed was legally created and that the parcel and the proposed dwelling is consistent with the general plan and zoning regulations applicable to single-family residential uses.
 - 2) Nonconforming Use. Until a final development plan is approved, any nonconforming use lawfully existing at the time of the adoption of the PD district zoning may be continued, repaired, or rebuilt in accordance with Chapter 18.98 of this title. Thereafter, the terms of the final development plan shall control such use.
- D) When Required. PD district zoning may be requested by an applicant for any use (e.g., residential, commercial, industrial, etc.) allowed by the general plan. Further, PD district zoning may be required by the city for any use.
- E) Residential Density. To determine the consistency of a project's residential density with the general plan, the net development area used to calculate density shall exclude areas set aside for churches, schools, commercial uses, or other nonresidential uses, but shall include areas set aside for streets, common open space, outdoor recreation areas, and parks.
- F) Application and Processing Requirements. Application within a PD Overlay shall require the submittal of a Planned Development (PD) entitlement application as required in Section 18.20.020 (Planned Development) .

Section 18.54.030 Historic Preservation Overlay Zoning District

- A) Purpose and Intent. The purpose and intent of this chapter is to promote public health and safety, and the educational, cultural, economic, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, signs, objects, features, sites, places, and areas within the city that reflect special elements of Patterson’s historical, architectural, and aesthetic character and heritage.
- B) Planning Commission. The city planning commission is designated to be the official authority for the administration of this chapter, in accordance with the powers and duties, and subject to such exceptions as hereinafter set forth. The planning commission shall obtain professional technical expertise in the area of historic preservation from established organizations, institutions, public agencies, or other commissions as required.
- C) Powers and Duties. The commission shall have the following powers and duties:
- 1) Establish criteria for, conduct, and keep current a comprehensive register of historic and cultural resources within the boundaries of the city.
 - 2) Follow guidelines for the designation of landmarks, landmark sites, and historic overlay sites, subject to the provisions of Section 18.70.060 of this chapter.
 - 3) Pursuant to this chapter, review design plans, building permit plans, and/or other applications for permits for construction, alteration, modification, remodeling, or demolition of designated historic or cultural resources.
 - 4) Review and comment upon the conduct of land use, housing and development, municipal improvements, and other types of planning and programs undertaken by any other agency of the city, the county, or the state as they relate to the historic and cultural resources of the community.
 - 5) Consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation.
 - 6) Cooperate with local, county, state, and federal governments in the pursuit of the objectives of historic preservation, including the oversight of development of adjacent and nearby properties, which development may be materially detrimental to the preservation of historic preservation or context, or historic views within the community.

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- 7) Render advice and guidance, upon the request of the property owner, occupant, or other interested person or organization, on the restoration, alternation, development, decoration, landscaping, or maintenance of any historic or cultural resource, including landmark, landmark site, historic district, historic views or context, or neighboring or nearby property within public view.
- D) Historic Designation Criteria. For the purposes of this chapter, an improvement may be designated a historic landmark or historic site by the city council, and any area within the city may be designated a historic district by the city council if it substantially meets the following criteria and is at least fifty (50) years old:
- 1) It exemplifies or reflects special elements of the city's cultural, aesthetic, or architectural history; or
 - 2) It is identified with persons or events significant in local, state, or national history; or
 - 3) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
 - 4) It is representative of the notable work of a builder, designer, or architect; or
 - 5) Its unique location or singular physical characteristics represent an established and familiar visual feature of the city; or
 - 6) Its relationship to any other historic landmark or historic site, if its preservation is essential to the integrity of the other historic landmark or historic site.
- E) Historic Designation Procedure. Historic landmarks, historic sites, and historic districts shall be established by the city council in the following manner:
- 1) Any person may request the designation of an improvement as a historic landmark or the designation of a historic site or historic district by submitting an application for such designation to the planning director. The planning commission or city council may also initiate such proceedings on their own motion. The application shall include the following data:
 - a) Assessor's parcel number of the site or legal description;
 - b) Description detailing the proposed landmark's, site's, or district's special elements of aesthetic, cultural, architectural, artistic, or other interest or value of an historic nature;

- c) Sketches, drawings, elevations, photographs, or other descriptive materials;
 - d) Statement of estimated condition of structures or sites; and
 - e) Other materials or information requested by the planning director or planning commission.
- 2) The planning director shall have a study conducted of the proposed designation and prepare a report with a recommended preliminary determination, based on such documentation as may be required, as to its appropriateness for consideration.
 - 3) A public hearing shall be held by the planning commission to consider the recommended preliminary determination and the merits of the application. A notice of such hearing shall be given as provided by state law.
 - 4) Following the public hearing on the application, the planning commission shall make a recommendation to the city council of approval in whole or in part, or disapproval in whole or in part. A report shall be made to the city council, including the determination made by the planning commission, and shall contain all relevant descriptions and materials relating to the property or properties to be considered for designation.
 - 5) The city council, within thirty (30) days of receipt of the recommendations from the planning commission, shall hold a public hearing to consider the recommendations and application. A notice of such hearing shall be given as provided by state law. After conclusion of such hearing, the city council shall, by ordinance, approve the application in whole or in part, or shall, by motion, disapprove the application in its entirety.
 - 6) Should the city council approve the historic designation, the city council may adopt, by ordinance, a historic preservation overlay zone for the designated property or properties.
 - 7) The city clerk shall notify the building official of any official designation adopted by ordinance by the city council. The city clerk shall also file with the county recorder of Stanislaus County a certified copy of the ordinance together with a notice briefly stating the fact of said designation and a statement explaining that demolition, alteration, or relocation of the structure is restricted, and a reference to this section authorizing the recordation. The city clerk further shall mail a copy of the ordinance approving said designation or an official notice stating disapproval of said designation, to all applicants and the owners and occupants of the proposed designated historic site or

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historic landmark or the owners and occupants of all properties within the proposed designated historic district, and to any other person who requests a copy.

- 8) Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The commission and council may also give such other notice as they may deem desirable and practical.
 - 9) No building, alteration, demolition, or removal permits for any improvement, building, or structure within a proposed historic district or relative to a proposed historic site or historic landmark shall be issued while the application therefore is pending. Exceptions may be considered in case of hardship as defined in this chapter.
- F) Zoning Regulations. The historic preservation overlay district (HP) is intended to be an overlay zone to the other zoning districts within the city, and to provide for additional review and property development standards for those areas, structures, or improvements which reflect Patterson's heritage as may be defined in this chapter. The following property development standards shall apply to all land, buildings, structures, and improvements within the HP district.
- 1) The property development standards of the base zone district shall apply if such standards do not conflict with the purpose and intent of this chapter.
- G) No building permit shall be issued nor any building, alteration, demolition, or removal of any improvements shall occur until such permits are approved in accordance with this chapter.
- H) Alteration Permits. It is unlawful for any person to tear down, demolish, construct, alter (utilizing materials not compatible with existing or original materials), remove, or relocate any improvement, or any exterior portion thereof which has received a historic designation, or to alter in any manner any exterior architectural feature of such a historic designated site, landmark, or improvement, including, but not limited to, roofs, eaves, fascia and siding, masonry walls and supports, porches, landings, outside stairs, columns, windows and frames, and auxiliary buildings, without first obtaining approval to do so in the manner provided in this chapter.
- I) Alteration Permit Submittal Procedure. The following procedures shall be followed in processing applications for permit approval for work covered by this chapter:

- 1) The building official shall report any application for a building permit to work on a designated historic site, landmark, improvement, or historic district to the planning director.
 - 2) If no building permit would otherwise be required pursuant to this code, application for approval to pursue work on a designated historic site, landmark, improvement, or within a historic district shall be made to the planning director, who will then present such applications to the commission.
 - 3) All such applications shall be accompanied by the following:
 - a) A clear statement of the proposed work;
 - b) Plans describing the size, characteristics, and appearance of the proposed work and its relationship to adjacent structures, if any;
 - c) A site plan showing all existing buildings and structures and the proposed work;
 - d) Reasons for the proposed work, or demolition if demolition is proposed;
 - e) Property owner's concurrence, if applicant is not the property owner; and
 - f) Any other materials considered by the planning director or planning commission to be reasonably necessary for the proper evaluation of the proposal.
 - 4) The planning commission shall hold a public hearing on the application. Notice of such hearing shall be given as required by state law. The planning commission shall complete its review and make a decision within fifty (50) days of the date of receipt of the completed application.
- J) Alteration Permit Approval Criteria. The planning commission, or the city council upon appeal, may approve, approve with modifications, or disapprove an alteration permit based on the following and criteria pursuant to Section 18.70.050 of this chapter. Prior to approval, or approval with modifications, the planning commission, or the city council upon appeal, shall find that:
- 1) The action proposed is consistent with the purposes of this chapter;
 - 2) The action proposed will not detrimentally alter, destroy, or adversely affect any exterior architectural feature, or character of a historical site, building, landmark, structure, district, or improvement;

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- 3) In the case of construction of a new improvement, building, or structure upon a historic site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings, structures, and features on and around said site; and
 - 4) If applicable, the applicant has demonstrated that the action is necessary to correct an unsafe or dangerous condition on the property.
- K) Ordinary Maintenance and Repair. Nothing in this chapter shall be construed to prevent any and all reasonable uses of any property or properties covered by this chapter as are not in conflict with the purposes of this chapter, including the ordinary maintenance or repair of said property that does not involve a change in design, materials, or external appearance thereof.
- L) Unsafe or Dangerous Conditions. Nothing in this chapter shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of any structure, or feature or part thereof, covered by this chapter, where such condition has been declared unsafe or dangerous by the building official or the fire marshal, and where the proposed measures have been declared necessary by such officials to correct such condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed. In making a determination as to whether such work is reasonably necessary as aforesaid, the above mentioned officials may refer to, and be guided by, the State Historical Building Code as the same may from time to time be amended, revised, or replaced.
- M) Duty to Keep in Good Repair. The owner, occupant, or other person in actual charge of a historic or cultural resource, site, building, structure, or improvement shall keep in good repair all of the exterior portions of such site, building, structure, or improvement, and all interior portions whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature. It shall be the duty of the building official to enforce this section.
- N) Certificate of Hardship. The planning commission need not disapprove an application for permit to carry out any proposed action in a historic district, or on a historic landmark, building, structure, or site, if the applicant has demonstrated to the planning commission that denial of the application will result in immediate, undue, or substantial hardship (economic, financial, or otherwise). In determining whether extreme hardship exists, the planning commission shall consider, among others, the following criteria:

- 1) Whether denial of the application will diminish value of the subject property so as to leave substantially no value.
 - 2) Whether reasonable utilization of the property is prohibited or impractical.
 - 3) If a hardship is found to exist under this section, the planning commission may make a finding to that effect, and shall specify the facts and reasons relied upon in making such finding. Such finding may be appealed to the city council.
- O) Historical Preservation Contracts. Any owner of a property which has been granted a city historic designation shall be eligible to apply for the property tax incentive program through the use of a historic property contract pursuant to Section 50280 through 50290 of the California Government Code. All applications filed for Historical Preservation Contracts shall be considered by the planning commission at a public hearing. The recommendation of the planning commission shall be forwarded to the city council for consideration at a public hearing.

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Section 18.54.050 Mixed-Use (MU) Overlay Zoning District

- A) Purpose and Intent. The purpose of the Mixed-Use (MU) District is to provide special flexibility within areas zoned for commercial or office development to allow for the addition of residential development. All base zoning district listed in Chapter 18.42 (Commercial and Medical/Professional Office Districts) are eligible for the Mixed Use (MU) Overlay.
- B) Applicability. The Mixed-Use District applies to areas of the city indicated on the zoning map by the reference letters “MU” after the reference letter (s) identifying the base zoning district.
- C) Development Standards. The following provisions are applicable to properties designated MU:
 - 1) Residential density shall be permitted up to 24 dwelling units per net site acre (in addition to any commercial square footage).
 - 2) Residential units may be provided in addition to other development permitted or conditionally permitted on the project site.
 - 3) Residential units may be provided on upper levels of commercial and/or office buildings or may be located in a separate building adjacent to commercial and/or office structures.
 - 4) No more than 50% of all ground floor building may be residential development.
 - 5) An additional twelve feet (12 ft) of additional building height above the specified height limit is permitted within the applicable zoning district.

Section 18.54.060 Mixed-Use Hillside (MUH) Overlay Zoning District

- A) Purpose and Intent. The purpose of the Mixed-Use Hillside (MUH) District is to provide special hillside development standards within the Mixed-Use Hillside (MUH) District as designated by the General Plan.
- B) Applicability. The Mixed-Use Hillside District applies to areas of the city indicated on the zoning map by the reference letters “MUH” after the reference letter (s) identifying the base zoning district.
- C) Integrated Development. Provisions of Chapter 18.76 (Integrated Development) may be used to combine adjacent open space, residential and other parcels to reduce impacts on hillsides.

- D) Establishment of Slope Zoning Limitations. All property with the MUH designation shall be analyzed to categorize hillsides into five slope categories and establish limits on development, as follows:
- 1) Slope Zone 1 (5% natural slope or less). This is not a hillside condition. Grading with conventional fully padded lots and terracing is acceptable.
 - 2) Slope Zone 2 (5% to 7.99% slope). Development with grading is permitted in this zone, but existing landforms must retain their natural character. Padded building sites are permitted; however, techniques such as contour grading, combined slopes, limited cut and fill, and split-level architectural prototypes, or padding for the structures only, may be required to reduce grading.
 - 3) Slope Zone 3 (8% to 14.9% slope). This is a hillside condition. Special hillside architectural and design techniques that minimize grading are required in this zone. Architectural prototypes are expected to conform to the natural landform by using techniques such as split-level foundations of greater than eighteen inches (18”), stem walls, stacking, and clustering.
 - 4) Slope Zone 4 (15% to 29.9%). Development within this zone is limited to no more than the less visually prominent slopes and then only where it can be shown that safety, environmental, and aesthetic impacts can be minimized. The use of larger lots, variable setbacks, and variable building structural techniques such as stepped or pole foundations are expected. Structures shall blend with the natural environment through their shape, materials, and colors. Impact of traffic and roadways is to be minimized by following natural contours or using grade separations.
 - 5) Slope Zone 5 (30% and over). This is an excessive slope condition and development is prohibited, unless all the following are satisfied: (i) at least seventy-five percent (75%) of the lots or parcels that are the subject of the development application are surrounded by lots or parcels improved with structures; (ii) the proposed project is determined to appropriately address slope stability and other geological factors of the site and (iii) vegetation fuel management for wildfire protection can be achieved and maintained.



Public Hearing Draft
Zoning Ordinance

ARTICLE IV

Site Development

Adopted July, 2013

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Chapter 18.60 General Development Standards

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Section 18.60.010 Purpose

The purpose of this chapter is to provide the process for determining building height and setbacks and identifying exceptions to height limits and setback requirement. Additionally, this chapter describes special site development requirements.

Section 18.60.020 Applicability

The rules for determining dimensional requirements in this chapter apply to all city zoning districts. The dimensional requirements are included in Article III (Zoning Districts), more specifically Table 18.38.040-1 (Development Standards for Residential Districts), Table 18.42.040-2 (Development Standards for Commercial and Medical/Professional Office Districts), Table 18.46.040-1 (Development Standards for Industrial Districts), and Table 18.50.040-2 (Development Standards for Public/Quasi-Public and Parks and Recreation Districts).

Section 18.60.030 Height Measurement and Exceptions

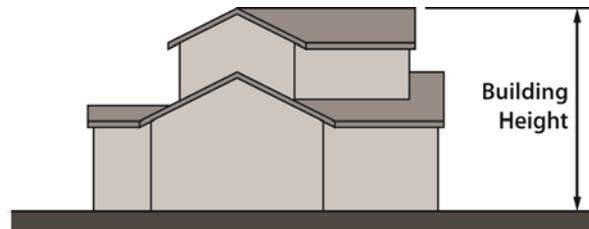
The following rules apply to the calculation and determination of height of structures in the city. The intent of these regulations is to provide for compatibility in the measure of building height under a variety of circumstances (e.g., sloped site).

- A) **Height Measurement.** The height of a structure shall be measured as the vertical distance from the finish grade to the highest point of the roof of the structure. The measure excludes architectural features and appurtenances such as, but not limited to, chimneys, antennas, elevators, and similar mechanical equipment.

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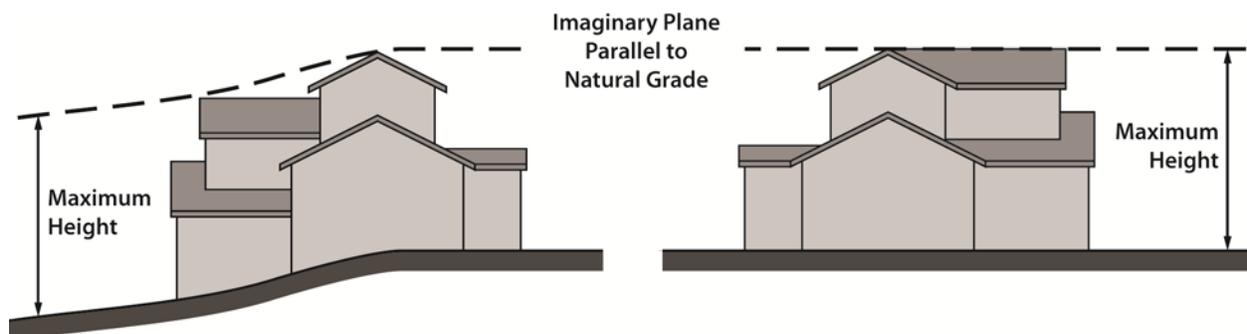
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Figure 18.60.030-1 Height Measurement



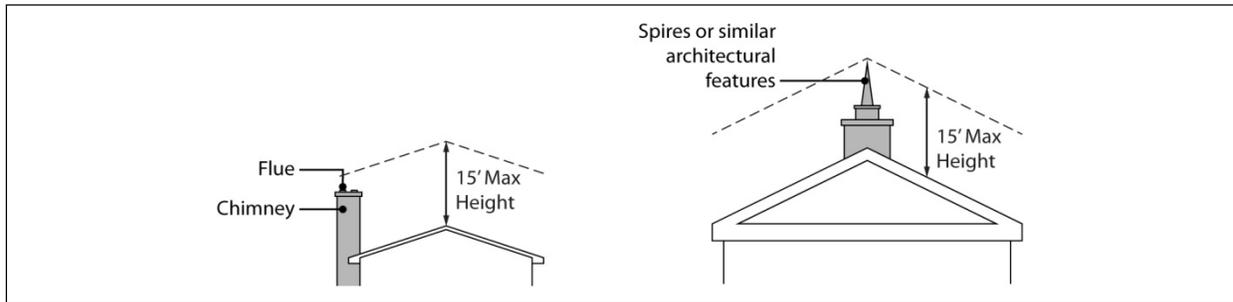
- B) Height Limits. Height limits are established throughout this title. Primarily, height limits are listed in Article III (Zoning District), where they are listed by zoning district. Additional height limits are established for accessory structures (Chapter 18.62), fences and walls (Chapter 18.70), and signs (Chapter 18.82). Height limits are measured as the vertical distance from the finish grade of the site to an imaginary plane located the allowed number of feet above and parallel to the finish grade.

Figure 18.60.030-2 Height Limit Measurement



- C) Height Exceptions. The following features are excluded from height limits, provided they do not exceed fifteen feet (15') in height above the structure (see Figure 18.60.030-3, Height Exceptions):
- 1) Flues
 - 2) Chimneys
 - 3) Spires, bell towers, or similar architectural features
 - 4) Additional height over fifteen feet (15') may be considered through the minor adjustment process (Section 18.16.110).

Figure 18.60.030-3 Height Exceptions



Section 18.60.040 Setback Requirements and Exceptions

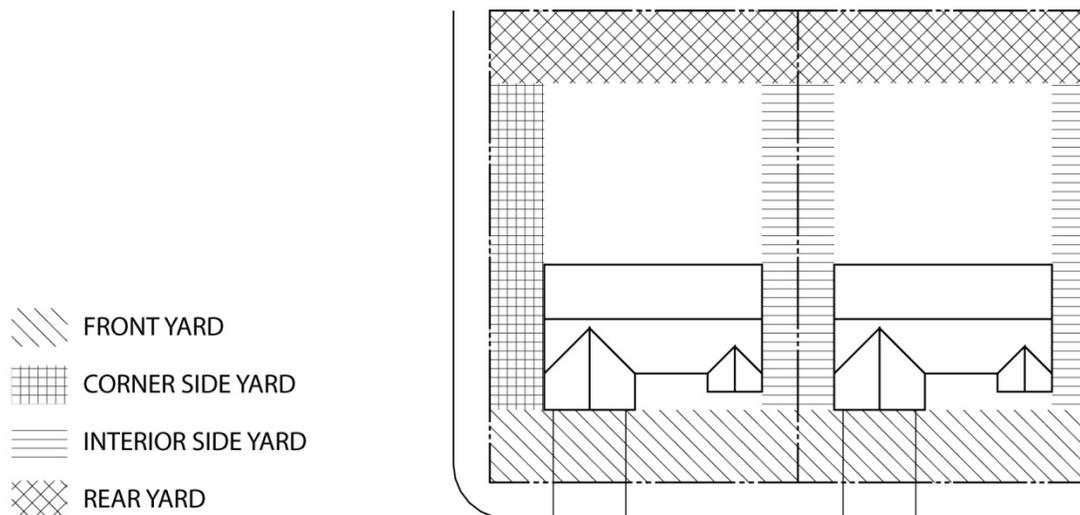
- A) General Yard and Setback Requirements.
- 1) Required Yard Area. Except as otherwise specified in this title, required yard areas shall be kept free of buildings and structures.
 - 2) Exclusivity of Required Yard Area. No yard or other open space provided around any building for the purpose of complying with this title shall be considered as providing a yard or open space for any other building or structure.
- B) Front Yards. Generally, the front yard setback is determined by the front lot line, which is the lot line paralleling the street. For corner lots, the front lot line is determined by the orientation of the front entrance of the primary building. However, for flag lots and other irregularly shaped parcels, the front lot line is determined to be the narrowest portion of the lot. For flag lots, this excludes the narrow portion of the lot that represents the “pole.”
- C) Street Yards. Except as otherwise permitted, a street yard shall be used only for landscaping, pedestrian walkways, driveways, or off-street parking.
- D) Rear and Interior Side Yards. Except as otherwise permitted, these yards shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, or similar accessory activities.
- 1) Vertical Clearance. Except as otherwise provided in this title, every part of a required yard shall be open from its lowest point to the sky unobstructed. Building overhangs, bay windows, and other such elements may intrude as permitted, pursuant to Subsection 18.60.050.E (Allowed Encroachments or Projections into Required Yards).

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- 2) Corner Lots. In the case of a lot abutting two or more streets, the main buildings and accessory buildings shall be erected so as not to encroach upon the required front and street side yards.
- 3) Double-Frontage Lots. Where a double-frontage lot (defined as a lot with property line along two opposing streets) has a depth of one hundred twenty-five feet (125') or more, such lot may be treated as two lots, with the rear line of each approximately equidistant from the front lot lines, provided all yard requirements are met.
- 4) Setback Measurement. The setback of all buildings and structures shall be measured at a right angle from the property line as listed below. Except as permitted in Subsection 18.60.050.E (Allowed Encroachments or Projections Into Required Yards), or as otherwise specified in this title for specific types of structures (e.g., accessory structures, signs) or through the issuance of an adjustment, structures shall not extend beyond required setback lines.

Figure 18.60.040-1 Setback Measurement



- E) Allowed Encroachments or Projections Into Required Yards. In addition to the structures listed in Chapter 18.62 (Accessory Structures) and Chapter 18.70 (Fences, Walls, and Screening), the following structures and architectural features attached to the main building may project into the required yards:
- 1) Residential Encroachments.

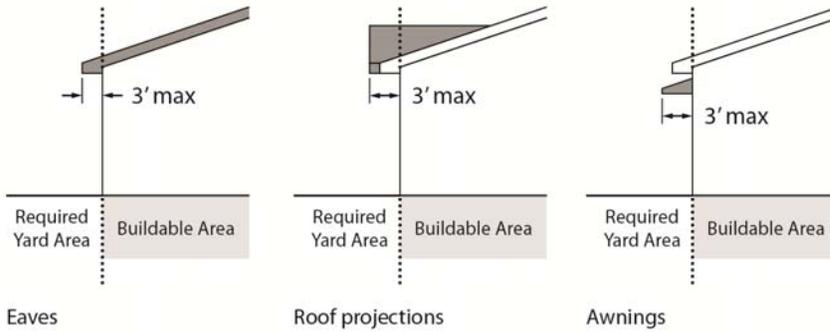
- a) Eaves, roof projections, awnings, and similar architectural features may encroach into required yards a maximum distance of three feet (3'), provided such appendages are supported only at, or behind, the front building setback line, and a minimum of four feet (4') from any side lot line.
 - b) Replacement chimneys, bay windows, balconies, media centers, fire escapes, exterior stairs and landings, and similar architectural features may encroach a maximum distance of two feet (2') into required side yards or three feet (3') into any required rear yard, provided such features shall be at least three feet (3') from a property line.
 - c) Decks, platforms, uncovered porches, and landing places that do not exceed a height of thirty-six inches (36") above grade may encroach into any front or corner side yard a maximum distance of six feet (6') and project into any rear or interior side yard up to five feet (5') from the property line.
 - d) Projections are not permitted over a lot line and encroachment provisions would not apply to zero lot line situations.
- 2) Nonresidential Encroachments.
- a) Eaves, roof projections, awnings, and similar architectural features when located at least eight feet (8') above grade may encroach into required yards a maximum distance of three feet (3'), provided that such feature shall be at least four feet (4') from a property line.
 - b) Fireplaces, chimneys, bay windows, balconies, fire escapes, exterior stairs and landings, and similar features may project into the required yard a maximum distance of two feet (2'), provided that such features shall not occupy more than twenty-five (25) square feet of each required yard and shall be at least four feet (4') from a property line.
 - c) Projections are not permitted over a lot line and encroachment provisions would not apply to zero lot line situations

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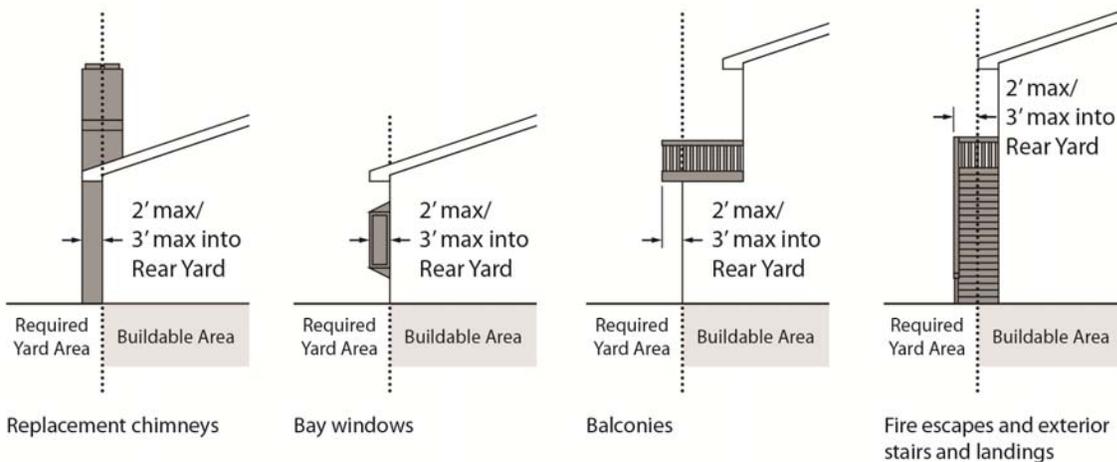
Figure 18.60.040-2 Residential Encroachments

1. Projection of eaves, roof projections, awnings, and similar architectural features: **3 feet**, provided such appendages are supported only at, or behind, the front building setback line, and a minimum of 4 feet from any side lot line.



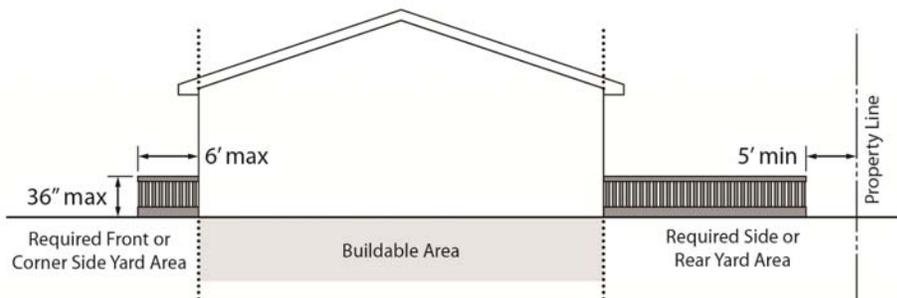
2. Projection of replacement chimneys, bay windows, balconies, fire escapes, exterior stairs and landings, and similar architectural features provided features are setback at least 3 feet from a property line:

- A. Front, Side or Corner Side Yard - 2 feet
- B. Rear Yard - 3 feet



3. Projection of decks, platforms, uncovered porches, and landing places that do not exceed a height of 36 inches:

- A. Front or Corner Side Yard - 6 feet
- B. Side or Rear Yard - feature may be constructed up to 5 feet from the property line

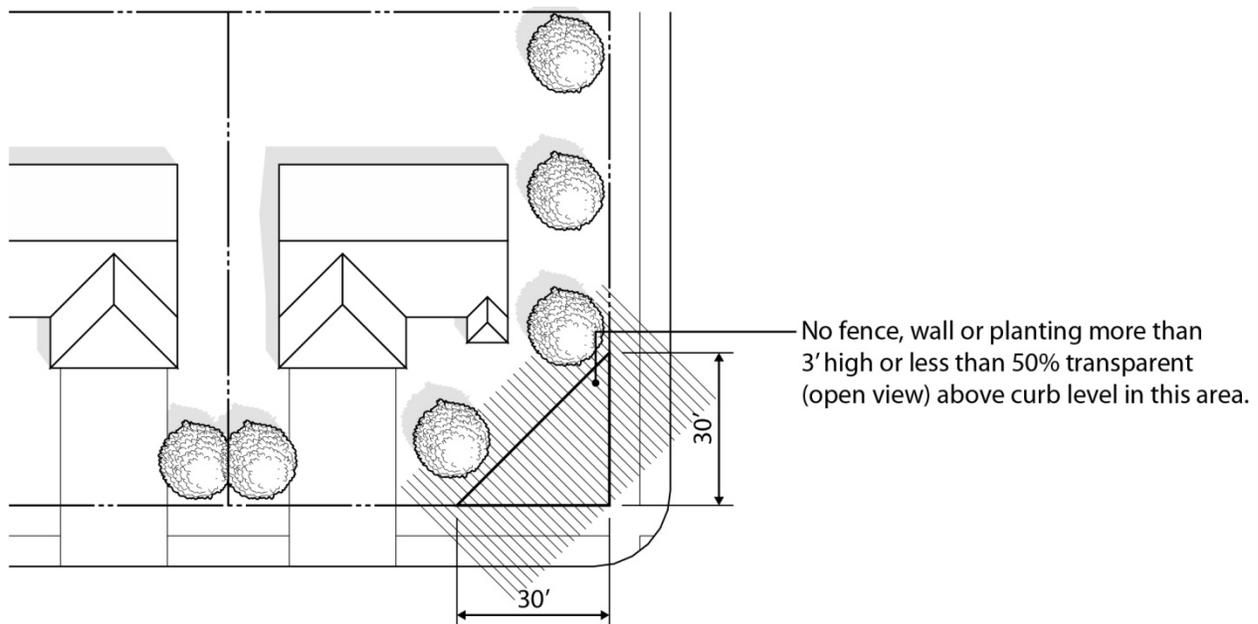


Section 18.60.050 Vision Triangle

Vision triangles apply only to corner lots. The boundaries of a vision triangle are formed by drawing lines from the point of intersection of a lot's street corner property lines to points thirty feet (30') along the two property lines and then connecting the two points with a straight line.

- A) Residential Districts. No wall, fence, or hedge higher than three feet (3') shall be erected or maintained on a corner lot in any residential district within the area called the vision triangle.
- B) Other Districts. In any district, other than a residential district, no wall, fence, hedge, or other obstruction to view shall be erected or maintained between three feet (3') and eight feet (8') above grade on any corner lot within the area called the vision triangle.
- C) Planting and Landscape Materials. Planting and landscape materials (except for street trees) shall not exceed three feet (3') in height within the vision triangle area or if taller it shall have a minimum of 50% opacity to allow views through the landscaping material (opacity measurement also includes fencing materials).

Figure 18.60.050-1 Vision Triangle



Chapter 18.62 Accessory Structures

Section 18.62.010 Purpose..... IV-9
Section 18.62.020 Applicability..... IV-9
Section 18.62.030 Permit Requirements and Exemptions IV-9
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Section 18.62.010 Purpose

This section establishes development standards for accessory structures. The purpose of this section is to protect the public health, safety, and welfare by maintaining safe distances between structures, establishing architectural compatibility between primary structures and certain types of accessory structures, and minimizing potential impacts associated with lot coverage, privacy, and maintenance of light and air space.

Section 18.62.020 Applicability

The requirements contained in this chapter shall apply as follows:

- A) Accessory structures on private property and shall be in addition to any other development standards contained elsewhere within the zoning code.
- B) In the event of a conflict between the provisions of this chapter and any other provisions of this title, the stricter regulation shall control.
- C) This chapter regulates detached accessory structures only. Accessory structures that are attached (carports, garages, patio covers, porches) are considered part of the primary structure, and related provisions apply.
- D) For the purposes of this chapter, secondary dwelling units are not considered accessory structures; secondary dwelling units are governed by the requirements of Chapter 18.66 (Second Units).

Section 18.62.030 Permit Requirements and Exemptions

In the event that a building permit is required, zoning plan check is required. Certain structures may require site plan and architectural review, variance, or other permits or entitlements as specified in Article II (Procedures).

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Section 18.62.040 Accessory Structure Development Standards

- A) Development Standards for All Accessory Structures. Accessory structures shall not contain full indoor cooking facilities (combination of a sink, cooking apparatus, and refrigeration appliance), should not contain a full bath (half bath is permitted) and should not be designed for full-time living or rental purposes. Guesthouses and pool houses that conform to the requirements of this chapter are permitted.
- B) Setback Measurement. Minimum setback distances for accessory structures from property lines and between accessory structures shall be measured to any portion of the structure(s), inclusive of any overhangs, projections, railings, etc.
- 1) Construction phasing. Accessory structures may be constructed only in conjunction with or after construction of the primary building(s) on the site.
 - 2) Ingress/egress into backyard. A minimum three foot (3') ingress/egress pathway into a backyard shall be maintained for fire access.
 - 3) Maximum residential lot coverage. Maximum aggregate lot coverage by primary and accessory structures is not to exceed sixty percent (60%) of the lot.
 - 4) Maintenance. All on-site accessory structures shall be kept in a serviceable, well-maintained, and presentable manner which makes a positive contribution to the surrounding area.
 - 5) Compatibility. Accessory buildings located in established neighborhoods shall be of compatible size, scale, and appearance, so as to be in harmony with the character and quality of surrounding development within the zone.
- C) Development Standards by Type of Accessory Structure. Table 18.62.040-1 (Development Standards for Residential Accessory Structures) establishes development standards based on the type of accessory structure as defined in this title. See also Figure 18.62.040-1.

18.62 Accessory Structures

Table 18.62.040-1 Development Standards for Residential Accessory Structures

Accessory Structure	Development Standard						
	Minimum Setback Distance (from Property Line ¹)				Minimum Distance Between Structures	Maximum Height	Other
	Front	Street Side	Interior Side	Rear or Alley			
Closed-Roof Structure (including but not limited to sheds, pool houses, gazebos, etc.)	Same as Primary Structure	15 ft	3 ft; increase to 5 ft for High Density Residential	3 ft rear 5 ft alley	10 ft	12 ft (one story) ²	Located on rear half of lot
Open-Roof Structure	Same as Primary Structure	15 ft	3 ft	3 ft	10 ft	12 ft	
Pool/Spa ^{3,4,5}	Same as Primary Structure	3 ft	3 ft	5 ft	5 ft	5 ft	
Deck (detached)	No minimum	No minimum	No minimum	No minimum	No minimum	2 ft	
Play Equipment	Same as Primary Structure	15 ft	5 ft	5 ft	10 ft	12 ft	
Carports ⁶	Same as Primary Structure	Not permitted on street side of corner lot	5 ft	5 ft	10 ft	12 ft	

1. No accessory structure shall be permitted within an established easement.
2. Conditional Use Permit required for height between 12 feet and 16 feet.
3. Single-family residences must comply with the requirements of the Building Code and the California State Swimming Pool Safety Act. The draining of pool water is required to go directly into the sewer system. On-site draining (above ground) is a violation of various local, state and federal laws.
4. Setback measured to edge of water for built-in pools (where the surface of the water is at grade) and the edge of the structure for above ground pools. All mechanical equipment must be behind the setback.
5. For above ground pools, a solid 6'-0" tall fence is required between the subject property and any adjacent residential backyards.
6. Temporary carports are prohibited. If used, carport shall be constructed out of durable materials, match the architecture of the primary structure, and be built on a permanent foundation.

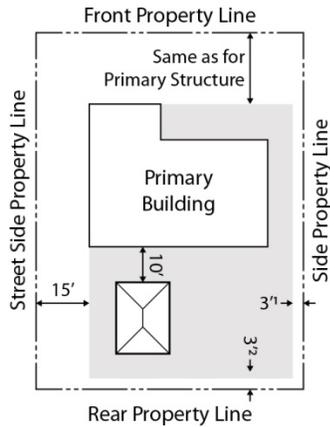
18.62 Accessory Structures

IV

D) Additional Development Standards for Swimming Pools.

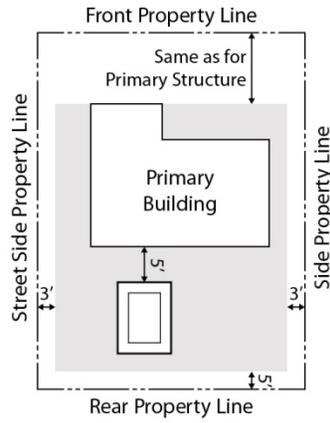
- 1) There shall be provided a minimum three-foot (3') unobstructed clearance along at least seventy-five percent (75%) of the perimeter of all swimming pools constructed in this zoning district in order to provide adequate access to the pool for safety purposes. The three-foot (3') unobstructed clearance area shall have no minimum setback requirement from a property line.
- 2) In no case shall swimming pool accessory mechanical equipment be permitted within five feet (5') of any adjacent building or property line.
- 3) The pool area or the entire property on which it is located shall be so walled or fenced and equipped with self-closing and self-latching gates or doors so as to prevent uncontrolled access by children from the street or adjacent properties. Supplemental lighting shall be so installed as to prevent annoying glare on adjacent properties.
- 4) For below-ground swimming pools, the setback distance is measured from the property line to the edge of the pool water. For aboveground pools, spas, and hot tubs, the setback distance is measured from the property line to the edge of the spa or hot tub structure unless the top edge of the spa or hot tub is at grade. The setback distance for at-grade spas and hot tubs is measured in the same fashion as swimming pools. Structures, including pool equipment, pool diving boards, water slides, and other above-ground appurtenances, shall be located behind the setback line.
- 5) Related landscape features (waterfalls, rock, trellis, etc.) that exceed height limit of the pool shall be placed behind the setback line.

Figure 18.62.040-1 Standards for Accessory Structures

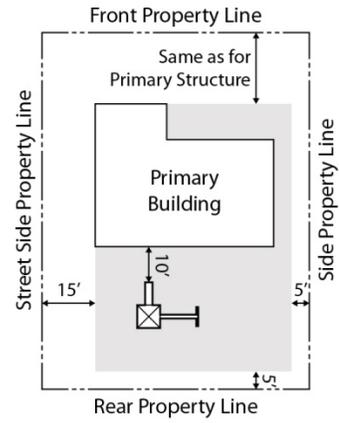


Closed Roof Structure

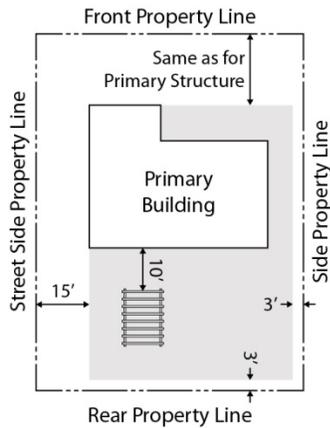
1. 5' for the High Density Residential District
2. 5' for Alleys



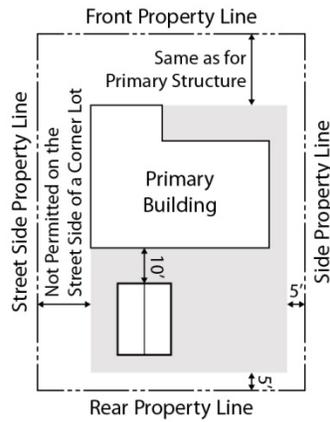
Pool/Spa



Play Equipment



Open Roof Structure



Carports

Chapter 18.63 Day Care Provisions

Section 18.63.010 Purpose and Intent IV-15

Section 18.63.020 Applicability..... IV-15

Section 18.63.030 Day Care Standards..... IV-15

Section 18.63.010 Purpose and Intent

The provisions within this chapter are intended to protect residential neighborhood from traffic, parking and other impacts that may result from an overconcentration of home based day care and to provide minimum standards for all day care facilities.

Section 18.63.020 Applicability

The provisions of this chapter shall apply when a Family Day Care Home (Large) or Day Care Facility as defined in Chapter 18.96 (Land Use Definitions) is proposed.

Section 18.63.030 Day Care Standards

The following standards apply to all day care uses:

- A) All day care uses, defined as “Day Care Facility” and “Family Day Care Home (large).”
 - 1) A state license is required.
 - 2) The use shall be subject to all city, county, state and federal regulations concerning daycare, child care, health and safety, food preparation or other applicable regulations. Current proof of certification shall be provided to and shall remain on file with planning department.
 - 3) All on-site landscaping, fences, structures and other improvements shall be kept in a serviceable, well-maintained and presentable manner which makes a positive contribution to the surrounding area,
 - 4) All improvements involving construction, including but not limited to roof coverings, concrete flatwork, fences, changes in landscaping, additional buildings or additions to existing buildings or conversion of structures to new uses shall be subject to at a minimum written administrative approval of the planning director. Issuance of building permits or planning commission approval may be required.

18. 63 Day Care Provisions

IV

- 5) Plans, designs and graphics for all signs, whether window, free-standing, wall or other shall be submitted for review and approval at time of use permit application.
 - 6) Unless a reduction is permitted Planning Commission, the required outdoor play area shall be a minimum of 200 square feet per child expected to use the play area at any one time. Any required play area cannot be contained within any front or side setbacks. All outdoor play areas shall be securely fenced. The Planning Commission may permit reductions in the size of play area, subject to the following:
 - i) The reduction is offset with a comparable indoor play area;
 - ii) Children (based on age group or other factors) will utilize the play area at different times; and/or
 - iii) Parks, playgrounds and other similar facilities are readily available to the day care facility.
- B) Provisions applicable to day care uses defined as, “Family Day Care Home (Large)” only:
- 1) Parking and traffic laws shall be strictly enforced in the area of the day care center. In order to mitigate the impacts on neighboring property owners, the required off-street non-covered parking for the home shall remain available to clients for drop-off and pickup during hours of operation. During expected times of drop-off and pickup the facility operator may be required to keep personal vehicle in garage.
 - 2) Minimum lot size of 5,000 square feet is required.
 - 3) A Family Day Care (large) is not permitted within 500 feet of another Family Day Care (Large).
 - 4) One additional off-street parking space is required for each employee. These spaces can be provided in a driveway and can have a tandem orientation.
 - 5) The facility operator shall make and shall document to the satisfaction of the planning director, every reasonable effort to ensure that no more that one-half of the maximum number of children for which the facility is licensed arrive or depart within a one hour span of time.

Chapter 18.64 Home Occupations

Section 18.64.010 Purpose and Intent IV-17
Section 18.64.020 Applicability..... IV-17
Section 18.64.030 Home Occupation Standards..... IV-17
Section 18.64.040 Prohibited Home Occupations IV-19

Section 18.64.010 Purpose and Intent

The provisions within this chapter are intended to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity.

Section 18.64.020 Applicability

The provisions of this chapter shall apply when an application for a home occupation permit is made with the planning director according to Chapter 18.16.060 of Article II (Procedures) of this zoning ordinance.

Section 18.64.030 Home Occupation Standards

The following are standards that shall be adhered to for the issuance of a home occupation use permit:

- A) A home occupation must be conducted entirely within a dwelling by a person or persons residing in the dwelling as a purely secondary and incidental use of such dwelling to its primary residential use.
- B) Off-site employees or partners are permitted so long as they do not work or report for work at the subject property.
- C) The residential appearance of the premises shall not be altered through remodeling or new construction so as to give the appearance of other than normal residential premises or to call attention to the premises.
- D) There shall be no mechanical equipment or operation used which creates or makes noise, dust, odor, vibration, or other effects detectable at the property line.
- E) There shall be no display of products produced by the home occupation visible in any manner from the outside of the dwelling unit. There shall be no sale of commodities upon the premises.

18. 64 Home Occupations

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- F) The use shall not generate pedestrian or vehicular traffic other than trips by the one allowed business vehicle per Section 18.92.080(H) of this chapter and bimonthly business deliveries by a carrier normally associated with residential deliveries. Business customers are not allowed on-site unless otherwise excepted by this chapter.
- G) There shall be no storage of materials or supplies out-of-doors.
- H) No more than one business vehicle shall be parked or used in connection with the business on or near the premises. All deliveries to and from the premises by the applicant shall be only by the one allowed business vehicle. "Business vehicle" means a car, pickup, or van (three-fourths ton maximum size) used for home business purposes and driven by a person residing on the premises.
- I) There shall be no advertising of the home occupation which uses the street address of the premises, and no on-site signs advertising the business.
- J) Not more than one room or ten percent (10%) of the floor area of the main building, whichever is greater, shall be used for the home occupation. If a garage is used in connection with a home occupation, such use must not interfere with its primary use as vehicular storage.
- K) There shall be no raising of animals for commercial purposes.
- L) Other conditions deemed necessary by the planning director.
- M) The following specific home occupation uses may be permitted subject to further limitations as follows:
 - 1) Contractors' and subcontractors' offices are permitted as home occupations. The storage of materials, equipment, or more than one commercial vehicle not normally associated with residential uses shall be prohibited.
 - 2) Swimming lessons, music lessons, and other similar instructions, when given to no more than three students at one time.
 - 3) Dressmakers, limited to residents of the dwelling.

Section 18.64.040 Prohibited Home Occupations

The following uses are expressly prohibited as home occupations:

- A) Repair or reconditioning of motorized vehicles or equipment on-site.
- B) Manufacturing, including cabinet shops and similar uses.
- C) Repair or reconditioning of major household appliances.
- D) Repair or reconditioning of boats or recreational vehicles.
- E) Medical, dental and chiropractic clinics and offices and counseling services.
- F) Furniture repair, restoration, and upholstery.
- G) Beauty/barber shops, including nail and skin care salons.
- H) Real estate offices.
- I) Weapons and ammunition sales and service.
- J) Welding shops.
- K) Animal clinics and pet grooming shops.
- L) Massage establishments.

Chapter 18.66 Second Units

Section 18.66.010 Purpose and Applicability IV-21

Section 18.66.020 General Provisions IV-21

Section 18.66.010 Purpose and Applicability

This chapter provides development standards related to second units (also referred to as accessory dwelling units or “granny flats”) when permitted according to Table 18.38.030-1 (Permitted Use Matrix for Residential Districts).

Section 18.66.020 General Provisions

- A) **Location.** One secondary dwelling unit shall be allowed when accessory to one existing single-family detached unit. The secondary dwelling unit may be established by the conversion of an attic, basement, garage, or other portion of a single-family unit; a detached secondary unit may be established by the conversion of an accessory structure or may be established by new construction.
- B) **Zoning District.** Except as provided in this chapter, all requirements and regulations of the zoning district in which the lot is situated shall apply.
- C) **Setbacks and Separation.** The secondary dwelling unit shall observe a fifteen-foot (15’) setback from the rear property line and a ten-foot (10’) setback from the main dwelling unit.
- D) **Height.** The structure shall not exceed a single-story height and sixteen feet (16’) if the building is detached, excepting existing nonconforming structures. If attached, the height applicable to the primary dwelling applies.
- E) **Minimum Lot Size.** The minimum lot size in which the secondary dwelling unit is located shall be six thousand five hundred (6,500) square feet, and the minimum lot width shall be fifty feet (50’).
- F) **Size of Unit.** The following applies to the size of the secondary dwelling unit:
 - 1) No less than two hundred seventy-five (275) square feet.
 - 2) No more than eight hundred forty (800) square feet of floor area. The eight hundred (800) square feet of floor area may be exceeded when the second unit is an internal conversion of an existing single-family dwelling unit. In such case, the maximum size of the second unit shall not exceed forty percent (40%) of the existing dwelling.

18.66 Second Units

IV

- 3) The ratio of the main unit size in comparison to the secondary dwelling unit size shall not be less than 2:1, except as provided for internal conversions of existing structures.
 - 4) The secondary dwelling unit shall be clearly subordinate to the principle single-family dwelling unit on the lot by size, location, and appearance. The existing single-family dwelling unit shall contain a minimum one thousand one hundred (1,100) square feet floor area. In no case shall the secondary dwelling unit contain more than two bedrooms.
- G) Parking. One covered or uncovered off-street parking space shall be provided for the secondary dwelling unit. This requirement shall be in addition to the off-street parking spaces required for the existing residence. Tandem parking shall not be allowed.
- H) Standards. The establishment of any secondary dwelling unit shall be subject to the following:
- 1) The secondary dwelling unit shall be in compliance with applicable building, fire, and other health and safety codes.
 - 2) The secondary dwelling unit shall be in compliance with underlying zoning requirements and regulations, except as may be provided in this chapter.
 - 3) The secondary dwelling unit shall be in compliance with the city-adopted design guidelines for residential development, except as may be provided in this chapter.
 - 4) Addresses for secondary dwelling units shall be shown prominently on the frontage of the unit. Frontage should be located facing a street or alleyway and/or have a well-defined entry area.
 - 5) Frontage area landscaping is required and shall follow established guidelines

Chapter 18.68 Live/Work Units

Section 18.68.010 Purpose..... IV-23
Section 18.68.020 Applicability..... IV-23
Section 18.68.030 Live/Work Development Standards..... IV-23

Section 18.68.010 Purpose

The purpose of this chapter is to encourage the integration of residential and work uses (vertically and horizontally) and to establish flexibility in the strict zoning regulations as they apply.

Section 18.68.020 Applicability

The requirements of this chapter are applicable to all zones where live/work units are permitted (or conditionally permitted).

Section 18.68.030 Live/Work Development Standards

- A) Existing Structures.
 - 1) A pre-existing structure that is converted to a live/work unit may deviate from the development standards included in this section through the administrative review (AR) process.
 - 2) Deviations shall be the minimum needed and only permitted when full implementation of the development standard is not feasible, as determined by the planning director.
- B) Ground-Floor Street Frontage.
 - 1) Retail, service, restaurant, office, and/or cottage industry are required on ground-floor primary building frontage, with residential on upper levels or behind the frontage use
 - 2) The work space directly adjacent the sidewalk/street shall contain an active use and not be used exclusively for storage or warehousing.
 - 3) The work space on the ground floor should be oriented toward the street to allow pedestrian exposure and direct access to the work space.

18.68 Live/Work Units

IV

- 4) The work space on the ground floor should have a minimum of fifty percent (50%) transparency, measured along the length of the primary building frontage. Transparency refers to an open view into the building, such as a window.
- C) Access. Live/work buildings shall have one of two methods of primary pedestrian access:
- 1) The main entrance to the ground-floor work space shall be accessed directly from and face the street, and the residential occupancy area shall be accessed by a separate entrance and internal stairs that are also accessed from and face the street. There may also be a small shared lobby that provides separate access to the work space and residential areas.
 - 2) Access to the residential area may be taken through the work space that is accessed directly from and faces the street.
- D) Parking and Services.
- 1) Parking and services shall be located to the rear of the property or internal to the block and access shall be provided through alleys or driveways.
 - 2) Services, aboveground equipment, and trash container areas shall be located on the alley, or to the rear of the building accessed by a driveway.
- E) Open Space.
- 1) Front yards are defined by the front yard setback and frontage type requirements of the applicable zoning district.
 - 2) One usable at-grade, outdoor space shall be provided behind the live/work building at no less than fifteen percent (15%) of the lot area.
- F) Landscape.
- 1) Landscape should not obscure sightlines to the ground-floor work space.

Chapter 18.70 Fences, Walls, and Screening

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Section 18.70.020 Applicability	IV-25
Section 18.70.030 Measurement of Fence, Hedge, and Wall Height	IV-25
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Section 18.70.050 Design and Materials	IV-28
Section 18.70.060 Maintenance	IV-29
Section 18.70.070 Exceptions	IV-29

Section 18.70.010 Purpose

The purpose of this chapter is to establish development standards and regulations for fences and walls. The intent of these regulations is to provide for adequate air and light permeability onto lots, for adequate buffering between and screening of uses and activities, and for the mitigation of noise.

Section 18.70.020 Applicability

All fences, walls, and screening shall be constructed according to the requirements of this chapter, except where exempt.

- A) Exemptions.
 - 1) Fences that are required by federal or state law or regulation, or which are required by the city for public safety (e.g., temporary construction site fencing) are exempt from this section.
 - 2) Walls that are required by a mitigation measure and designed and approved through a tentative subdivision map, tentative parcel map, or site plan and architecture review for noise attenuation are exempt from this section.

Section 18.70.030 Measurement of Fence, Hedge, and Wall Height

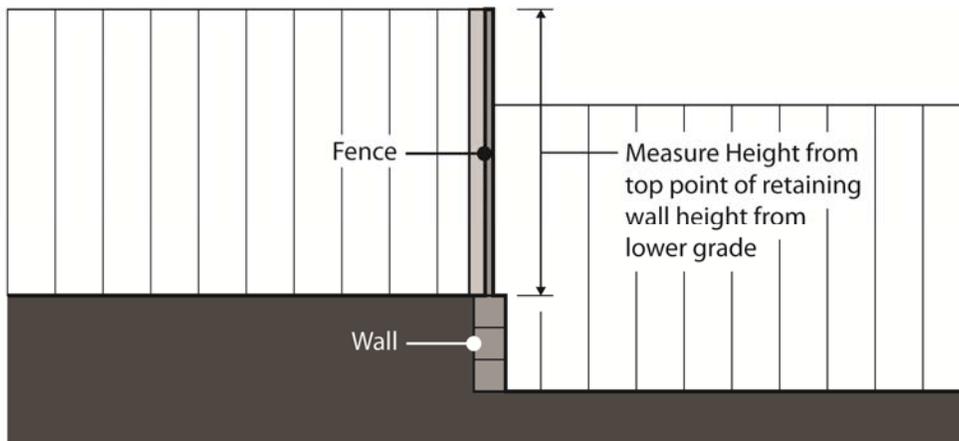
- A) Fence, hedge, and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence material. The finished grade shall be that as shown on the approved grading plan for the site at the time of initial development of the residential subdivision, multi-family development, or nonresidential development. In cases where a retaining wall does not require the approval of a grading plan, the finished grade shall be as determined by the public works director.

18.70 Fences, Walls, and Screening

IV

- B) Landscape Walls. When a fence or wall is placed atop a landscape wall (as defined in this title), the height of the landscape wall shall be considered as part of the fence or wall for purposes of determining the height of the fence or wall.
- C) Retaining Walls. When a fence or wall is placed atop a retaining wall, the height shall be measured from the bottom of the retaining wall (see Figure 18.70.030-1).

Figure 18.70.030-1 Measurement of Fence and Wall Height



Section 18.70.040 Height, Setback, and Permeability Requirements

- A) Setback, height and permeability standards for fences, hedges, and walls are provided in Table 18.70.040-1.

Table 18.70.040-1. Height Limits for Fences, Hedges, and Walls

Location of Fence, Hedge, or Wall	Maximum Height
Front setback	3'-6" ¹
Exterior side yard setback	6 ft
Rear or interior side setback	6 ft/8'0" ²
Within the vision triangle	36 in

1. Fencing in the front setback is required to be a minimum of 50% open view (50% opacity).

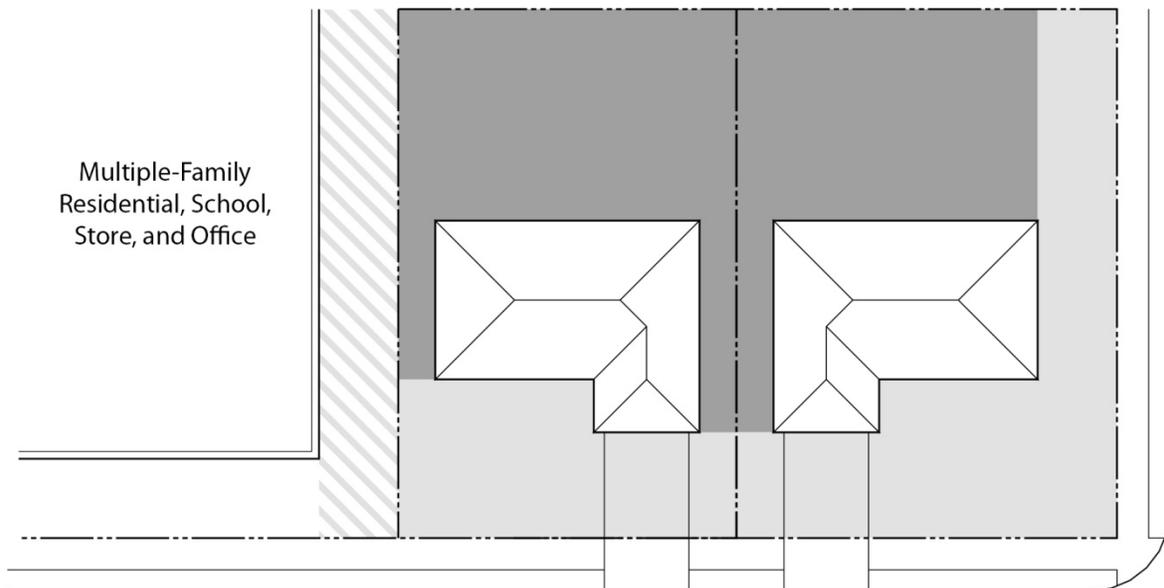
2. Fences may be permitted up to 8 feet in height in the HI district, and up to 10 feet with the issuance of a conditional use permit from the planning commission (building permit is also required).

- B) Landscape Walls. Landscape walls (e.g., decorative masonry, stone, and other materials) within required yard areas shall be constructed to a maximum height of thirty-six inches (36"). Landscape walls shall not be used as retaining walls to alter the finish grade of the lot.
- C) Retaining Walls.
 - 1) Timing of Construction. Retaining walls shall only be constructed as part of an approved grading plan for the site at the time of initial development of the residential subdivision, multi-family development, or nonresidential development, as part of a roadway improvement project, or as part of the necessary stabilization of the soil for the primary intended use of the property as determined by the public works director.
 - 2) Height limit. The height of retaining walls shall be limited to that height reasonably necessary to support and retain the soil for the property.
- D) Residential Buffer.
 - 1) When any multiple-family residential dwelling greater than five units abuts a single-family residential dwelling, an eight-foot (8') high solid masonry wall shall be required unless the planning commission approves an alternative upon architectural and site plan approval.
 - 2) Whenever new construction of any residential use abuts any educational institution, child care facility (with the exception of home-based child care), day nursery, small group care facility, nursing facility, convalescent facility, public utility substation, or any commercial, industrial, medical/professional office, or public/quasi-public use and/or district, an eight-foot (8') high solid masonry wall shall be required unless the planning commission approves an alternative upon architectural and site plan review.

18.70 Fences, Walls, and Screening

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Figure 18.70.040-1. Height Limits for Fences, Hedges, and Walls



Maximum Fence Height

8'* 6' 3'-6"***

* Solid masonry fence required

** All fences are required to have a minimum of 50% opacity. This will comply with the clear vision triangle required at intersections and driveways.

Section 18.70.050 Design and Materials

- A) Open View Fencing. Where fencing is proposed along public frontages of nonresidential and multi-family projects, such fencing shall be open view (a minimum of fifty percent (50%) open view) unless otherwise required to be solid for noise attenuation. Open view fencing shall also be required when located adjacent to open space areas.
- B) Fencing Materials. Fences and walls shall be constructed of long-lasting materials. The following standards apply:
 - 1) The use of chain-link fencing is prohibited in all residential, commercial, and PQP districts unless planning commission approval is obtained upon architectural and site plan review. Chain-link fencing may be permitted in commercial districts if not visible to the public with slating.
 - 2) Unless approved as a condition of approval or in conjunction with another planning permit or entitlement, fences or walls of sheet or corrugated iron,

steel, concertina wire, or aluminum are prohibited, with the exception of ornamental fences.

- 3) A minimum of No. 2 grade wood is required for all wood fences constructed.
 - 4) Where permitted, chain-link fencing shall incorporate slats (vinyl slats preferred) for all commercial districts, unless otherwise approved during architectural and site plan review or conditional use permit review.
 - 5) Barbed wire fencing shall not be constructed or placed on top of a fence except as permitted by the planning director as part of the administrative review process and only in industrial areas not abutting residential or commercial areas.
- C) Graffiti-Resistant Surface. When required by the city or through conditions of approval due to the location and nature of the wall, masonry walls shall be treated with a graffiti-resistant aesthetic surface.
- D) Landscaping. All required street side yard areas between the back of sidewalk and fence/retaining wall shall be landscaped. Climbing vines shall be planted to grow on walls to deter graffiti.

Section 18.70.060 Maintenance

- A) All on-site landscaping shall be kept in a well-maintained and presentable manner which makes a positive contribution to the surrounding area.
- B) Fences and walls shall be maintained at all times (e.g., broken slats replaced).

Section 18.70.070 Exceptions

- A) Fire Hazards. The building official shall not grant a building permit for the erection of any fence which will interfere with access in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.
- B) Temporary Fences. Nothing in this title shall be deemed to prohibit the erection of temporary fences around construction works erected or maintained pursuant to the building codes and other laws of the city.

Chapter 18.72 Outdoor Sales, Storage and Seating

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Section 18.72.060 Outdoor Storage and Parking.....	IV-33
Section 18.72.070 Extended Storage and Parking.....	IV-34
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Section 18.72.010 Purpose

The purpose of this chapter is to regulate permanent outdoor sales, storage, display, and seating uses. The intent of these regulations is to encourage outdoor displays and activities that are compatible with associated and nearby uses and do not obstruct pedestrian or vehicle circulation or create an unsightly appearance of unrestricted clutter.

Section 18.72.020 Applicability

The requirements of this chapter apply to any outdoor sales, storage, display, and seating area installed as part of any existing or proposed development.

Section 18.72.030 Permit Requirements and Exemptions

The following outdoor activities shall be subject to the permit requirements listed herein.

- A) Permanent Outdoor Display and Sales. Permanent outdoor displays and sales are permitted (consistent with the allowed use provisions of the underlying zoning district), subject to zoning clearance/plan check, when all related activities are developed and operated consistent with the standards of this chapter.
- B) Permanent Outdoor Storage. Permanent outdoor storage is permitted as a specified land use (storage yards) in the allowed use tables of Article III (Zoning Districts). If not part of the original development permit for the principal use, permanent outdoor storage may be permitted all commercial and industrial zoning districts subject to design review approval. In all cases, permanent outdoor storage shall be consistent with the development standards of this chapter.

18.72 Outdoor Sales, Storage and Seating

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- C) Outdoor Dining Areas. Outdoor seating may be permitted in all zoning districts except for residential zoning districts, subject to administrative review as established in Chapter 18.16.050 (Administrative Use Review) and any other applicable entitlements. The following provisions apply:
- 1) Seating areas shall not unduly interfere with pedestrian traffic and a continuous pedestrian path of travel of at least four feet (4') in width shall be provided with no obstruction of fire, pedestrian, and wheelchair access.
 - a) Does not unduly interfere with access of public employees and utility workers to meters, fire hydrants, or other objects (street hardware) in the right-of-way.
 - b) Allows for unobstructed view of necessary authorized traffic devices.
 - c) Provisions of Alcoholic Beverage Control (ABC) shall apply when the consumption of alcohol is involved (e.g., fencing, gates, etc.).

Section 18.72.040 General Standards for All Activities

The development standards listed below apply to all outdoor sales, storage, display, and seating activities.

- A) Location. Outdoor activities may be located as follows:
- 1) Within required parking spaces or in designed vehicle drive aisles, or within required landscape planter areas only where permitted by administrative review, pursuant to the requirements of Section 18.16.050 (Administrative Use Review).
 - 2) Within a fixed, specifically approved location that does not disrupt the normal function of the site or its circulation and does not encroach upon required setbacks, public rights-of-way, driveways, emergency vehicle/fire access lanes, landscaped areas, parking spaces, pedestrian walkways or pathways, bicycle lanes, seating, enhanced pedestrian amenities, such as trash receptacles and drinking fountains, or any other requirement listed in the building code.
 - 3) Within a public right-of-way (e.g., public sidewalk) or easement area with the issuance of an encroachment permit.
- B) Hours of Operation. Except as otherwise provided, hours of operation for outdoor activities shall be consistent with the corresponding operating hours for the primary use.

18.72 Outdoor Sales, Storage and Seating

IV

- C) Noise. Any noise generated by the outdoor activity shall be consistent with the city's noise ordinance, Title 6 Chapter 6.44 Noise Control.
- D) Signs. No additional business identification or advertising signs for the outdoor activity may be permitted above the maximum allowable sign area for the corresponding primary use as established in Chapter 18.82 (Signs).
- E) Maintenance. Outdoor activity areas shall be kept free of garbage and other debris.
- F) Path of Travel and Access. The activity shall not encroach into any required pathway or maneuvering area as required by the Americans with Disabilities Act (ADA) or other regulations. Fire doors, emergency exits, and other required access shall not be blocked.

Section 18.72.050 Outdoor Seating

The following development standards shall apply to all permanent outdoor seating:

- A) Applicability. Outdoor seating is permitted in the Downtown Core District, by right, and may be permitted in other commercial zoning district through the administrative review (AR) process.
- B) Permittee to Ensure Maintenance. The permittee shall be responsible for, and exercise reasonable care in, the inspection, maintenance, and cleanliness of the area affected by the outdoor seating, including any design requirements hereafter enacted, from the building frontage to the curb.
- C) Permittee to Ensure Compliance. The permittee shall restrict the outdoor seating to the approved location and ensure compliance with all applicable laws including laws against blocking the public right-of-way, health and safety laws, public cleanliness laws, and laws regulating sale and public consumption of alcohol.

Section 18.72.060 Outdoor Storage and Parking

The following development standards shall apply to all permanent outdoor storage activities:

- A) Outdoor storage is prohibited in the following districts: West Patterson Industrial Business Park and West Patterson Light Industrial.
- B) Location. Outdoor storage may not be located within any required front or street side yard for the applicable zoning district within which the activity is located and shall not be located immediately adjacent to a residential zoning district.

18.72 Outdoor Sales, Storage and Seating

IV

- C) Height Limitation. The height of stacked materials and goods shall be no greater than that of any screening material within one hundred feet (100') of street-fronting screens enclosing the storage area, unless specifically stated as a development standard associated with a use.
- D) Screening. All outdoor storage shall be screened from public view and approved by the planning commission. Screening of outdoor storage shall be consistent with Chapter 18.70 (Fences, Walls, and Screening).
- E) Parking. Parking for permanent outdoor storage shall be provided as required in Chapter 18.76 (Parking and Loading).

Section 18.72.070 Extended Storage and Parking

- A) Recreational vehicles, personal travel trailers, and personal utility trailers are permitted to be placed, parked, stored, and maintained within residential zones within the city, subject to the following:
 - 1) Permitted inside an enclosed accessory structure or carport that conforms to the zoning requirements of the particular residential zone in which it is located.
 - 2) Permitted within the interior side and/or rear yard, provided that such yards are effectively screened by a solid six-foot (6') high wooden fence, provided the unit does not block the only openable window or door of a room used for human habitation, and provided that access be provided from an existing or newly constructed curb-cut and driveway..
 - 3) The number of vehicles and/or trailers is limited, as follows:
 - a) One; or
 - b) Two, when both are placed, parked, and/or stored within interior side and/or rear yards.
 - 4) Permitted within the front yard only when:
 - a) No space is available within the interior side and/or rear yard; or
 - b) No reasonable access is available to either the side or rear yard (a corner lot is always deemed to have reasonable access to the rear yard and a fence is not necessarily deemed to prevent reasonable access); and
 - c) Interior side and/or rear yard placement, parking, and/or storage is not possible anywhere on the property.

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- d) Landscape features, such as decorative paving, lawns, flower beds, shrubs, and small trees, shall not constitute a lack of adequate space within, or reasonable access to, interior side and/or rear yards. Large, mature trees and existing accessory structures, such as swimming pools, spas, air conditioner units, etc., which may limit space and/or obstruct access, shall be evaluated on a case-by-case basis.
 - e) Placement, parking, and/or storage shall take place upon a concrete pad designed and installed for such intended use, or upon an existing driveway, with access from an existing or newly constructed curb-cut (subject to encroachment permit requirements per Chapter 12.20 of this code).
 - f) To maintain open space within required residential front yards, as intended by this title and by adopted residential design guidelines, newly constructed concrete pads, installed for the intended use of placing, parking, and/or storing a recreational vehicle or personal trailer, shall not be placed in front of a window or doorway of any room used for human habitation, nor obstruct significant views from an adjacent property.
 - g) No part of the recreational vehicle or personal utility trailer shall extend over the public sidewalk or public right-of-way, or block corner visibility for pedestrians or motorists.
 - h) Recreational vehicles and personal utility trailers shall be properly maintained and fully operational, and must be currently registered with the Department of Motor Vehicles.
 - i) Recreational vehicles and personal utility trailers shall be owned by the resident on whose property the recreational vehicle or personal utility trailer is placed, parked, and/or stored, or by written permission of the property owner.
- 11) Inoperative motor vehicles, recreational vehicles, and personal utility trailers, or parts of any of the foregoing, are expressly prohibited from placement, parking, storage, maintenance, and/or repair within any residential front, side, or rear yard.
- 12) No operational or inoperative motor vehicle, recreational vehicle, or personal utility trailer shall be placed, parked, or stored within landscape areas, or directly upon the ground, within any residential district.

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- 13) All new development of residential units within the city shall be encouraged to provide side yard access for the placement, parking, and/or storage of recreational vehicles where feasible within the new development.
- B) Building materials are expressly prohibited from placement or storage within any residential yard, except building materials for use on the premises and placed or stored thereon during the time a valid construction project is under way or a valid building permit is in effect for the premises.

Section 18.72.080 Outdoor Sales and Display

The following development standards shall apply to all permanent outdoor display and sales activities, which in the opinion of the planning director are similar to the uses listed in this section.

- A) Associated with the Primary Use. All outdoor display and sales activities shall be associated with the primary use of the property and conducted by a business located within a building on the property. Only those goods and services associated with the primary use may be stored, sold, or displayed. All outdoor display and sales activities that are independent of the primary use shall be considered their own primary use and regulated as such.
- B) Maximum Area.
- 1) The area used for permanent outdoor display and sales of materials shall not exceed ten percent (10%) of the gross floor area of the corresponding commercial building (unless authorized by a use permit).
 - 2) The aggregate display area shall not exceed twenty-five percent (25%) of the linear frontage of the store front or six (6) linear feet, whichever is greater and items may not project more than four feet (4') from the store front.
 - 3) Vehicle and equipment sales and rentals (e.g., automobile, boat, RV, construction equipment) are exempt from this requirement, provided storage and display is limited to vehicles offered for sale or rental only and all other development requirements are satisfied.
- C) Height Limit. Displayed outdoor sales, other than plant materials for sale (e.g., Christmas trees, nursery trees) shall not exceed a height of six feet (6') above finished grade, unless a greater height is allowed through use permit approval.
- D) Public Property. No item, or any portion thereof, shall be displayed on public property; provided, however, items may be displayed within the public right-of-way if an encroachment permit has first been procured from the director of public works.

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- E) Public Safety. No item shall be displayed in a manner that causes a safety hazard; obstructs the entrance to any building; interferes with, or impedes the flow of, pedestrian or vehicle traffic; is unsightly or creates any other condition that is detrimental to the appearance of the premises or any surrounding property; or in any other manner is detrimental to the public health, safety, or welfare or causes a public nuisance.
- F) Parking. Provide off-street parking spaces in a number equivalent to the number of parking spaces required for retail uses pursuant to the provisions of Chapter 18.76 (Parking and Loading) of this title.
- G) Dust. All unimproved parking areas and main walk areas shall be kept damp or shall be covered with a material to prevent the raising of dust.
- H) Signs. All signs and structures shall conform to applicable city codes.

Chapter 18.73 Public Art

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Section 18.73.010 Purpose and Applicability

The purpose of this chapter to allow for the construction and/or installation of public art as defined in Chapter 18.96 Land Use Definitions and as permitted within a zoning district. Typically Administrative Use Review (AR) or a Conditional Use Permit (CUP) is required prior to installation and the review criteria (Section 18.73.020) must be addressed.

Section 18.73.020 Review Criteria

When provided, public art shall meet the following criteria:

- A) Proposed artwork(s) shall not hinder public safety, including hazards to pedestrians and the creation of attractive nuisances.
- B) Public artwork locations shall be well-integrated with the layout and hardscape elements of the site and shall maintain visibility and proximity to the viewing public. Artwork shall be located in high activity areas.
- C) Public art shall be compatible with and enhance the aesthetic value of the building(s) or site.
- D) Potential obstructions, such as landscape materials at maturity or future construction should be considered in artwork placement.
- E) Artwork shall be located nearby seating and/or viewing areas, as appropriate, from which the artwork can be easily viewed.

Chapter 18.74 Integrated Development

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Section 18.74.010 Purpose

The purpose of this chapter is to create special regulations for projects with multiple parcels, buildings, and/or uses within a building. The intent is to encourage the integration of uses (vertically and horizontally) and to establish flexibility in the strict zoning regulations as they apply.

Section 18.74.020 Applicability

The requirements of this chapter are applicable to all residential, commercial, office, and parks and recreation districts. Integrated development may be permitted as part of a design review application and/or conditional use permit. In reviewing integrated developments, the city will analyze the combined development rights applicable to the individual subject parcels that comprise the integrated development. The development rights of each parcel are available, on an aggregate basis, to the entire integrated development. Integrated development may be applied to any base zoning district.

Section 18.74.030 Integrated Development Provisions

The city encourages integrated developments as a means to maximize development opportunities and to create dynamic and high quality projects throughout the community. Integrated development provisions allow the development rights of adjacent properties to be distributed throughout the development and not be limited to property or zoning lines. The intent is to provide design flexibility and promote a better integration of uses than would otherwise be available for non-integrated or stand-alone developments. The city will also review the relationship of the uses to ensure the different pieces of the development are integrated together (e.g., pedestrian circulation and spaces, parking, lighting, access).

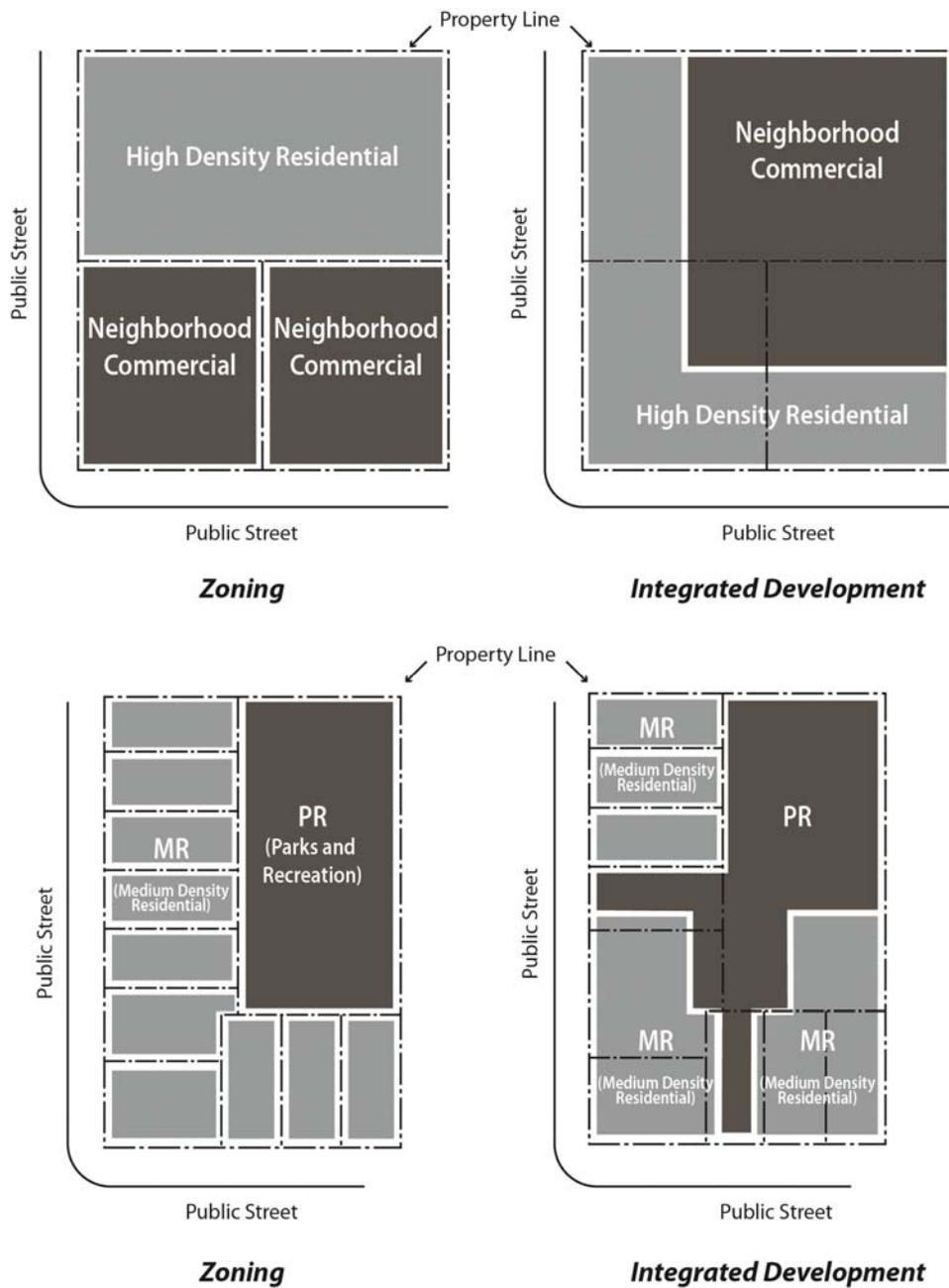
For example, if an integrated development includes parcels zoned Neighborhood Commercial (NC) and parcels zoned High Density Residential (HR), the corresponding development rights are not constrained to each individual parcel, respectively. Rather, the integrated development may redistribute the development rights available in the HR zone in some portion of the integrated development other than just the property(ies)

18.74 Integrated Development

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zoned HR. Figure 18.74.030-1 (Examples of Integrated Development) illustrates this concept.

Figure 18.74.030-1: Examples of Integrated Development



Section 18.74.040 Types of Integrated Developments

Integrated developments can be achieved in a number of ways. This section is intended to explain a variety of scenarios in which integrated developments may be considered. In all cases, the individual pieces work together to create the integrated development. Integrated developments may include a combination of developed and undeveloped parcels.

- A) **Common Ownership of Multiple Parcels.** In instances where multiple parcels (either contiguous with shared property lines or located across the street from one another) are under the sole ownership of one party or ownership entity, a design review application may be submitted that involves all of the subject properties and as such will be considered together with respect to the design consideration and development rights.
- B) **Multiple Ownership of Multiple Parcels.** Multiple property owners may bring forward a design review application for an integrated development where subject parcels are contiguous or are located across the street from one another. As with common ownership, the application will be considered with respect to the zoning districts of the collective properties.
- C) **Single Parcel with Supportive Use.** A property owner may submit a design review application for a single-parcel integrated development that includes use(s) that would normally be supported within the zone but are not proposed in conjunction with a primary use (e.g., restaurant use in the MPO zone). In such instances, the city will consider a conditional use permit application on a case-by-case basis to determine if the proposed use can function as an integrated use with surrounding uses. The designated approving authority shall make the following findings:
 - 1) That the proposed use supports the activities of the surrounding uses;
 - 2) That the proposed use does not cause the character or overall development pattern of the area to change contrary to the development characteristics of the underlying zoning district; and
 - 3) That the intensity of the proposed use does not create a use that is predominant within the integrated development and, as such, would otherwise require a rezoning.

Chapter 18.76 Parking and Loading

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Section 18.76.010 Purpose

The purposes of this chapter are to provide on-site vehicle parking for a variety of vehicle types (cars, bicycles, RVs, and trucks); adequate parking and loading spaces for all uses; and design standards and requirements to promote public safety and visual enhancement.

Section 18.76.020 Applicability

The requirements of this chapter shall apply to the construction, change, or expansion of a use or structure as specified below. Off-street parking and loading requirements of this chapter shall be calculated as follows:

- A) New Uses and Structures. For all buildings or structures erected and all uses of land established after the effective date of this title, parking for vehicles and bicycles, and loading facilities, shall be provided as required by this chapter.
- B) Change in Use. When the use of any building, structure, or premises is changed, resulting in the required number of parking spaces to increase more than ten percent (10%), additional parking shall be provided consistent with Section 18.76.030 (Off-Street Parking Requirements). Previous parking modifications granted by the approving authority shall be null and void.

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- C) **Change of Occupancy.** Where a new business license is required, additional parking spaces shall be provided if the new occupancy would result in an increase of more than ten percent (10%) in the required number of parking spaces.
- D) **Modification to Existing Structures.** Whenever an existing building or structure is modified such that it creates an increase of more than ten percent (10%) in the number of parking spaces required, additional parking spaces shall be provided in accordance with the requirements of this chapter.
- E) **Downtown Core Exemptions.** Off-street parking is not required within the Downtown Core (DC) exempt area.
- F) **Extended Parking.** See Section 18.72.070 (Extended Storage and Parking) for requirements related to parking of recreational vehicles or personal utility trailers.

Section 18.76.030 Off-Street Parking Requirements

The purpose of the parking schedule is to establish minimum standards that will provide adequate on-site parking, prevent the need for off-site parking, and provide adequate loading facilities. Every effort should be made to design parking capacity to meet but not exceed minimum zoning requirements listed in the table below.

Use	Parking Spaces Required
Dwellings	1 covered space per dwelling unit having 0 or 1 bedroom 2 spaces (1 covered) per dwelling unit having 2 or more bedrooms 2 spaces (2 covered) per dwelling unit having 3 or more bedrooms
Apartments	1 covered space per dwelling unit having 0 bedrooms (studio) 1.5 spaces (1 covered) per dwelling unit having 1 bedroom 2.0 spaces (1 covered) per dwelling unit having 2 bedrooms 2 spaces (1 covered) per dwelling unit having 3 or more bedrooms Plus 1 additional guest parking space for each 3 units
Housing for the elderly	Same number of spaces required for dwellings or apartments; however, the number of spaces may be reduced if the planning commission makes a finding that not all spaces are needed. In making this finding, the commission shall consider: (1) the anticipated vehicle usage and characteristic visitor patterns of the occupants; (2) proximity of the building or site to shopping, service, health care facilities, and other transportation facilities; (3) proximity of public and commercial parking areas; (4) effect a reduced number of spaces would have on existing and anticipated parking conditions in the neighborhood; and (5) conditions deemed relevant by the planning commission.

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Use	Parking Spaces Required
Auditoriums, stadiums, theaters, sports arenas	1 space for every 4 seats
Automobile sales	1 space per 500 sq. ft. of floor area
Automobile service and repair	1 space per 250 sq. ft. of floor area
Bowling alleys	3 spaces per lane
Child care facilities and day nurseries	1 space per classroom plus 1 for every 20 children
Churches, temples, or other places used for religious worship	1 space for every 4 seats in the building with the largest capacity
Convalescent facilities, group care facilities, nursing facilities	1 space for every 3 beds
Dance halls, assembly halls without fixed seating, meeting halls, clubs	4 spaces per 150 sq. ft. of floor area used for dancing or assembly
Establishments for the sale and consumption (on premises) of alcoholic beverages, food, or refreshments	1 space for every 4 seats
Furniture sales, major appliance sales, warehouse commercial	1 space per 500 sq. ft. of floor area
Golf courses, golf driving ranges	5 spaces per golf course hole; 1 space per driving tee on a golf range; plus 1 space per 250 sq. ft. of floor area used for other commercial uses
Hospitals	1 space per bed
Hotels, motels	1 space per individual sleeping unit, plus 1 space for each 2 employees on the largest shift
Libraries, museums, galleries	1 space per 250 sq. ft. of floor area
Manufacturing, processing, assembly machine and trade shops, and similar uses	1 space per company vehicle and 1 space per 500 sq. ft. of floor area
Medical or dental offices	1 space per 200 sq. ft. of floor area
Mortuaries/funeral homes	10 spaces for each room used as a chapel/parlor, or 1 space per 35 sq. ft. of floor area of assembly rooms used for services, whichever amount is greater
Open air commercial uses, nurseries, equipment rental	1 space per 1,000 sq. ft. of lot area devoted to sales and display
Open air industrial uses, salvage yards	1 space per 2,500 sq. ft. of outside storage area

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Use	Parking Spaces Required
Parks	10 spaces per net acre of active recreational area within a park or playground; plus 5 spaces per net acre of passive recreational area within a park or playground
Professional offices, financial institutions, business offices	1 space per 250 sq. ft. of floor area
Schools	1 space per classroom, plus 1 space per 100 sq. ft. of auditorium or general assembly area
Shopping centers	1 space per 200 sq. ft. of floor area ¹
Warehousing/storage facilities/ data centers	1 space per 1,000 sq. ft. of floor area, or 1 space for every 2 employees on the largest shift, whichever is greater
All uses not listed which are permitted in commercial districts	1 space per 250 sq. ft. of floor area, excluding basements, mechanical areas, etc.
All uses not listed which are permitted in industrial districts	1 space per 500 sq. ft. of floor area or 1 space for every 2 employees on the largest shift, whichever is greater

Section 18.76.040 Required Accessible Parking Spaces

- A) Number of Spaces. Each parking area associated with any type of land use listed in the Patterson zoning code, except for single-family and two-family residential dwellings, shall include a number of accessible parking spaces specifically reserved for vehicles licensed or authorized by the state of California for use by physically challenged/disabled drivers in accordance with the following table or as otherwise required by state or federal requirements.

Table 18.76.040-1 Accessible Parking Requirements

Total Spaces in Parking Area	Minimum Number of Accessible Spaces Required
1–25	1 van accessible space
26–50	2 including 1 van accessible space
51–75	3 including 1 van accessible space
76–100	4 including 1 van accessible space
101–150	5 including 1 van accessible space
151–200	6 including 1 van accessible space
201–300	7 including 1 van accessible space
301–400	8 including 1 van accessible space
401–500	9 including 2 van accessible spaces
501–1,000	2% including 3 van accessible spaces

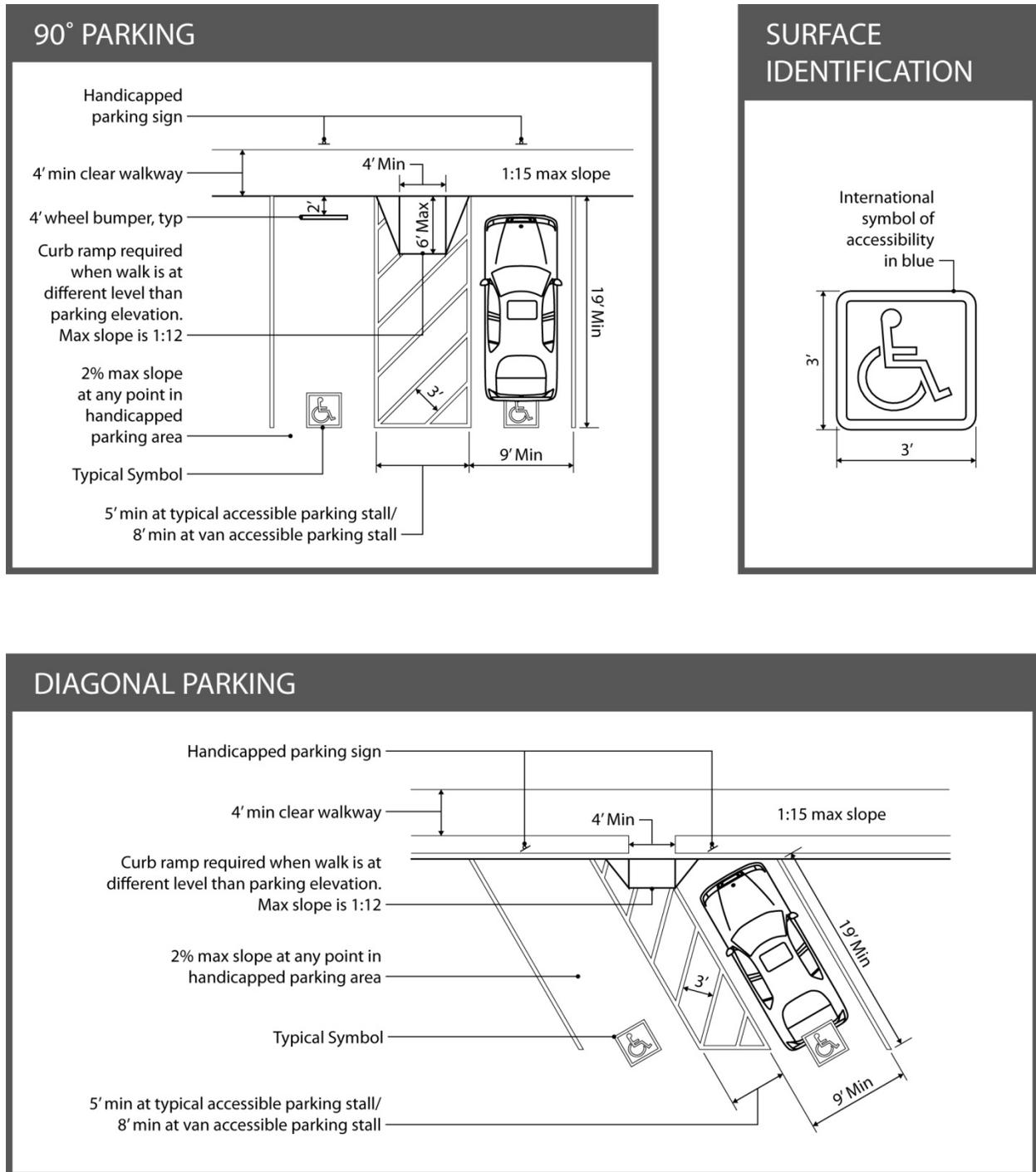
One space for each 200 spaces thereafter.

- B) Location. Such parking spaces shall be located within a reasonable proximity of any conveniently accessible entrance to the building served by the parking area.
- C) Dimensions. Typical accessible parking stalls shall be nine feet (9') wide with a five-foot (5') wide loading/unloading area. Van accessible parking stalls shall be nine feet (9') wide with an eight-foot (8') wide loading/unloading area. Any combination of two accessible parking stalls may share a single loading/unloading area of five feet (5') in width, unless one of the parking stalls is van accessible, in which case the shared loading/unloading area shall be eight feet (8') in width. The minimum length of each parking space shall be nineteen feet (19'). Parking spaces required by this section shall be identified per state law requirements and designated per adopted city standards as shown below.
- D) Design. A bumper is required when no curb or barrier is provided, to prevent encroachment of cars over walkways. A curb ramp is required within the loading/unloading area when the adjacent walkway is at a different level than the parking elevation. Wheelchair users must not be forced to go behind parked cars, other than their own, to access the adjacent walkway.

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Figure 18.76.040-1 Disabled Parking Space Requirements



Section 18.76.050 Bicycle Parking Requirements

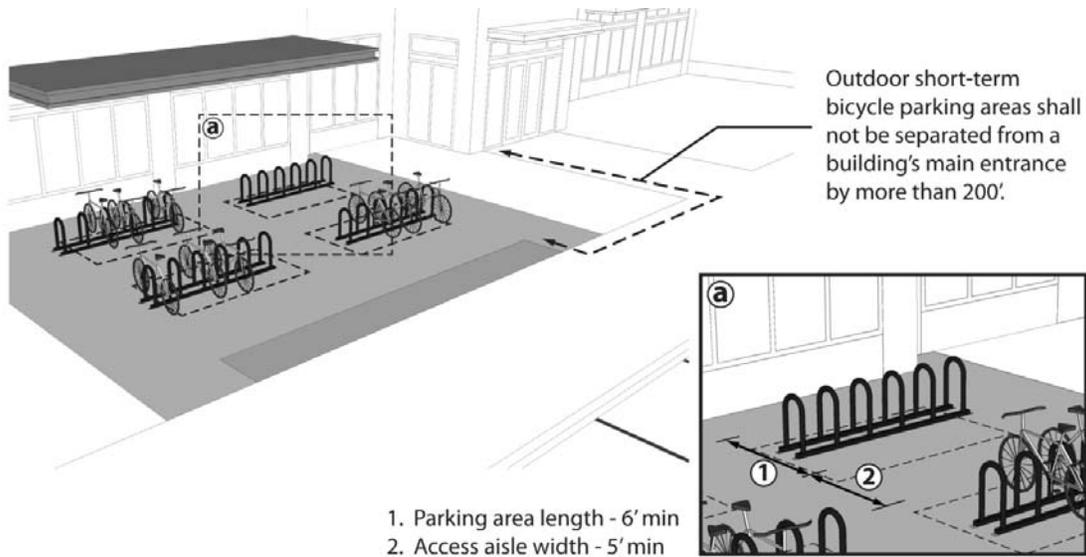
Each parking area associated with any type of land use listed under Section 18.76.030 of this chapter, except for single-family and two-family residential dwellings, shall provide a number of bicycle parking spaces in accordance with the following:

- A) Number of Required Bicycle Parking Spaces.
 - 1) Short-Term Bicycle Parking. If a land use or project is anticipated to generate visitor traffic, the project must provide permanently anchored bicycle racks within two hundred feet (200') of the visitors entrance. To enhance security and visibility, the bicycle racks shall be readily visible to passers-by. The bicycle capacity of the racks must equal an amount equivalent to five percent (5%) of all required off-street vehicle parking, as identified in Section 18.74.030. There shall be a minimum of one rack with capacity for two bicycles.
 - 2) Long-Term Bicycle Parking. Buildings with over ten tenant-occupants (e.g., multi-family tenants, owners, employees) shall provide secure bicycle parking for five percent (5%) of all required off-street vehicle parking spaces, as identified in Section 18.74.030. There shall be a minimum of one long-term bicycle parking space. Acceptable parking facilities shall be convenient from the street and include one or a combination of the following:
 - a) Covered, lockable enclosures with permanently anchored racks for bicycles.
 - b) Lockable bicycle rooms with permanently anchored racks.
 - c) Lockable, permanently anchored bicycle lockers.
 - d) In the case of residential development, a standard garage is sufficient, if available.
 - 3) A minimum of two bicycle parking space per acre is required with no fewer than two racks provided per site for all park and recreation facilities.

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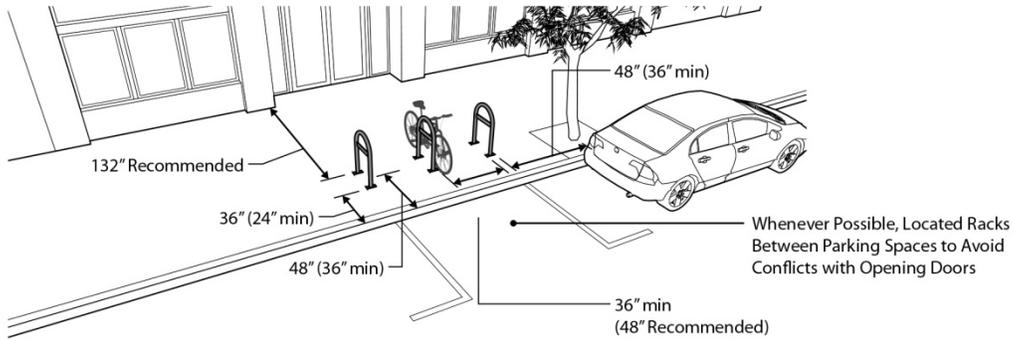
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Figure 18.76.050-1 Required Bicycle Parking

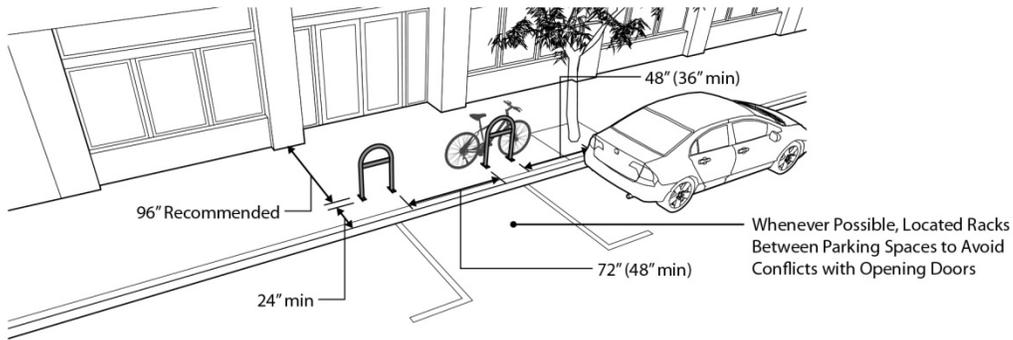


- B) **Bicycle Racks.** Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided with racks, the racks must meet the following requirements:
- 1) The bicycle frame and one wheel can be locked to the rack with a high security U-shaped shackle lock if both wheels are left on the bicycle.
 - 2) A bicycle six feet (6') long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.
- C) **Parking and Maneuvering Areas.** Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least five feet (5') wide adjacent to all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way. The area devoted to bicycle parking must be hard surfaced.
- D) **Visibility.** If required bicycle parking is not visible from the street or main building entrance, a sign must be posted at the main building entrance indicating the location of the bicycle parking.
- E) **Parking on public sidewalks.** Bicycle parking on public sidewalks may be beneficial to nearby businesses, particularly in the downtown. Bicycle racks should be installed so as to not obstruct pedestrian or vehicular traffic. Encroachment permits may be required. See Figure 18.76.050-2 (Bicycle Parking on Downtown Sidewalks).

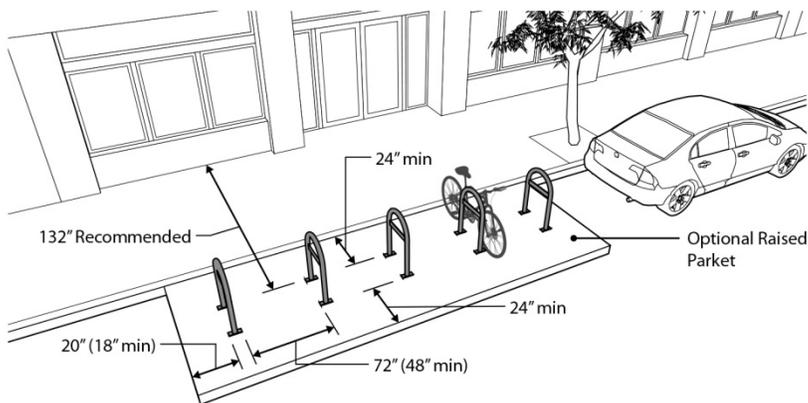
Figure 18.76.050-2 Bicycle Parking on Downtown Sidewalks



Option 1 - Parking Spaces Placed Perpendicular to Sidewalk



Option 2 - Parking Spaces Placed Parallel to Sidewalk



Option 3 - Parking Spaces Placed in Parking Lane

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Section 18.76.060 Clean Air Vehicle Parking Requirements

- A) Clean Air Vehicle Parking for Nonresidential Uses. The following is required by Title 24, Part 11 (CALGreen) of the California Building Code. Of the required off-street parking requirements for nonresidential uses identified in Section 18.76.030, approximately eight percent (8%) of these spaces should be designated parking spaces for any combination of low-emitting, fuel-efficient, and carpool/vanpool vehicles (including electric vehicles). There are no requirements for residential uses. Table 18.76.060-1 shows the number of required clean air vehicle parking spaces for nonresidential uses.

Table 18.76.060-1 Clean Air Parking Spaces for Nonresidential Uses

Total Number of Off-Street Parking Spaces (as identified in Section 18.76.030)	Number of Off-street Parking Spaces to Be Clean Air Vehicle Parking Spaces
0–9	0
10–25	1
26–50	3
51–75	6
76–100	8
101–150	11
151–200	16
201 and over	At least 8 percent of total

- B) Parking Stall Marking. Paint, in the paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle:
- 1) Clean Air
 - 2) Vehicle

Section 18.76.070 Electric Vehicle Charging

Electric vehicle pre-wiring shall be provided for residential and nonresidential land uses according to the provisions of this section.

- A) Clean Air Vehicle Requirements. Parking spaces for electric vehicle may be used to satisfy the clean air vehicle requirements (Section 18.76.060). A certain number of the clean air vehicle spaces shall be pre-wired for electric vehicles as identified in this section.

- B) Building Code Requirements. All electric vehicle charging facilities shall comply with Section 406.7 (Electric Vehicle) of the California Building Code.
- C) Electric Vehicle Supply Wiring. For each space required in Table 18.76.070-1 (Spaces Required to Be Pre-Wired for Electric Vehicles), one 120 VAC 20 amp and one 208/240 V 40 amp, grounded AC outlets or panel capacity and conduit installed for future outlets shall be provided.

Table 18.76.070-1. Spaces Required to Be Pre-Wired for Electric Vehicles

Total Number of Parking Spaces	Number of Required Space (Pre-Wired for EV)
1–50	1
51–200	2
201 and over	4

Section 18.76.070 General Requirements

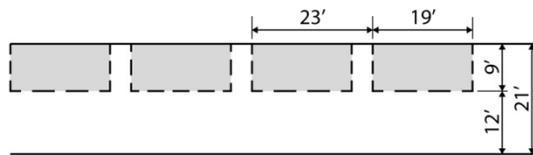
- D) Sizes and Access.
 - 1) Each standard-size off-street parking space shall have dimensions of not less than nine feet (9') width and nineteen feet (19') depth, exclusive of access drives or aisles, and shall be of usable shape, location, and condition.
 - 2) Compact spaces having dimensions not less than seven and one-half feet (7.5') width and fifteen feet (15') depth, exclusive of access drives and aisles, shall be permitted, not to exceed thirty percent (30%) of the total required parking stalls. Small car spaces shall have the word "compact" painted on the pavement at the entrance of each stall.
 - 3) Small vehicle spaces (e.g., motorcycles, mopeds) have a dimension of not less than four feet (4') in width and nine feet (9') in depth, exclusive of access drives and aisles, shall be permitted, not to exceed fifteen percent (15%) of total required parking stalls.
 - 4) End stalls and stall adjacent to raised curbing shall be a minimum of one foot (1') wider than the normal stall width. The length of the space may be reduced by two feet (2') if landscaped planters of sufficient width are used as curb stops.
- E) Standards for the design of parking spaces shall meet the following requirements and graphic:

18.76 Parking and Loading

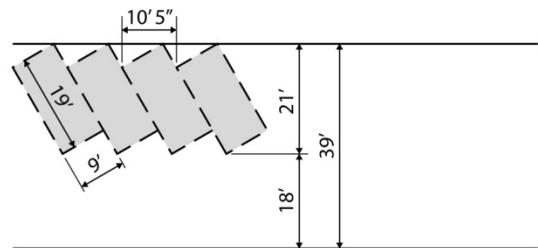
IV

- 1) Space for turning around must be provided for parking areas of four or more spaces, so that no cars need to back into the street.
- 2) The minimum width of a driveway serving four or less parking spaces shall be twelve feet (12').
- 3) The minimum width of a driveway serving five to eight parking spaces shall be fifteen feet (15').
- 4) A two-lane driveway with a minimum width of twenty-four feet (24') , or separate twelve-foot (12'), entrance and exit driveways shall be provided for parking areas having nine or more spaces.

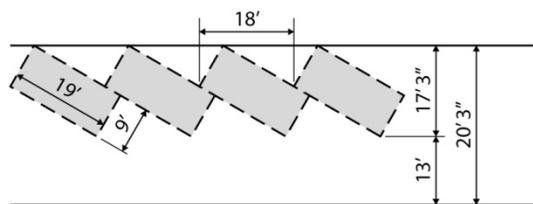
Figure 18.76.070-1 Parallel Parking Space and Drive Aisle Dimensions



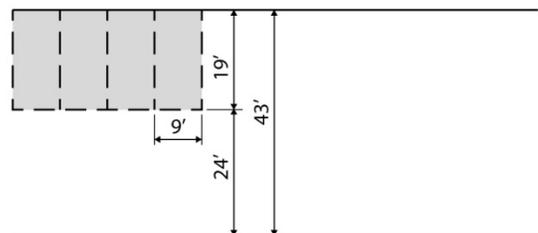
Parallel Parking



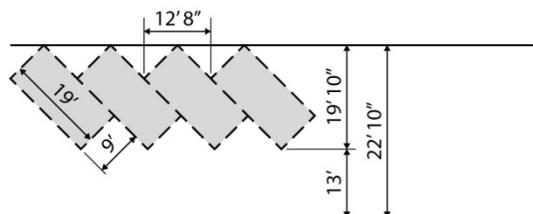
60° Parking



30° Parking



90° Parking



45° Parking

- F) Type and Location. Parking spaces required in connection with land uses shall be provided in designated parking areas, private garages or carports, or storage garages located on the same building site. Residential parking spaces shall not be permitted within a required front yard setback.
- G) Units of Measurement. For the purposes of this chapter, “floor area” in the case of offices, merchandising, or service types of uses shall mean the gross floor area used, or intended to be used, for service to the public as customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used primarily for non-public purposes such as storage, packaging of merchandise, show windows, restrooms, utility rooms, kitchens, fitting or alteration rooms, and similar incidental uses.
- H) In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty inches (20”) by such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities.
- I) When units of measurements determining number of required parking spaces result in requirement of a fractional space, any fraction less than one-half shall be discarded and fractions of one-half or more shall require an additional parking space.

Section 18.76.080 Parking Areas, Development and Maintenance

Every parcel of land used as a public or private parking area shall be developed and maintained as follows:

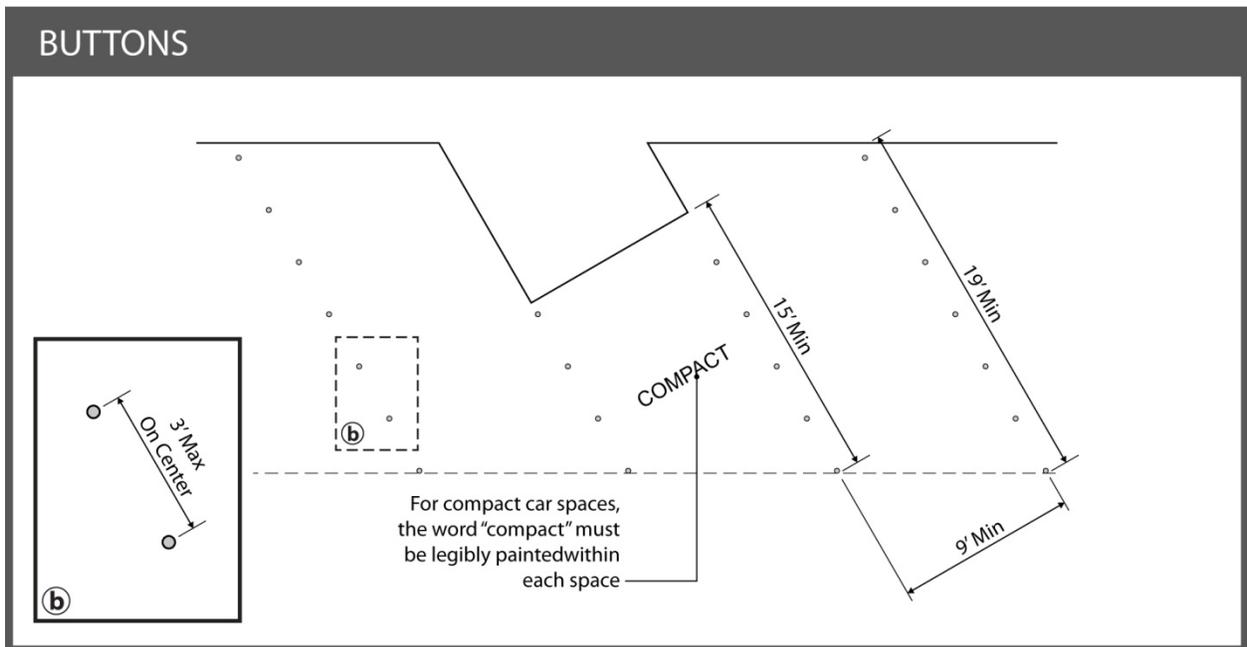
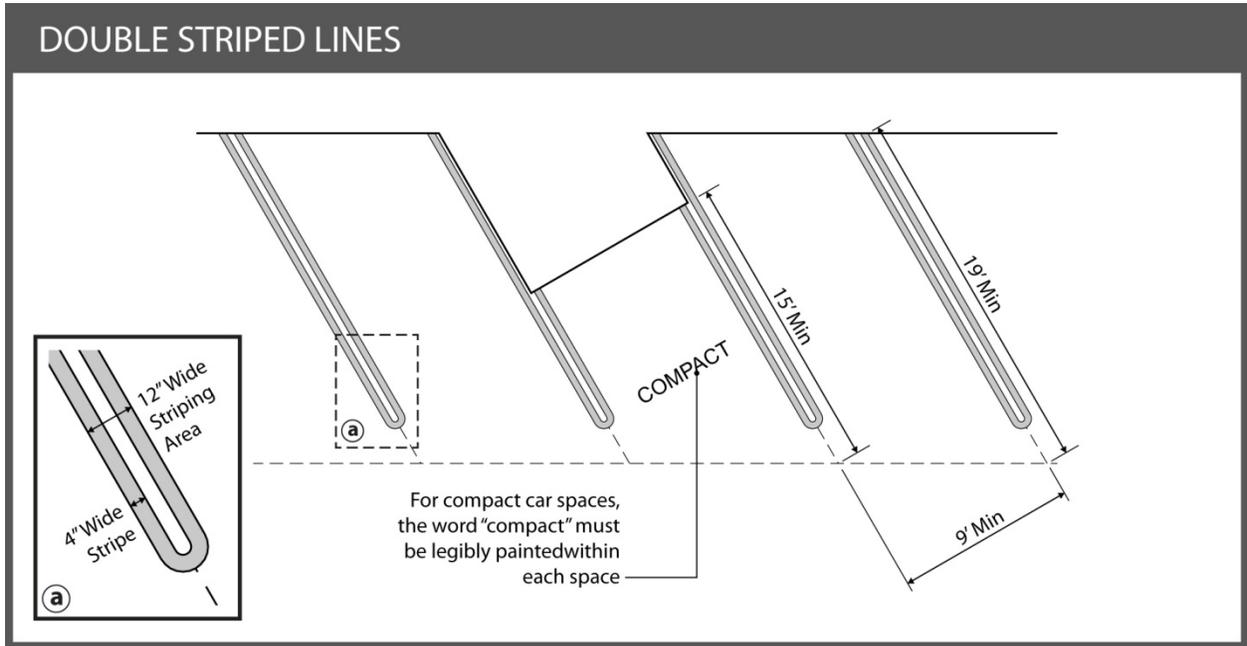
- A) Surface of Parking Area. Parking areas shall be paved with a minimum of two inches (2”) of an asphalt or cement binder pavement over an approved sub-base to provide a durable and dust-free surface. The parking area shall be paved, graded, and drained to dispose of all surface water in accordance with the requirements of the city engineer.
- B) Temporary, unpaved parking areas are allowed subject to conditional use permit approval under the following conditions:
 - 1) Temporary parking lot must be located on the same parcel or contiguous parcel as a principal use and have access only through the principal use.
 - 2) Temporary parking lot area shall not exceed one (1) acre in size.

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- 3) Temporary parking shall be permitted for a maximum period of one year with a possible one-year extension by the Planning Commission.
 - 4) In reviewing the conditional use permit, the planning commission may attach conditions for fencing, drainage, dust control, and other items as necessary to assure compatibility with surrounding uses.
- C) Protective Installation.
- 1) To ensure the proper maintenance and utilization of parking facilities, parking areas shall be designed so that a parked vehicle does not overhang so as to obstruct pedestrian traffic and be destructive to plant materials.
 - 2) A continuous landscape divider with a minimum width of three feet (3') shall be provided between every row of head-to-head parking unless waived in writing by the planning director.
 - 3) A permanent curb, bumper, wheel stop, or similar device shall be installed that is adequate to protect any structure or landscaping from vehicular damage. If such protection is designed to stop the wheel rather than the bumper, the wheel stop shall be placed no closer than two feet (2') from the edges of required sidewalks, planter areas, or other landscaped areas and from any building or structure.
- D) Striping. All parking spaces shall be marked by striping, buttons, or a similar device to delineate spaces. Spaces shall be painted with a line width of four inches (4"). Buttons shall be a minimum of three and one-half inches (3.5") in diameter, spaced no more than three feet (3') on center. Spaces shall be double striped with one foot (1') of striping line within each stall, nineteen feet (19') for each full-sized space and fifteen feet (15') for compact car space, not including the semi-circular cap.
- E) Maintenance and Use. Parking surface, striping, and landscaping shall be maintained in good condition. Required parking and circulation areas shall not be converted to other uses.

Figure 18.76.080-1 Parking Space Striping



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Section 18.76.090 Parking Exemptions and Reductions

The required number of parking spaces may be reduced in accordance with the following requirements.

- A) Exemptions.
- 1) Hardship. In the case of unusual hardship, the planning commission may conduct a hearing to consider exceptions to the foregoing requirements. Applications for a reduction to off-street parking may be considered through the adjustment process (Section 18.16.110). However, the findings shall include that the establishment, maintenance, or use of off-street parking facilities, as proposed, are as nearly in compliance with the requirements set forth in this chapter as are reasonably possible.
 - 2) Downtown Core Exemption. Off street parking is not required within the Downtown Core (DC) exempt area. The exempt area boundary shall be I Street to the north, Fifth Street to the west, E Street to the south, and Second Street (State Route 33) to the east. For any discretionary permit within the exempt area, the planning director may refer off-street parking requirement issues to the planning commission for its review. The planning commission may withdraw the exempt status of any new development within the exempt area.
- B) Minor Reductions. The following reductions may be permitted with administrative review approval by the planning director. The required number of parking spaces shall not be reduced by more than twenty percent (20%) without the issuance of a conditional use permit by the planning commission.
- 1) On-street parking spaces adjacent to the property boundary may be counted toward off-street parking requirements if easily accessible to the primary entrance of the building.
 - 2) Ten percent (10%) reduction in total required parking space if the property boundary is adjacent to or within two hundred fifty feet (250') feet of a transit stop.
 - 3) Fifteen percent (15%) reduction for a development that includes a minimum of ten residential units and fifty thousand (50,000) square feet of office space.

- 4) Within nonresidential zoning districts, the provision of clean air vehicle spaces may be used to reduce the total number of required vehicle spaces. One clean air vehicle space count toward one and a half required (standard sized) parking spaces. Total reduction in required parking spaces cannot exceed a fifteen percent (15%) reduction.
 - 5) Up to five percent (5%) reduction for existing uses to enable property enhancements. Parking requirements for existing nonresidential development may be reduced by up to five percent (5%), if spaces are replaced with any of the following: on-site public pedestrian plazas, seating areas, shelters, and/or walkways.
- C) Moderate Reductions. The following reductions may be permitted by the planning commission as part of a discretionary action (e.g., conditional use permit or design review):
- 1) Use of shared parking. A shared parking plan must be submitted, which addresses the following requirements.
 - a) Calculation of total parking requirements for conjunctive uses be based on the number of spaces adequate to meet various needs of the individual uses operating during the peak parking period.
 - b) The peak hours of parking demand from all uses do not coincide so that peak demand will not be greater than the parking provided.
 - c) The efficiency of parking provided will equal or exceed the level that can be expected if parking for each use were provided separately.
 - d) A written shared parking agreement between the landowners and in some cases the city that runs with the land shall be filed, in a form satisfactory to the city attorney
 - 2) Use of car-share vehicles. The applicant has provided on-site parking for car-share vehicles and proof of a perpetual agreement with a car-share agency to provide at least one car-share vehicle on-site.
 - 3) Implementation and documentation of parking or travel demand management programs that encourage occupants to carpool, ride share, or use alternate transportation to reduce parking demand at the site.

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Section 18.76.100 Truck Loading Requirements

The number of loading spaces to be required shall be determined by the planning director based upon consideration of the following criteria:

- A) Evidence of the probable loading space needs of the proposed use.
- B) The following minimum standards:
 - 1) One truck loading space for the first ten thousand (10,000) square feet of floor area; and
 - 2) One additional truck loading space for each additional twenty thousand (20,000) square feet or major fraction thereof.
- C) Minimum Truck Loading Stall Dimensions. The planning director shall establish the dimensions of each loading space required by this chapter, based upon the dimensions of vehicles which will likely utilize such space.

Section 18.76.110 Pedestrian Access Requirements

- A) Provision of Pedestrian Paths to and Through Parking Areas. The pedestrian paths system shall be designed to provide the pedestrian safe passage throughout the project area and parking lot. Adherence to all of the following provisions will create maximum safe connectivity for pedestrians.
 - 1) A continuous path which connects the primary entrances of the structure(s) on the site to the parking area.
 - 2) Designated walking path along at least one side of drive aisles leading to main entrances.
 - 3) Where parking areas are located between a public right-of-way and a primary entrance into a site's primary use structure, a continuous and well-designated pedestrian path shall be provided through the parking area that connects the public right-of-way and the primary entrance.

Chapter 18.78 Landscaping

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Section 18.78.010 Landscape and Irrigation Plan Approval Required

- A) Preliminary Landscape and Irrigation Plan. A preliminary landscape plan shall be submitted as part of an application for a land use entitlement, for new development, and for the significant expansion or redevelopment of an existing use as determined by the planning director
- B) Final Landscape and Irrigation Plan. Following approval of the land use entitlement, a final landscape plan shall be submitted as part of the application for a building permit. Final plans shall be approved by the planning director prior to the start of on-site construction or soil disturbance and prior to the issuance of a building permit.
- C) Content. Preliminary landscape and irrigation plans and final landscape and irrigation plans shall contain information as specified in the instructions for preparing landscape plans provided by the planning department.
- D) Review and Approval. After initial application, the planning director shall review each preliminary landscape and irrigation plan and final landscape and irrigation plan to verify its compliance with the provisions of this chapter. The planning director may approve the submittal in compliance with this chapter or may disapprove or require changes to a submittal that is not in compliance.
- E) Statement of Surety. When required by the planning director, a statement of surety in the form cash, performance bond, letter of credit, or certificate of deposit, in an amount equal to one hundred fifty percent (150%) of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the city for a two-year period. The planning director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions),

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and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of the site.

- F) Minor Changes to Approved Plans. Landscape and irrigation plan approval may include the planning director authorizing minor changes from the requirements of this chapter.
- G) Water Efficiency. All landscape and irrigation plans shall be prepared in compliance with city of Patterson Ordinance No. 485: Water Efficient Landscape Ordinance for New Construction and Development.

Section 18.78.020 Landscape Area Requirements

Landscaping shall be provided in the locations specified below, except for single-family uses.

- A) Setbacks. All setback and open space areas required by the ordinance codified in this chapter, and easements for utilities and drainage courses shall be landscaped, except where a required setback is screened from public view or it is determined by the planning director that landscaping is not necessary to fulfill the purposes of this chapter.
- B) Unused Areas. All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped unless it is determined by the planning director that landscaping is not necessary to fulfill the purposes of this chapter.
- C) Parking Lot Landscape. Parking lot landscape includes perimeter planters, abutting parking lots and drive aisles, tree planting for parking lot shade, and a combination of continuous planting strips, planting fingers, and parking islands throughout the parking lot. Parking lot landscape requirements applicable to parking lots commercial, industrial, mixed-use, and multi-family parking lots with five or more spaces are listed below.

Figure 18.78.020-1 Screening of Commercial Parking Lots

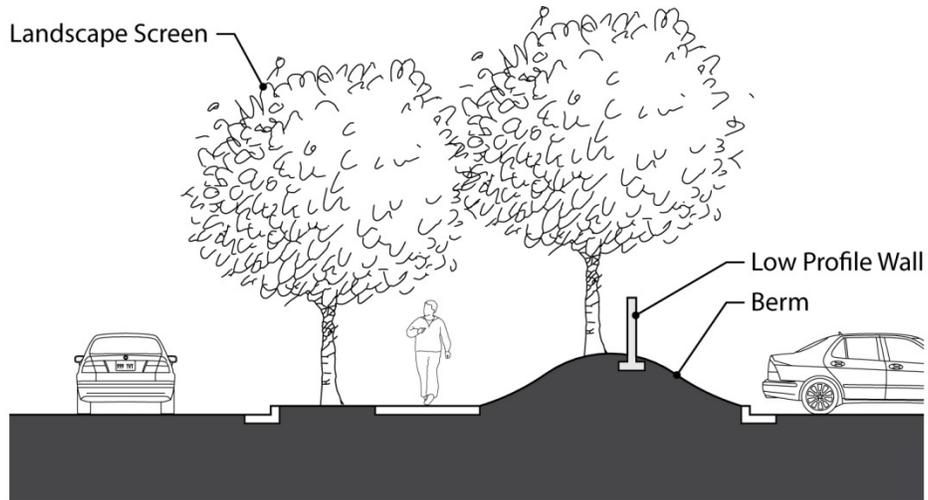
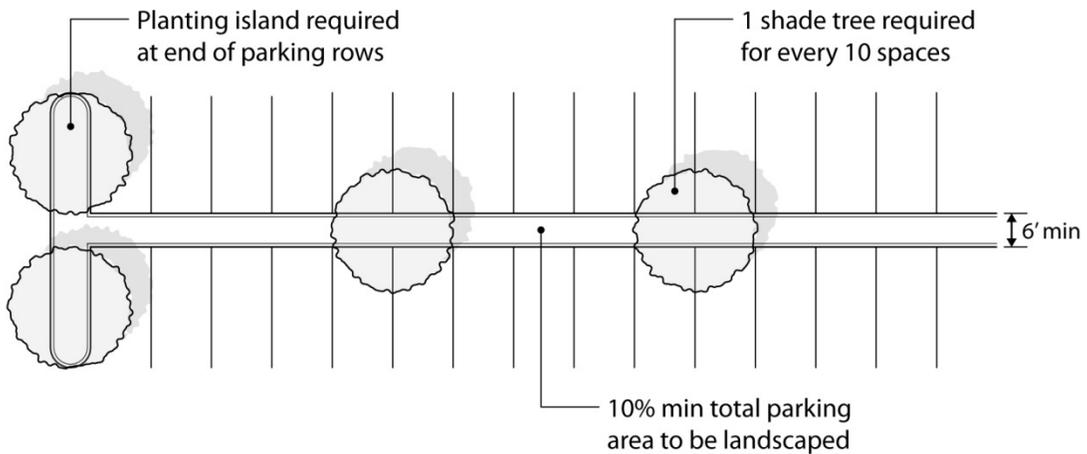


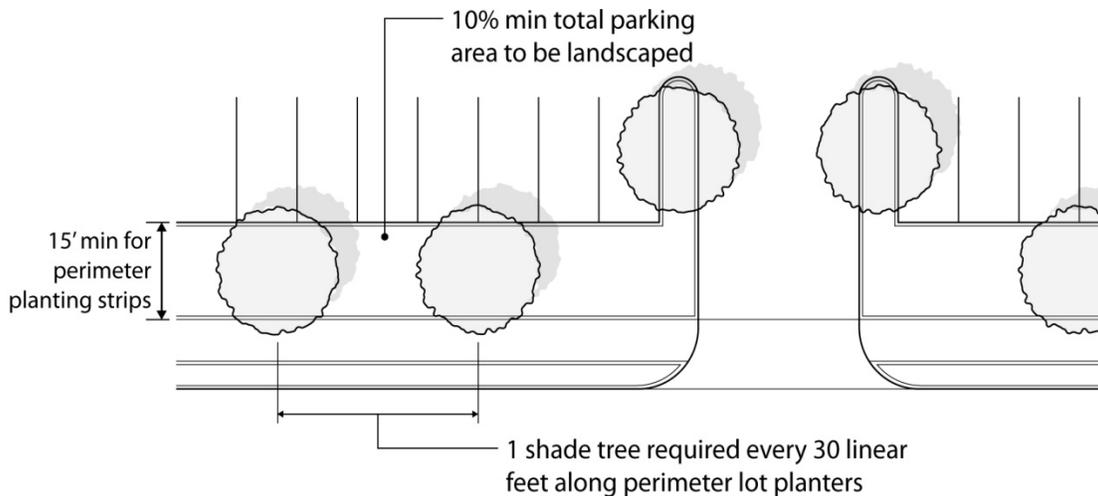
Figure 18.78.020-2 Landscaping for Interior Parking Areas



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Figure 18.78.020-3 Landscaping for Perimeter of Parking Areas



- 1) **Number of Trees Required.** Trees shall be required at a rate of one tree for every ten parking stalls. In addition, perimeter shade trees shall be required at a minimum rate of one for every thirty (30) linear feet of landscaped area. At maturity, trees should reach a minimum height and spread of forty feet (40') so as to form a shade canopy over parking stalls. Smaller ornamental trees may not be used to satisfy this requirement. The minimum width for planters containing a parking lot tree is six feet (6'). Tree selections shall be approved by the planning director.
- 2) **Total Landscaped Area.** A minimum of ten percent (10%) of the total off-street parking area shall be landscaped with trees, shrubs, and appropriate ground cover. The parking area shall be computed by adding the areas used for access drive aisles, stalls, maneuvering, and landscaping within that portion of the premises that is devoted to vehicular parking and circulation.
- 3) **Bumper Overhang Areas.** To increase the parking lot landscaped area, a maximum of two feet (2') of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot (2') bumper overhang while maintaining the required parking dimensions
- 4) **Perimeter Landscaping.** Each unenclosed parking facility shall provide a perimeter landscaped strip at least fifteen feet (15') wide (inside dimension) where the facility adjoins a front, side, or rear property line. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required and shall be continuous, except for required access to the site or parking facility. Trees shall be provided at the rate of one for each thirty (30) linear feet of landscaped area. When parking areas are located adjacent

- to structures, a minimum five-foot (5') wide landscape strip shall be provided adjacent to the structure.
- 5) Screening. All surface parking areas shall be screened from streets and adjoining properties, and the open space areas between the property line and public street right-of-way shall be landscaped with a combination of trees, shrubs, and ground cover. Perimeter landscaping shall be designed and maintained to screen cars from view from the street to a height of between thirty inches (30") and forty-two inches (42"). Screening may be accomplished solely by landscaping or in conjunction with a decorative masonry wall or berming. Screening shall conform with clear vision triangle regulations (see Section 18.60.050, Vision Triangle). A solid masonry wall, eight feet (8') in height shall be used for screening between residential and nonresidential uses. Screen planting or wooden fences may be substituted for aesthetic reasons, or in cases of unusual hardship, provided that the design and plant material is approved by the planning director.
 - 6) Location of Landscaping. Parking lot landscaping shall be located so that pedestrians are not required to cross unpaved or landscaped areas to reach building entrances from parked cars. This should be achieved through proper orientation of the landscaped fingers and islands. Landscaping shall be evenly dispersed throughout the parking area. Use of an orchard-style planting scheme (placement of trees in uniformly spaced rows) is encouraged for larger parking areas. Parking lots with more than one hundred spaces should provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.
 - 7) Existing Trees. Existing mature trees on the site in good health shall be preserved whenever possible.
 - 8) Planter Design. All parking lot planters shall be separated from maneuvering and parking areas by a six-inch (6") raised concrete curb or equivalent.
 - 9) Tree planting wells located at the front of parking stalls shall contain a minimum of twenty-five (25) square feet and the smallest outside dimension shall not be less than five feet (5').
 - 10) Landscape planters along the sides of parking stalls shall contain a minimum of ninety (90) square feet and the smallest outside dimension shall not be less than six feet (6').

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- 11) Planters or planting areas shall include automatic irrigation systems and shall be distributed throughout the area to shade spaces on a uniform basis during summer months
- D) Drought-Tolerant Planting. The majority of landscaping shall utilize drought-tolerant plants in coordination with the adopted water-efficient landscape ordinance.
- E) Drainage Areas, Retention/Detention Basins. All surface drainage facilities and retention/detention basins shall be landscaped and integrated as an amenity into the site and landscaping plan for a project. Plant materials shall be chosen that are water tolerant and that provide visual relief to the appearance of the retention/detention basin during periods when no water is present.
- F) Wet Ponds. Wet ponds may be incorporated into the site and landscaping plan as an amenity which may also provide stormwater retention/detention. All such ponds shall be integrated as an amenity into the site and landscaping plan for a project.

Section 18.78.030 Maintenance of Landscape Areas

- A) Maintenance Required. All landscaped areas shall be maintained in a healthful and sound condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this chapter. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments; pruning; and weeding all landscaped areas.
- B) Water Waste Prohibited. Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures is prohibited.

Section 18.78.040 Low Impact Development (LID)

- A) Employ at least two of the following methods or other best management practices to allow rainwater to soak into the ground, evaporate into the air, or collect in storage receptacles for irrigation or other beneficial uses. LID strategies include, but are not limited to:
- 1) Bioretention (rain gardens)
 - 2) Cisterns and rain barrels
 - 3) Green roofs meeting the structural requirements of the building code
 - 4) Roof leader disconnection
 - 5) Permeable and porous paving
 - 6) Vegetative swales and filter strips
 - 7) Tree preservation
 - 8) Volume retention suitable for previously developed sites
- B) Implementation. If applicable, coordinate LID projects with the local Regional Water Quality Control Board, which may issue a permit or otherwise require LID.
- C) Water permeable surfaces. Permeable paving should be utilized for walking or patio surfaces for not less than 20 percent of the walking or patio surfaces. Required accessible routes for persons with disabilities shall not be permeable and are exempt from the calculations.

Figure 18.78.040-1 Examples of Pervious Paving

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Section 18.78.050 Tree Removal and Replacement

- A) Applicability. This section applies to all plant materials on an approved landscape plan or tree removal permit.
- B) Replacement Schedule. All plant material removed from a project in which the planning department has approved the landscape plan or tree removal permit shall be replaced with the following replacement sizes: shrubs – 5-gallon size, ground cover – flats. Replacement of trees shall be as specified in Section 18.78.060 (Replanting Requirements and Replacement Fee).
- C) Tree Removal. Tree removal shall be limited to trees which are in poor health, structurally distressed, or unsafe. The removal of a tree shall be the final recourse upon determining that it is infeasible to save the tree by any other method (e.g., pruning, treatment of diseases, fertilizing). Prior to the removal of any tree, planning director approval is required. The following information shall be required:
 - 1) A written statement of the health and condition of the trees to be removed by a certified arborist;
 - 2) Reasons for removal;
 - 3) Landscape plan indicating size, quantity, species, and location of the trees to be removed and replaced.
- D) Failure to obtain director approval prior to removing an approved tree shall require the owner of the project to replace the removed tree as stated in the replanting requirements in Section 18.78.060 (Replanting Requirements and Replacement Fee).

Section 18.78.060 Replanting Requirements and Replacement Fee

- A) Replacement trees shall be required for trees removed with or without director approval as set forth below.
- B) Trees removed or severely and improperly trimmed shall be replaced according to Table 18.78.060-1.

Table 18.78.060-1: Tree Replacement Schedule

2	Replacement Tree Required
2 inches	15-inch box
4 inches	24-inch box
6 inches or greater	36-inch box

Chapter 18.80 Lighting

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Section 18.80.030 Exempt Lighting..... IV-71
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Section 18.80.010 Purpose

The purpose of this chapter is to regulate lighting to balance the safety and security needs for lighting with the city’s desire to ensure that light trespass and glare have negligible impact on surrounding properties (especially residential) and roadways.

Section 18.80.020 Applicability

The requirements of this chapter apply to all new development. Whenever a person is required to obtain a building permit, electrical permit, and/or approval of a planning entitlement, the applicant shall submit sufficient information for the approving authority to determine whether the proposed lighting will comply with the requirements of this chapter.

Section 18.80.030 Exempt Lighting

The following items shall be exempt from the requirements of this chapter:

- A) Temporary lights used for holiday decorations.
- B) Emergency lighting erected for official purposes by local, state, or federal agencies.
- C) Lighting for temporary uses and special events permitted consistent with this code.

Section 18.80.040 Prohibited Lighting

The following types of lighting are prohibited:

- A) Neon tubing or band lighting (including LCD, LED, and other technologies) along buildings and/or structures as articulation, except as approved through minor design review (Section 18.16.120).

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- B) Search lights, laser source lights, or any similar high-intensity light, except for emergency use by police or fire personnel or at their discretion, or for approved temporary lighting for a special event approved through the administrative review (AR) process.
- C) Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel.
- D) Illumination of entire buildings.
- E) Roof-mounted lighting except for security purposes.
- F) Moving, flashing, or animated lighting.

Section 18.80.060 General Lighting Requirements

The requirements listed below shall apply to all outdoor lighting.

- A) Maintenance. Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
 - 1) Burnt-out and broken light bulbs shall be replaced.
 - 2) Lighting fixtures shall remain free of graffiti and rust.
 - 3) Painted light fixtures shall be maintained to minimize chipping or peeling.
- B) Nuisance Prevention and Shielding. All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution. All outdoor lighting shall be recessed and/or constructed with full downward shielding in order to reduce light and glare impacts on trespass to adjoining properties and public rights-of-way. Each fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the project site intended to be illuminated.
- C) Height. The maximum height of light poles on private property shall be:
 - 1) Thirty-two feet (32') for all nonresidential districts;
 - 2) Twenty-four feet (24') for all residential districts and within one hundred feet (100') of a residential zoning district.

- 3) Exceptions to the height limits shall be considered by the planning commission for athletic fields and other unique circumstances where additional height is required.
- D) Level of Illumination. Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties. Illumination requirements are provided in Table 18.78.060-1 (Illumination Requirements).

Table 18.80.060-1 Illumination Requirements

Category	Where Measured	Required Illumination (minimum or maximum)	Notes
Public, civic, and religious uses, and sports fields and other outdoor recreation areas		Permitted to be fully illuminated during hours of operation. After hours, may be dimmed or turned off such that only lighting essential to security or safety shall be maintained.	Lighting fixtures shall be mounted, aimed, and shielded so that the light falls within the primary playing area and no significant off-site light trespass is produced.
Parking lots, driveways, trash enclosures, public phones, group mailboxes	Within 2-foot radius of object edge	1.0 foot-candle (minimum) 4.0 foot-candle (maximum)	At all hours
Parking lots for banks, convenience stores, check cashing businesses	At point of highest and lowest light level	1.5 foot-candle (minimum) 4.0 foot-candle (maximum)	During operating hours
Pedestrian walkways	Center of walkway at point of highest and lowest light level	0.5 foot-candle (minimum) 2.0 foot-candle (maximum)	Only applies to walkways intended for use after dark
Nonresidential structures, entryways, and doors – on-site	5-foot radius of door (each side)	1.0 foot-candle (minimum)	During hours of darkness
Nonresidential structures, entryways and doors – off-site	15 feet beyond the site boundary	0.01 foot-candle (maximum)	During hours of darkness
Adjacent residential property	At structure and rear setback line	0.01 foot-candle (maximum)	Equivalent to moon's potential ambient illumination

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- E) Hours. Automatically control exterior lighting dusk to dawn to turn off or lower light levels during inactive periods.
- F) Signs. Lighting of signs shall be in compliance with Chapter 18.82 (Signs) of this article.
- G) Energy-Efficient Fixtures Required. Outdoor lighting shall utilize energy-efficient fixtures and lamps such as high-pressure sodium, metal halide, low-pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater efficiency. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than ten thousand (10,000) hours.
- H) Accent Lighting. Architectural features may be illuminated by uplighting, provided that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. Wherever feasible, solar-powered fixtures shall be used.
- I) Security Lighting. All multiple-family residential complexes shall provide security lighting as approved by the planning commission and police department.

Chapter 18.82 Signs

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Section 18.82.010 Purpose

The regulations established by this chapter are intended to appropriately limit the placement, type, size, and number of signs allowed within the city and to require the proper maintenance of signs. The purposes of these limitations and requirements is to:

- A) Avoid traffic safety hazards to motorists and pedestrians caused by visual distractions and obstructions;
B) Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the city as a place to live, work, and shop;
C) Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached; and
D) Safeguard and protect the public health, safety, and general welfare.

Section 18.82.020 Applicability

- A) Signs Regulated. The requirements of this chapter shall apply to all signs in all zoning districts, except on a site for which a specific plan has established separate sign regulations.

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- B) Applicability to Sign Content. The provisions of this chapter do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or noncommercial.

Section 18.82.030 Sign Permit Requirements

- A) No sign shall be installed, constructed, or altered unless a sign permit is first obtained in compliance with Article II (Procedures), Section 18.16.080, or the sign is allowed without sign permit approval by subsection B of this section. There are three types of sign approvals: (1) temporary sign permits; (2) sign permits; and (3) master sign program. A building permit may also be required. After approval of a sign permit and/or master sign plan, each sign installed and maintained on the subject site shall comply with the permit and plan.
- B) Signs and Sign Changes Allowed Without a Sign Permit. The following are permitted without a sign permit, provided that they comply with Section 18.82.050 (General Requirements for All Signs), and any required building permit is obtained.
- 1) Modifications to sign copy on conforming signs, or changes to the face or copy of conforming changeable copy signs, such as changing the removable face of an internally illuminated wall sign.
 - 2) Nonstructural modifications of the face or copy of an existing conforming sign installed in compliance with a master sign plan, provided that the modifications are consistent with the master sign plan.
 - 3) The normal maintenance of conforming signs.
 - 4) Temporary Signs. Temporary signs in compliance with Section 18.80.080.
 - 5) Governmental Signs. Signs installed by the city, or a federal or state governmental agency, within a public right-of-way, and any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect public health, safety, and general welfare.
 - 6) Noncommercial Flags. Noncommercial flags, provided that the length of the flag shall not exceed one-fourth the height of the flag pole. The maximum allowed height of a flag pole in a residential zoning district shall be twelve feet (12'); the maximum height of a flag pole in a nonresidential zoning district shall be thirty feet (30'). Additional height may be authorized through design review approval. No flag shall be located within the public right-of-way.

- 7) Public Directional Signs and Notices. Signs showing the location of public facilities such as public telephones, restrooms, and underground utilities.
- 8) Service Station Price Signs. Service station price signs required by state law.
- 9) Street Addresses. Street address numbers not exceeding an aggregate area of two (2) square feet.

Section 18.82.040 Prohibited Signs

All signs not expressly permitted by this chapter shall be prohibited. Examples of prohibited signs include the following.

- A) Abandoned signs.
- B) Signs with flashing, moving, or animated illumination (e.g., flashing signs), except in the case of grand opening or special event signs as permitted with Administrative Use Review.
- C) Balloons and other inflatable devices, except in the case of grand opening or special event signs as permitted with Administrative Use Review.
- D) Banners displaying a commercial message, except when allowed through a temporary use permit.
- E) Billboards.
- F) Flags, except those allowed by subsection B of Section 18.82.030.
- G) Illegal signs.
- H) Moving signs, except barber poles), except in the case of grand opening or special event signs as permitted with Administrative Use Review.
- I) Obscene signs (obscene as defined by California Penal Code § 311).
- J) Permanent off-site signs.
- K) Pennants.
- L) Can signs or any internally illuminated cabinet sign.
- M) Pole signs, unless otherwise approved by special permit (e.g., along highway)
- N) Freestanding signs over thirty feet (30') in height unless otherwise approved by special permit (e.g., along highway).

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- O) Roof signs or signs placed above the roofline), except in the case of grand opening or special event signs as permitted with Administrative Use Review.
- P) Wind and air signs that are designed to move based on air flow), except in the case of grand opening or special event signs as permitted with Administrative Use Review.
- Q) Inflatable signs, including inflatable objects), except in the case of grand opening or special event signs as permitted with Administrative Use Review.
- R) Because of the city's compelling interest in ensuring traffic safety, signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic.
- S) Signs attached to or suspended from a vehicle parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed, to or permanently affixed to the body or other integral part of the vehicle.
- T) Temporary and portable signs, except as allowed by Section 18.82.080.
- U) Signs which block a pedestrian path of travel.
- V) Signs that are dilapidated, abandoned, or in disrepair or a dangerous condition.

Section 18.82.050 General Requirements for All Signs

- A) Sign Area Measurement. The measurement of sign area to determine compliance with the sign area limitations of this chapter shall occur as follows.
 - 1) The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, writing, logo, representation, emblem, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines. See Figure 18.82.050-1.
 - 2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
 - 3) The area of a double-faced (back-to-back) sign shall be calculated as a single sign face if the distance between each sign face does not exceed eighteen inches (18") and the two faces are parallel with each other.

Figure 18.82.050-1 Sign Area Measurement

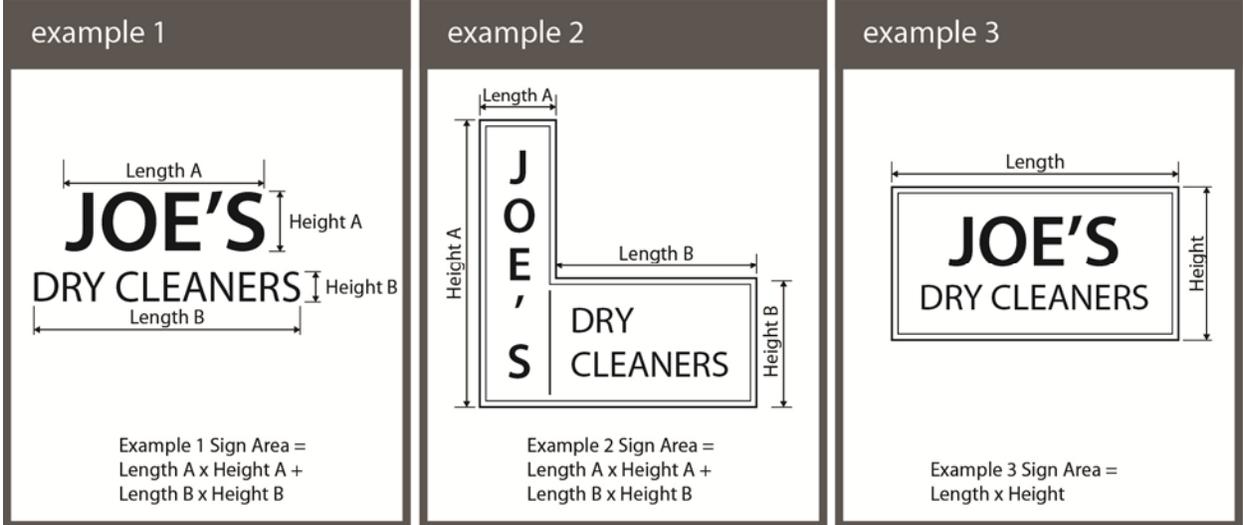
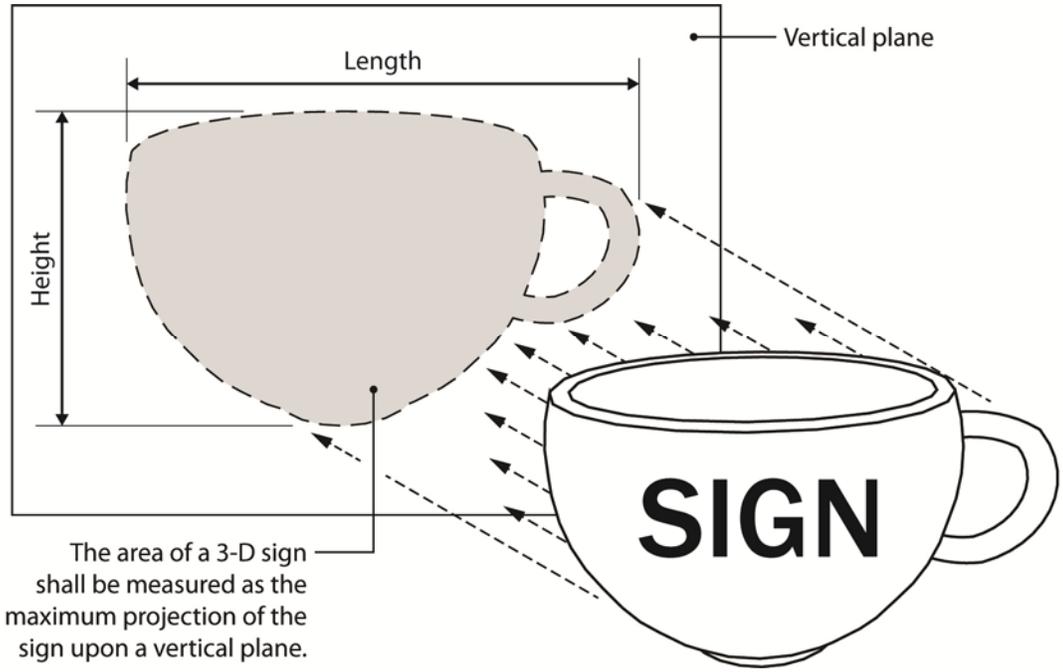


Figure 18.82.050-2 Dimensional Sign Area Measurement



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- 4) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculptures, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. See Figure 18.82.050-2.
 - 5) The area of any time and/or temperature device incorporated into a sign shall not be included in the calculation of total sign area.
- B) Freestanding Sign Height Measurement. The height of a freestanding sign shall be measured as the vertical distance from the lowest point of the base of the sign structure to the highest point of the structure, where the lowest point of the base of the structure does not include fill, planters, or other material artificially placed to allow increased sign height.

Figure 18.82.050-3 Sign Height Measurement



- C) Sign Location Requirements.
- 1) All signs shall be located on the same site as the subject of the sign, except as otherwise allowed by this chapter. A sign may project over an adjacent public right-of-way only when authorized by an encroachment permit as well as a sign permit.
 - 2) No sign shall be located within the public right-of-way, except as otherwise allowed by this chapter.
 - 3) The location of all signs shall be evaluated to ensure:

- a) That the setback is appropriate for the height and area of a freestanding or projecting sign.
 - b) That flush or projecting signs relate to the architectural design of the building. Signs that cover windows, or that spill over natural boundaries and/or cover architectural features, shall be discouraged.
 - c) That signs do not unreasonably block the sight lines of existing signs on adjacent properties.
 - d) Pedestrian and vehicular safety is not compromised.
- D) Design Criteria for Signs. The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria shall be required before a sign permit or building permit can be approved.
- 1) Color. Colors on signs and structural members should be harmonious with one another and relate to the dominant colors of the building or buildings being identified. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the building colors and prevailing colors in the surrounding neighborhood (where a theme can be identified).
 - 2) Design and Construction.
 - a) Proposed permanent signs should be designed by professionals (e.g., architects, building designers, landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs), or others who are capable of producing professional results.
 - b) All permanent signs should be constructed by persons whose principal business is building construction or a related trade, including sign manufacturing and installation businesses, or others capable of producing professional results. The intent is to achieve signs of careful construction, neat and readable copy, and durability so as to reduce maintenance costs and to prevent dilapidation.
 - 3) Materials and Structure.
 - a) Sign materials (including framing and supports) should be representative of the type and scale of materials used on the site of the sign. Sign materials should match those used on the building and on other signs.

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- b) Materials for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.
 - c) The size of the structural members (e.g., columns, crossbeams, and braces) should be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.
 - d) The use of individual letters incorporated into the building design is encouraged, rather than signs with background and framing other than the building wall.
 - e) The use of reflective materials or surfaces may be approved only where the review authority determines that these materials will not distract motorists or create other hazards, and should be minimized in all cases.
- E) Copy Design Guidelines. The city does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.
- 1) Sign copy should relate only to the name and/or nature of the business or commercial center.
 - 2) Permanent signs that advertise continuous sales or special prices, or include phone numbers, etc., should be avoided.
 - 3) Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.
 - 4) The area of letters or symbols should not exceed forty percent (40%) of the background area in commercial districts or sixty percent (60%) in residential districts.
 - 5) Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant center (see Section 18.82.070).
- F) Sign Lighting. The artificial illumination of signs, either from an internal or external source, shall be designed to minimize light and glare on surrounding rights-of-way and properties.

- 1) The city prefers that a sign be illuminated by lights shining on the sign rather than by lights within the sign, although signs comprised of individually mounted, internally lit letters may be found acceptable.
 - 2) External light sources shall be directed and shielded so that they do not produce glare on any object other than the sign and/or off the site of the sign.
 - 3) The light from an illuminated sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of residential properties. In areas with low ambient nighttime illumination levels (i.e., areas of the city with little or no illuminated signing), a sign should be designed to use light, illuminated copy against a dark or opaque background.
 - 4) Sign illumination shall not blink, flash, flutter, or change light intensity, brightness, or color.
 - 5) Colored lights shall not be used at a location or in a manner so as to be confused with or construed as traffic control devices.
 - 6) Neither the direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
 - 7) Reflective-type bulbs and incandescent lamps that exceed fifteen watts shall not be used on the exterior surface of signs so as to expose the face of the bulb or lamp to a public right-of-way or adjacent property.
 - 8) Light sources shall utilize energy-efficient fixtures to the greatest extent possible.
 - 9) Illuminated panels, visible tubing, and strings of lights outlining all or a portion of a building, other than lighting that is primarily for indirectly illuminating architectural features, signs, or landscaping, shall be deemed "signs" subject to this chapter and shall be counted as part of the allowed sign area. Each line of tubing or lights shall be deemed to have a minimum width of at least six inches (6") for the purpose of area calculation.
- G) Maintenance of Signs. Each sign and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times. Any repair to a sign shall be of equal or better quality of materials and design as the original sign. A sign that is not properly maintained and is dilapidated shall be deemed a public nuisance and may be abated in compliance with this code.
- H) When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed. Unpainted areas shall be painted to match the adjacent portion of the building or sign support structure.

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Section 18.82.060 Sign Standards by Zoning District

Each sign shall comply with the sign type, area, height, and other restrictions provided by this section, except as otherwise expressly provided in subsection E of Section 18.80.040 (Prohibited Signs) or Section 18.80.070 (Standards for Specific Types of Signs).

- A) Residential Zoning Districts. Each sign in a residential zoning district established by Title 18 (Zoning) shall comply with the following requirements.
- B) Commercial and Industrial Zoning District Sign Standards. Each sign in the commercial and industrial zoning districts established by Chapters 18.36 through 18.66 shall comply with the requirements in Table 18.82.060-2, in addition to the provisions of Section 18.82.070 (Standards for Specific Types of Signs), as applicable.

Table 18.82.060-1 Sign Standards for Residential Zoning Districts

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
Wall or monument to identify or name a subdivision	Wall signs: below edge of roof Monument: 6 ft	1 of either allowed sign type per entrance or street frontage	32 sf maximum each; 64 sf total for all signs

Table 18.82.060-2 Sign Standards for Commercial & Industrial Zones

Allowed Sign Types	Maximum Sign Height		Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel	Building Floor Allowed	Standards
A-frame	4 ft; measured perpendicular from the sidewalk surface to the highest point of the sign		One (1) per business	10 sf: 4 ft maximum height x 2 ft 6 inches maximum width	Ground Floor/Ground-Mounted	18.82.070.A
Awning	Below Roof ⁽¹⁾		See Table 18.82.060-3 (Maximum Number and Area of Signs Permitted Per Parcel)	See Table 18.82.060-3 (Maximum Number and Area of Signs Permitted Per Parcel)	Ground Floor/Ground-Mounted, Second Floor	18.82.070.B
Freestanding, Monument	8 ft		See Table 18.82.060-3 (Maximum Number and Area of Signs Permitted Per Parcel)	See Table 18.82.060-3 (Maximum Number and Area of Signs Permitted Per Parcel)	Ground/Ground-Mounted	18.82.070.C
Freestanding, Center Identification	30 ft				Ground/Ground-Mounted	18.82.070.C
Freeway-Oriented Sign	30 ft				Ground/Ground-Mounted	18.82.070.D
Wall, Projecting	Below Roof ⁽¹⁾		See Table 18.82.060-3 (Maximum Number and Area of Signs Permitted Per Parcel)	See Table 18.82.060-3 (Maximum Number and Area of Signs Permitted Per Parcel)	Ground/Ground-Mounted	18.82.070.E
Suspended	Below eave/canopy; at least 8 ft above a walking surface		See Table 18.82.060-3 (Maximum Number and Area of Signs Permitted Per Parcel)	See Table 18.82.060-3 (Maximum Number and Area of Signs Permitted Per Parcel)	Ground/Ground-Mounted	18.82.070.F
Temporary/Portable	See Section 18.82.080					
Second Floor Signs (Awning, Projecting, Wall)	Below roof ⁽¹⁾	1 per tenant space	12 sf for each tenant. 1 directory sign, not to exceed 12 sf is also allowed to identify upper-floor occupants. The directory sign may be building or ground mounted.		Second Floor	18.82.070.G
Window		1 per tenant space	20% of the total window area		Ground/Ground-Mounted, Second Floor	18.82.070.H

¹At least 1 foot below the top of a parapet, the sill of a second floor window, and/or the lowest point of any cornice or roof overhang

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Table 18.82.060-3 Maximum Number and Area of Signs Permitted per Parcel

Tenants per Site or Building	Maximum Number of Signs	Maximum Sign Area
1 to 3 Tenants	3 of any type allowed per primary building frontage; plus 1 of any type allowed per secondary building frontage.	<p>Interior parcel: 1 sf for each linear foot of primary building frontage.</p> <p>Parcel with multiple frontages (e.g., corner parcel): 1 sf for each linear foot of primary building frontage plus 0.5 sf for each foot of secondary frontage.</p> <p>The total area of all signs on a single building shall not exceed the total linear feet in the related frontage.</p> <p>No more than 150 sf in sign area permitted per establishment.</p>
4 or More Tenants	1 per single business frontage (see Section 18.16.090, Master Sign Plan, for additional flexibility).	<p>Interior parcel: 1 sf for each linear foot of primary building frontage.</p> <p>Parcel with multiple frontages (e.g., corner parcel): 1 sf for each linear foot of primary building frontage plus 0.5 sf for each foot of secondary frontage.</p> <p>The total area of all signs on a single building shall not exceed the total linear feet in the related frontage.</p> <p>No more than 150 sf in sign area permitted per establishment.</p> <p>An additional freestanding identification sign of 0.25 sf for each linear foot of primary building frontage is permitted, up to a maximum sign area of 150 sf.</p>

Figure 18.82.060-4a Sign Types



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Figure 18.82.060-4b Sign Types

PORTABLE SIDEWALK SIGN



PROJECTING SIGN



ROOF SIGN - NOT PERMITTED



SUSPENDED SIGN



WALL SIGN



WINDOW SIGN



Section 18.82.070 Standards for Specific Types of Signs

Proposed signs shall comply with the following standards, where applicable, in addition to the sign area, height, and other requirements of Section 18.82.060 (Sign Standards by Zoning District), and all other applicable provisions of this chapter.

- A) A-Frame and Other Portable Sidewalk Signs. Each business may display one A-frame or other portable sidewalk sign in compliance with the following standards.
- 1) Limitation on Location. An A-frame or other portable sidewalk sign shall be approved only within a commercial zoning district within the downtown area identified by the general plan.
 - 2) Encroachment Permit. In addition to the sign permit required by this chapter, an encroachment permit shall be obtained from the public works department before any sign is placed in the public right-of-way. A public liability insurance policy, approved by the city attorney and naming the city of Patterson and its officers and employees as insureds, shall be provided the city prior to issuance of an encroachment permit.
 - 3) Sign Placement. A portable sidewalk sign shall be placed only within the boundaries of the applicable business' street frontage and shall be positioned so that it will not:
 - i) Obstruct the required ADA sidewalk clearance;
 - ii) Impede any line of sight for motorists at vehicular public right-of-way intersections, as recommended by the public works director; or
 - iii) Interfere with people exiting and entering parked cars.
 - 4) Graphics and Appearance:
 - i) Maximum sign height is 4'-0".
 - ii) Professionally prepared graphic design and materials required.
 - iii) Construction shall be completed in a workmanlike manner. "Homemade" appearance is prohibited.
 - iv) Creativity in sign design, outline and graphics are encouraged. Menu chalkboards, company logos and specifically permitted. Electronic readerboards and any electronic components are prohibited.

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- 5) Stabilization. The sign shall be stabilized to withstand wind gusts or must be removed during windy conditions.
 - 6) Daily Removal. The sign shall be removed from the sidewalk at the close of business.
 - 7) Maintenance. The sign shall be continuously maintained in good condition with no peeling paint or other deterioration.
- B) Awning Signs. The following standards apply to awning signs in all zoning districts where allowed by Section 18.82.060 (Sign Standards by Zoning District) of this title.
- 1) Signs on awnings are limited to ground-level and second-story occupancies only.
 - 2) Awnings shall not be internally illuminated, except that lettering on the awning valance may be backlit. Direct exterior lighting may be allowed. Translucent awning materials are prohibited.
- C) Freestanding Monument and Freestanding Center Signs. The following standards apply to freestanding monument and freestanding center signs in all zoning districts where allowed by Section 18.82.060 (Sign Standards by Zoning District).
- 1) Except as otherwise provided in this chapter, each freestanding sign shall be a monument sign, with sign height not to exceed eight feet (8'). (See subsection B of Section 18.82.050 for measurement.)
 - 2) A sign may be placed only on a site frontage adjoining a public street.
 - 3) Multiple signs shall be separated by a minimum of seventy-five (75') feet to ensure adequate visibility for all signs. The planning director may waive this requirement where the locations of existing signs on adjacent properties would make the seventy-five-foot (75') separation impractical.
 - 4) A sign shall not project over public property, vehicular easements, or rights-of-way, and shall not obstruct a traffic safety sight area, as determined by the planning director.
 - 5) To assist emergency response personnel in locating the site, freestanding signs should contain an illuminated street address plate. Numbers should be a minimum of six inches (6") in height. An address plate shall not be included in calculations of allowed sign area.

- 6) An institutional use (e.g., school, religious facility, community center) or a theater or auditorium may have a reader board as a freestanding sign, with a maximum area of sixteen (16) square feet. A reader board with more area shall require conditional use permit approval.
- D) Freeway-Oriented Signs. A freeway-oriented sign may be approved in compliance with the following requirements.
- 1) Permit Requirement. Conditional use permit approval is required for a freeway-oriented sign.
 - 2) Where Allowed. A freeway-oriented sign may be approved only on a parcel adjacent to the California Aqueduct within a commercial zoning district for a multi-tenant site with a gross floor area of twenty-five thousand (25,000) square feet or more.
 - 3) Required Findings. The approval of a conditional use permit for a freeway-oriented sign shall require that the commission first find that the use or site cannot be adequately identified by other signs permitted within the applicable zoning district, in addition to the other findings required for conditional use permit approval by Section 18.18.020 of this title.
 - 4) Height Limit. No freeway-oriented sign shall exceed a maximum height of thirty feet (30'), unless the conditional use permit allows greater height, as follows:
 - a) Criteria for Approval. A sign with a height greater than thirty feet (30') may be approved if the commission determines that the applicant has demonstrated that an overcrossing of Interstate 5, or its ramps, or trees or vegetation, will seriously obstruct the visibility of the proposed sign from the northbound or southbound lanes of Interstate 5.
 - b) Procedure for Determining Allowed Height. The commission shall approve no more additional sign height than the minimum necessary for the message area of the sign to clear the identified visual obstruction. The determination of maximum height by the commission shall be based on the procedure established by the planning department.
- E) Projecting Signs. The following standards apply to projecting signs in all zoning districts where allowed by Section 18.82.060 (Sign Standards by Zoning District).

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- 1) The maximum projection of a sign from a building wall over a public right-of-way shall not exceed thirty-six inches (36") over a sidewalk. Larger projections from the building wall over private property may be approved by the review authority for a theater marquee sign. A marquee sign may project more than thirty-six inches (36") over a sidewalk with conditional use permit approval and an encroachment permit.
 - 2) The maximum height of a projecting sign shall not exceed fourteen feet (14') eave height, parapet height, or sill height of a second-floor window, whichever is less. No portion of the sign shall project above the eave line of a sloped roof or the top of the parapet of a flat roof.
 - 3) A projecting sign shall maintain a minimum clearance of eight feet (8') from the bottom of the sign to the finished grade below.
 - 4) Icon signs using shapes or symbols uniquely suited to the business, creative shapes, and three-dimensional signs are encouraged.
 - 5) Each sign shall be graphically designed for pedestrians, with a maximum area of nine (9) square feet on each sign face, regardless of the length of the building frontage.
 - 6) Sign supports shall be well designed and compatible with the design of the sign.
 - 7) Interior illuminated boxed display signs ("can" signs) are prohibited.
- F) Suspended. The following standards apply to suspended signs in all zoning districts where allowed by Section 18.82.060 (Sign Standards by Zoning District).
- 1) A projecting sign shall maintain a minimum clearance of eight feet (7') from the bottom of the sign to the finished grade below.
- G) Wall Signs. The following standards apply to wall signs in all zoning districts where allowed by Section 18.82.060 (Sign Standards by Zoning District).
- 1) A wall sign may be located on any primary or secondary building frontage.
 - 2) The area of the largest wall sign shall not exceed seven percent (7%) of the area of the building facade on which the sign is mounted or painted, including the area of windows, doors, and recesses.
 - 3) No sign shall project from the surface to which it is attached more than required for construction purposes, and in no case more than twelve inches (12").

- 4) No sign shall be placed so as to interfere with the operation of a door or window.
- H) Window Signs. The following standards apply to window signs in all zoning districts where allowed by Section 18.82.060 (Sign Standards by Zoning District).
- 1) Maximum Sign Area. Permanent and temporary window signs shall not occupy more than twenty percent (33%) of the total window area.
 - 2) Permanent window signs shall be allowed only on windows located on the ground level and second story of a building frontage.
 - 3) Signage shall consist of individual letters, logos, or symbols applied to the glass surface; however, neon signs with transparent backgrounds may be hung inside the window glass line.
- I) Murals. A mural is considered Public Art and is permitted as designated Table 18.42.030-1 (Permitted Use Matrix for Commercial and Medical/Professional Office Districts), Table 18.46.030-1 (Permitted Use Matrix for Industrial District) and Table 18.50.030-1 (Permitted Use Matrix for Public/Quasi-Public and Parks and Recreation Districts) placed on the wall of a building larger than 10 square may be permitted in any commercial industrial zoning district subject to the issuance of a conditional use permit (CUP), and as follows.
- 1) A mural is in addition to (not counted as part of) the sign area allowed by Section 18.82.060 (Sign Standards by Zoning District).
 - 2) Murals that illustrate the local setting and history as sources of inspiration are encouraged.
 - 3) The approval of a mural shall require that the review authority first find that the size, colors, and placement of the mural are visually compatible with the building architecture and that the mural will serve to enhance the aesthetics of the city.
 - 4) The use of a mural to advertise businesses is prohibited.

Section 18.82.080 Standards for Temporary Signs

This section describes standards for temporary on-site signs. Temporary signs may include, but are not limited to, commercial signs for grand openings or for special product, sale, or event advertising. All temporary signs must comply with the standards listed in Table 18.82.080-1 and are subject to the following.

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A) General Requirements.

- 1) Application Process. If required according to Table 18.82.080-1 (Temporary Sign Standards), a Temporary Sign Permit (18.16.100) must be obtained prior to installation.
- 2) Duration. Unless otherwise noted in subsection D (Requirements for Temporary Signs) below, display periods for temporary on-site signs shall be limited to a maximum of forty-five days, provided that the same type of temporary sign was not located on the site for a minimum of thirty (30) days prior to display and the same type of temporary sign will not be displayed for a minimum of thirty (30) days after unless described otherwise in this section.
- 3) Illumination. Temporary signs shall not be illuminated.
- 4) Message. Temporary signs displaying a commercial message shall be limited to on-site signage only. Off-site signage displaying a commercial message shall not be permitted.

B) Requirements by Specific Type of Temporary Signs. Temporary signs are allowed subject to requirements identified in Table 18.82.080-1.

Table 18.82.080-1. Temporary Sign Standards

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel	Duration	Location and Other Considerations	Temporary Sign Permit Required?
Banner – Horizontal	Roofline	One (1) sign per establishment per street frontage	1 sf/1 sf, max 100 sf	30 days	n/a	Yes
Banner – Vertical	10 ft	One (1) sign per establishment per street frontage	1 sf/1 lf, max 100 sf	30 days	n/a	Yes
Construction Sign	6 ft	One (1)	32 sf	Shall be removed within fourteen days of the issuance of a certificate of occupancy	Set back a minimum of 10 feet from the property line. Not permitted be allowed if an on-site subdivision sign is approved.	No

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Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel	Duration	Location and Other Considerations	Temporary Sign Permit Required?
Directional – Off-Site	6 ft	One (1)	4 sf	30 days	Only permitted in commercial zones where the structure or event is located more than 150 feet from a predominant public street frontage	No
Grand-opening	6 ft	Three (3)	No limit	30 days	Only permitted in commercial or industrial zones. See Prohibited Signs (Section 18.82.040).	No
Special event signs	6 ft	Three (3)	No limit	30 days	Only permitted in commercial or industrial zones. See Prohibited Signs (Section 18.82.040).	No
Inflatable signs	No limit	One (1)	No limit	30 days	Only permitted in commercial or industrial zones. See Prohibited Signs (Section 18.82.040).	Yes
Non-Commercial Stake Sign in Residential Zone	6 ft	One (1)	8 sf	30 days	Only on private property; not on any public property or public right-of-way	No
Non-Commercial Stake Sign in Nonresidential Zone	6 ft	One (1)	32 sf	30 days	Only on private property; not on any public property or public right-of-way	No
Signs on Property for Sale – Off-Site Directional in Residential Zones	n/a	n/a	6 sf	n/a	Located on private property only	No
Signs on Property for Sale – On- Site Residential Zone	n/a	One (1)	6 sf	n/a	Located on the property it advertises	No
Signs on Property for Sale – On-Site Nonresidential Zone	6 ft	One (1) per parcel street frontage	16 sf	30 days	n/a	No

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Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel	Duration	Location and Other Considerations	Temporary Sign Permit Required?
Subdivision Directional Sign – Off-Site	6 ft	A maximum of three (3) off-site signs may be located on private property (not within any public right-of-way)	32 sf maximum each	30 days	The signs shall not affect pedestrian or vehicular safety	No
Subdivision Sign – On-Site	6 ft	Two (2), provided no more than one sign per street frontage, and multiple signs separated by a minimum of 75 feet	32 sf maximum each	30 days	The signs shall not affect pedestrian or vehicular safety.	No
Wall-Mounted Signs (not otherwise listed in this table)	As prescribed in Section 18.82.060 (Sign Standards by Zoning District)	As prescribed in Section 18.82.060 (Sign Standards by Zoning District)	50% of the total sign area allowed on the site by Section 18.82.060 (Sign Standards by Zoning District)	30 days	n/a	Yes
Window Signs (Temporary)	As prescribed in Section 18.82.060 (Sign Standards by Zoning District)	n/a	33% of total window area (can't obstruct view from cashier to outside)	30 days	Shall only be located within the ground-floor windows of the structure	No

Section 18.82.090 Exceptions to Sign Area Limitations

The review authority may grant an exception to increase the maximum allowed sign area by up to twenty-five percent (25%) if the review authority first determines that:

- A) The position or setback of the building on the site requires additional area for effective signing;
- B) The exceptional size of the structures, uses, or site requires additional sign area for effective identification from major approaches to the site; or
- C) The name of the business or use to be identified is exceptionally long, so that sign readability would be impaired by crowding words into the allowable sign area.
- D) The planning commission may allow and increase of up to a fifty percent (50%) increase in sign area for unique architectural or artistic applications of signage (e.g., murals)

Section 18.82.100 Nonconforming Signs

A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this title.

- A) General Requirements. A nonconforming sign shall not be:
 - 1) Changed to another nonconforming sign;
 - 2) Structurally altered to extend its useful life;
 - 3) Enlarged;
 - 4) Re-established after a business is discontinued for thirty days; or
 - 5) Re-established after damage or destruction to fifty percent (50%) or more of the value of the sign, or its components, as determined by the building official.
- B) Maintenance and Changes. Sign copy and face changes, nonstructural modifications and nonstructural maintenance (i.e., painting, rust removal) are allowed without a sign permit up to a maximum of twenty-five percent (25%) of the existing total area of the sign. Face changes not including copy, and any nonstructural modifications exceeding twenty-five percent (25%) of the existing total area of the sign, and any structural changes shall comply with all applicable standards of this chapter.

Section 18.82.110 Violations and Abatement

- A) Public Nuisance Declared by planning director. Any sign erected or maintained contrary to the provisions of this chapter may be declared to be a public nuisance by the planning director, and proceedings for its removal may take place in compliance with this code.
- B) Public Nuisance Declared by Council. The planning director may ask the council to declare a sign a public nuisance under the following conditions.
 - 1) The sign is significantly damaged either in support structure or sign face, as determined by the building official;
 - 2) The sign is illegible either through fading, rusting, or erosion of the sign face or through faulty or missing illumination; or
 - 3) The sign is unsafe for vehicles or pedestrians.
- C) Removal of Abandoned Sign. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the planning director shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with the notice, the planning director may have the sign removed at the owner's expense. Proceedings for the removal of signs and/or support structures shall comply with Chapter 18.08 (Enforcement).

Chapter 18.84 Wireless Communications

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Section 18.84.010 Purpose and Intent

The primary purpose of this chapter is the preservation of the unique lifestyle that is enjoyed those working, living, and visiting in Patterson. In addition, the preservation of historic structures, views, and their context will be given a high priority in the approval of facilities, with location, appearance, screening, and related issues receiving special attention. It is also the intent of this section to ensure that all providers of cellular telephone and other communication-related services requiring the placement of antennas are allowed an opportunity to locate and provide services within the city of Patterson.

Section 18.84.020 Application Requirements

In addition to other local, state, or federal requirements, applications for construction, placement, or erection of wireless communication towers, equipment shelters, or other such communication facilities shall include the following:

- A) A survey of other sites within appropriate zone districts in the community which could physically accommodate the facility, with documentation showing why such sites were not selected.
- B) Computer-generated photosimulations of the site, with the antenna or other proposed structures superimposed, from various nearby positions, and if visible from a Historic Overlay Zone, from critical points of view within that zone.
- C) A grid map depicting an inventory of all existing towers, as well as all of that applicant's planned towers and sites, that are either within the city or with five (5) miles of the border thereof.

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- D) Other requirements may be imposed on the project at the discretion of the planning director, provided such requirements reasonably pertain to the compatibility of the project with adjacent uses and structures.

Section 18.84.030 Compliance with Applicable Codes

Every wireless communication facility constructed within the city of Patterson shall comply with all safety standards of the American National Standards Institutes, Institute of Electrical and Electronic Engineers, Public Utilities Commission, Federal Communications Commission, Uniform Building Code, National Electric Code, the Patterson municipal code, and all other codes and standards as applicable.

Section 18.84.040 Permits, Planning, and Land Use

All wireless communication facilities shall be subject to the following permitting:

- A) Administrative Approval. All co-located or interior building-mounted facilities which comply with the regulations contained in this chapter, including but not limited to height, location, and screening.
- B) Conditional Use Permit. For those facilities which require approval of a conditional use permit, and where it is determined the project may create a significant impact to the neighborhood, the planning director may require an independent third-party review, at the expense of the applicant, to confirm the information provided by the applicant. Those facilities requiring a conditional use permit shall include:
- 1) All ground-mounted or freestanding facilities not co-located with other similar facilities.
 - 2) All facilities which exceed the height limitations for the land use zone in which they are located.
 - 3) Where multiple wireless communication sites are proposed by a single applicant, a conditional use permit shall be required to act as a master land use permit for all sites under single review by the planning commission.
 - 4) Those facilities having deemed by the planning director to have the potential to cause visual or other impacts requiring substantial mitigation, or for which environmental review should be carried out.

Section 18.84.050 Height

All wireless communication equipment, antennas, poles, or towers shall be of a minimum functional height. Building-mounted and ground-mounted facilities shall not exceed fifteen (15') feet in height greater than the height permitted for the district in which is located.

Section 18.84.060 Location

- A) New wireless communication facilities shall be co-located with other existing or planned facilities where feasible or where found to minimize visual impact. Care shall be given to use this requirement judiciously in order to prevent nuisance or blight conditions.
- B) No facility that is attached to a self-supporting tower shall be installed or constructed closer than one (1) mile from another such site.
- C) All new facilities shall be located outside of the required setback area for the respective zone district in which the facility is located.
- D) No new facility shall be located so as to interfere with views of, or from within an historic overlay district, or in such a way that historic views or context are materially altered.
- E) No new facility shall be located within six hundred (600') feet of a Historic Overlay District.
- F) Every effort shall be made to locate facilities on the site chosen so that visual impact is minimized.

Section 18.84.070 Residential District Limitations

Only those facilities which comply with zone height restrictions and are totally enclosed within a permitted building shall be allowed within one thousand (1,000') feet of any existing residential district within the city, which use conforms to current city zoning regulations. No facilities are permitted within any residentially zoned district.

Section 18.84.080 Visual Compatibility and Screening

- A) Stealth facilities and concealed antennas. All equipment shall be concealed from view and disguised so as to not appear as telecommunication equipment (e.g. within a clock tower, disguised as a Mono-palm, enclosed within an existing building, screened on top of an existing rooftop, etc.)

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- B) When a stealth installation is not feasible, as determined by the Planning Commission, wireless communication facilities and related equipment shall be screened or camouflaged so as to reduce visual impacts. Existing site features shall be used to screen the facility where possible.

Figure 18.84.080-1 Examples of Stealth Cell Towers



Facility Enclosed in a Clock Tower



Telecommunication Tower Disguised as a Palm Tree

- C) All antennas, towers, or related equipment shall be coated with a non-reflective finish or paint consistent with the background area where the facility is to be placed.

- D) Screening for ground-mounted equipment shall include existing and/or new vegetation and water efficient irrigation as determined by staff or the planning commission. Landscape and irrigation plans shall be submitted for review and approval.
- E) Building-mounted equipment shall be located, painted, and/or architecturally designed so as to be compatible with surrounding building and/or uses to the satisfaction of the planning director.

Section 18.84.090 Discontinuance of Use

The service provider operating a wireless communication facility shall notify the city of the intent to discontinue operation no less than thirty (30) days prior to such cessation of operation. Upon the discontinuance of use, all related equipment shall be removed and the property restored to pre-construction condition within ninety (90) days of cessation of operation.

Chapter 18.86 Inclusionary Housing

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Section 18.86.010 Purpose

This chapter is intended to assist in the provision of affordable housing for persons of moderate, low, and very low income. Public housing programs and housing subsidy programs can meet only a small portion of the need for low- and moderate-income housing. The majority of housing units has been, and will continue to be, produced by the private housing industry. Private industry has the capability to assist in providing affordable housing given supportive government policies and programs, including incentives and public investment, as appropriate. This program is designed to promote a full range of housing choices, to require construction and continued existence of affordable dwelling units, to provide for a program of incentives and local public subsidy, and to implement the housing element of the city's general plan.

Section 18.86.020 Applicability

The requirements of this chapter apply to all newly constructed dwelling units within the city of Patterson. At least fifteen percent (15%) of all newly constructed dwelling units in a residential project shall be developed, offered to, and sold or rented to very low-, low-, and moderate-income households, at an affordable housing cost, according to Section 18.86.030 (Inclusionary Unit Requirement).

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Section 18.86.030 Inclusionary Unit Requirement

- A) Requirements for Owner-Occupied Developments. Sixty percent (60%) of the affordable units, which are required to be constructed in connection with the construction of market-rate units intended for owner occupancy, shall be available at affordable sales prices to moderate-income households. The remaining forty percent (40%) of the required affordable units shall be available at affordable sales prices to low-income households.
- B) Requirements for Renter-Occupied Unit Developments. Forty percent (40%) of the affordable units, which are required to be constructed in connection with construction of rental market-rate units, shall be available at affordable rents to very low-income households. The remaining sixty percent (60%) of the required affordable units shall be available at affordable rents to low-income households.
- C) The affordable units shall be constructed on-site not later than the related market-rate units, unless one of the alternative actions set forth in Section 18.86.060 (Affordable Housing Concessions and Incentives) is performed. Such dwelling units shall include a covenant that each dwelling unit shall be affordable for thirty years. For fractions of affordable units, the owner of the property must either construct the next higher whole number of affordable units or perform an alternative action as specified in Section 18.86.060.
- D) On-site inclusionary units shall have access to common amenities in development projects.
- E) Affordable units are subject to annual reporting requirements to ensure continued compliance.

Section 18.86.040 Design and Building Requirements

All inclusionary units shall be comparable with the market-rate units in terms of the size, base design, appearance, materials, and finished quality, and shall be proportional in number, size, and location. Affordable units shall be comparable in number of bedrooms, exterior appearance, and overall quality of construction to first-class quality affordable housing found elsewhere in the city. Subject to the approval of the planning director, square footage of affordable units and interior features in affordable units need not be the same as, or equivalent to, those in market-rate units in the same residential project, so long as they are of good quality and are consistent with contemporary standards for new housing.

Affordable units shall be dispersed throughout the residential project, or, subject to the approval of the planning director, may be clustered within the residential project when this furthers affordable housing opportunities.

All affordable units in a residential development shall be constructed concurrently with or prior to the construction of the market-rate units. In the event that the city approves a phased project, the inclusionary units required by this chapter shall be proportionately provided within each phase of the residential development.

Section 18.86.050 Alternative Equivalent Proposal

In lieu of including the affordable housing units on-site, the requirements of this chapter may be satisfied through the alternatives discussed below. If the planning director finds that on-site units are infeasible, the developer shall submit an equivalency proposal to the planning commission for approval. Such proposals shall show why compliance with this chapter is not financially or otherwise feasible and how the alternative proposed will further affordable housing opportunities in the city to an equal or greater extent than compliance with the express requirements set forth under Section 18.86.030 (Inclusionary Unit Requirement). A proposal for an alternative equivalent action may include, but is not limited to, the construction of affordable units on another site, dedication of land, the acquisition or rehabilitation of existing substandard dwelling units and the enforcement of required rental/sales price restrictions, and/or an in-lieu fee.

Applicants proposing to construct rental affordable units in lieu of owner-occupied affordable units as permitted by California Government Code § 65589.8 (or its successor provision) shall submit an equivalency proposal pursuant to this section.

A) Alternative Equivalency Proposals.

- 1) Off-Site Housing. In the event that on-site inclusionary housing is infeasible, upon application of the developer and at the discretion of the planning commission, the developer may satisfy the requirements of providing inclusionary units as part of the residential development, in whole or in part, by constructing or substantially rehabilitating units equal to or greater than the required inclusionary units at a site different than the site of the residential development.
- 2) Dedication of Land for Housing. In the event that on- or off-site inclusionary housing is infeasible, upon application of the developer and at the discretion of the planning commission, the developer may satisfy the requirement of providing inclusionary units as part of the residential development, in whole or in part, by a conveyance of land to the city for the construction of the required inclusionary units.

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- 3) Payment of an In-Lieu Fee. In exceptional cases where the developer finds on-site inclusionary housing, off-site inclusionary housing, or the dedication of land is infeasible, upon application of the developer, and at the discretion of the planning commission, a fee in lieu of all or some of the inclusionary units may be paid by the developer.
 - 4) The housing in-lieu fee shall be charged on a percentage basis of the projected construction costs of market-rate dwelling units. The amounts and calculation of the housing in-lieu fee shall be established by resolution of the city council. Construction costs of market-rate dwelling units are determined in accordance with the definition in Article V (Definitions), which states "Construction costs shall mean the estimated cost per foot of construction, as established by the building department of the city of Patterson for use in the setting of regulatory fees and building permits, multiplied by the total square footage to be constructed for each dwelling unit, minus square footage for garage area." For attached single-family residential and rental residential development projects, construction costs shall be separately calculated for each dwelling unit and the appropriate fee paid for each unit within the residential project. The housing in-lieu fee required by this section may be satisfied either by cash payment or upon the recommendation of the planning director and approval of the city council, by an alternative which will provide the city with a value equal to or greater than the amount of the required in-lieu fee.
- B) Further Specifications for Alternative Equivalency Proposals.
- 1) Standard for Approval. The planning commission may approve an equivalency proposal only if it is not financially or otherwise feasible to construct the units within the development and the alternative provides a more cost-efficient solution to the inclusionary housing component than the standard approach set forth in this document, or if the location of off-site development would be superior to on-site development from the perspective of access to transportation, services, public facilities, or other applicable residential planning criteria in the general plan.
 - 2) Affordable Units Off-Site. An applicant may propose to meet its obligation under the ordinance through new construction, substantial rehabilitation of dwelling units, or adaptive reuse of an existing structure(s) at a location off-site from the proposed residential development.
 - 3) Number of Inclusionary Units Credited to the Dedication of Land. The number of inclusionary units credited to the dedication of land will be determined based on the total development cost to provide the inclusionary dwelling units, including the land and construction costs, so that the appraised value of

the land that is dedicated to the city is equivalent to the total development costs of the inclusionary requirement. If the appraised value of the dedicated land is less than the total development costs, the developer will be credited for inclusionary units to the extent that the appraised value covers any portion of the development costs of the inclusionary requirement. Any fractions of a unit will be rounded down to the nearest whole unit.

With respect to dedicated land, the city, upon acceptance of an offer of dedication, shall publish a request for proposal for development of the site(s) which will result in at least the number of units credited to the site(s).

- 4) **Site Suitability.** The land proposed for dedication must be suitable from the perspective of size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria.
- 5) **Site Identification and Regulatory Status.** The developer must identify the proposed dedicated site and the number of proposed units to be credited thereby as part of the equivalency proposal required in this document. At the same time or before the development project receives its legislative entitlements, the dedicated land shall have received all the legislative entitlements necessary for development of the inclusionary units on such land. Unless the phasing plan requires otherwise, at the same time or before a residential project records a final map, or is issued a building permit, whichever is earlier, the dedicated land shall have received all the necessary project-level approvals necessary for development of the inclusionary units on such land, and prior to the issuance of any certificate of occupancy for a residential project, the dedicated land shall be fully served with the infrastructure necessary for residential development.
- 6) **Planning Commission Review.** If the equivalency proposal is accepted or accepted as modified by the planning commission, the relevant elements of the equivalency proposal shall be included in the applicable legislative approvals for both the residential development generating the requirement for the inclusionary housing component and, if applicable, the dedicated site, off-site development, or rehabilitation project where all or part of that requirement is proposed to be met. If the equivalency proposal is rejected, the inclusionary housing component shall be provided as set forth in this document within the development project.
- 7) **Implementation.** As early as possible in the regulatory process, the owner of the residential project must: (a) in the case of land dedication, provide an irrevocable offer of dedication for the dedicated site at no cost to the city or to a developer of affordable housing approved by the city; and (b) in the case of

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off-site development, demonstrate to the planning commission that the off-site location is, and will remain committed to, the timely development of the inclusionary units; and (c) in the case of new construction or substantial rehabilitation of rental units, assure that the units will be rent restricted for thirty years with respect to each affordable unit. The commitment of off-site land may be demonstrated through ownership of the off-site location, or through adequate control of the use of the off-site location through joint-ownership, joint venture or other contractual means. If necessary to ensure that inclusionary housing units are developed or rehabilitated contemporaneously with the market-rate units, the city may require the offer of dedication, evidence of off-site control, or commencement of rehabilitation as early as the recording of a final map or issuance of a building, whichever occurs first.

With respect to an off-site location, the planning commission may also condition development or occupancy of the residential project on development or occupancy of the off-site inclusionary units, and the inclusionary housing agreement must apply to and be recorded against both the residential project and the off-site development. With respect to dedicated land, the city, upon acceptance of the offer of dedication, shall publish a request for proposal for development of the site(s) which will result in the production of at least the number of inclusionary units credited to the site(s).

- 8) Appeals. An applicant or any aggrieved person may appeal decisions of the planning director and the planning commission as provided the Patterson city zoning ordinance.

Section 18.86.060 Affordable Housing Concessions and Incentives

The developer may request that the city provide inclusionary incentives as set forth in this section. The goal of these inclusionary incentives is to apply available incentives to qualifying projects in a manner that, to the extent feasible, offsets the cost of providing the inclusionary housing component. The planning director shall respond to that request and make a recommendation to the appropriate review authority (planning commission or city council) regarding a determination as to a package of inclusionary incentives.

- A) Fee Waivers or Deferrals. Upon application as provided herein, the city shall make available a program of waiver, reduction, or deferral of development fees, administrative fees, and financing fees for affordable units. Such a program may include a fifty percent (50%) waiver of development-related application and processing fees for affordable units constructed in connection with such residential project. In addition, the planning commission may consider, on a case-by-case basis, the provision of additional incentives as provided by law or in the housing element of the Patterson general plan.

- B) **Modification of Planning and Public Works Development Standards.** Upon application as provided herein, the city may modify for affordable units, to the extent feasible, in light of the uses, design, and infrastructure needs of the development, standards relating to road widths, curbs, and gutters, parking, lot coverage, and minimum lot sizes.
- C) **Interior Finish Reductions.** Upon application as provided herein, the city may, to the maximum extent appropriate in light of project design elements, allow builders to finish the interior of affordable units with less expensive finishes and appliances, subject to approval by the planning director.
- D) **Streamlining and Priority Processing.** The planning director shall review and modify, as appropriate, procedures for streamlining and priority processing which relieve affordable units of permit processing requirements to the maximum extent feasible consistent with the public health, safety, and welfare.
- E) **Density Bonus.** The city shall make available to the developer a density bonus as provided in state density bonus law (Government Code § 65915); however, the affordability requirements to qualify for a density bonus shall be those stated in Section 18.86.030 (Inclusionary Unit Requirement) and the other provisions of this chapter. Units produced as part of such a density bonus do not give rise to an inclusionary housing requirement.
- F) **Local Public Funding.** If available, the developer may apply for local public funding to assist in the financing and development of the inclusionary housing component. Local public funding may serve to facilitate state allocation of tax credits, mortgage revenue bonds, or other state or federal assistance. However, the provision of local subsidies requires that the developer also diligently pursue other external state and federal subsidies.
- G) The city council may consider, on a case-by-case basis, at its sole discretion, the provision of additional concessions or incentives consistent with state law and the housing element of the city of Patterson general plan for residential development projects which provide at least fifteen percent (15%) of the total dwelling units as affordable units.

Section 18.86.070 Time Performance Required

No temporary or permanent certificate of occupancy for any new dwelling unit in a residential project shall be issued until the permittee has met the on-site construction inclusionary requirement of the residential development or has satisfactorily performed one of the alternative actions set forth in this document.

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Section 18.86.080 Collection and Use of In-Lieu Fees

Any monies contributed to the city pursuant to the provisions of this chapter shall be payable to the city of Patterson for the purpose of providing affordable housing. Payment of the fee shall be made in full prior to the issuance of building permits or recordation of final maps.

Any fees collected and interest accrued pursuant to this chapter shall be committed within five years after the payment of such fees.

Section 18.86.090 Exempted Residential Development

The following development projects are exempt from this chapter and generate no obligation to provide an inclusionary housing component:

- A) Residential projects proposed to contain ten or fewer residential dwellings at one location.
- B) Rehabilitation of existing residential dwellings.
- C) Units produced as a density bonus.
- D) Any residential project for development of single-family residential units or subdivision lots created pursuant to a final map recorded on or before September 2006, subdivision lots created pursuant to a final map recorded on or before September 2006, where the only remaining discretionary entitlements required to develop the project are one or more of the following non-legislative entitlements: variance, plan review, or design review.
- E) Replacement of dwelling units destroyed by natural disaster or accidental loss.
- F) The construction of a single dwelling unit which is the whole of a residential development project and which is built, owned, and after completion, occupied for two years by a moderate-income household verified by the planning director and which meets the requirements established by this chapter. For the purposes of this exemption, a dwelling unit shall be deemed "built" by its owner if it is built by or for a permit holder who intends to reside in the dwelling unit subject to this chapter.
- G) Projects that are the subject of development agreements currently in effect with the city and approved prior to the effective date of this chapter where such agreements expressly preclude the city from requiring compliance with this type of a housing fee program.

- H) A residential development project to the extent it has received a vested right to proceed without payment of housing impact fees pursuant to state law.
- I) Building permits for residential development projects if compliance with this section for such project has already been satisfied including, but not limited to, building permits on newly created lots where the subdivider has built affordable units or otherwise satisfied this section.

Section 18.86.100 Administration of Affordability Control

Prior to the issuance of certificates of occupancy for affordable units, regulatory agreements and, if the affordable units are owner-occupied, resale restrictions, deeds of trust, and/or other documents, all of which must be acceptable to the planning director and consistent with the requirements of this chapter, shall be recorded against parcels having such affordable units and shall be effective for at least the period of time required by Health and Safety Code § 33413 with respect to each affordable unit.

The maximum sales price permitted on resale of an affordable unit intended for owner occupancy shall not exceed the seller's purchase price, adjusted for the percentage increase in median income since the seller's purchase, plus the value of substantial structural or permanent fixed improvements to the property as determined by the county assessor. Median income shall be calculated based on the presumed occupancy levels used to determine affordable sales price.

The resale restrictions shall provide that in the event of the sale of an affordable unit intended for owner occupancy, the city shall have the right to purchase such affordable unit at the maximum price which could be charged by the household.

No household shall be permitted to occupy an affordable unit, or purchase an affordable unit for owner-occupancy, unless the city or its designee has approved the household's eligibility, or has failed to make a determination of eligibility within the time or other limits provided by a regulatory agreement or resale restrictions. Households selected to occupy affordable units shall be selected from the list of eligible households maintained by the city to the extent provided in the regulatory agreement or resale restrictions.

Section 18.86.110 Enforcement

It shall be a misdemeanor for any person to sell or rent an affordable unit as specified in this chapter at a price or rent exceeding the maximum allowed or to a household not qualified, unless authorized by the regulatory agreement for such unit.

The Patterson city attorney, as appropriate, shall be authorized to enforce the provisions of this document and all regulatory agreements and resale controls placed on affordable units by civil action and any other proceeding or method permitted by law.

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Failure of any official to fulfill the requirements of a provision of this document shall not excuse any applicant from fulfilling the remaining requirements of the ordinance codified in this chapter.

Section 18.86.120 Adjustments

A developer of any project subject to the requirements in this chapter may appeal to the city council for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of the development and either the amount of the fee charged or the inclusionary requirement.

A developer subject to the requirements of this chapter who has received an approved tentative subdivision or parcel map, use permit, or similar discretionary approval and who submits a new or revised tentative subdivision or parcel map, use permit, or similar discretionary approval for the same property may appeal for a reduction, adjustment, or waiver of the requirements with respect to the number of lots or square footage of construction previously approved.

Any such appeal shall be made in writing and filed with the city clerk not later than ten days before the first public hearing on any discretionary approval or permit for the development, or if no such discretionary approval or permit is required, or if the action complained of occurs after the first public hearing on such permit or approval, then the appeal shall be filed within ten days after payment of the fees objected to. The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The city council shall consider the appeal at the public hearing on the permit application or at a separate hearing within sixty days after the filing of the appeal, whichever is later. The appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support appellant's position. No waiver shall be approved by the city council for a new tentative subdivision or parcel map, user permit, or similar discretionary approval on property with an approved tentative subdivision or parcel map, use permit, or similar discretionary permit unless the council finds that the new tentative subdivision or parcel map, user permit, or similar discretionary approval is superior to the approved project both in its design and its mitigation of environmental impacts. The decision of the council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement.

18.88 Density Bonus and Affordable Housing Incentives

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Section 18.88.010 Purpose

In accordance with Sections 65915, 65915.5, and 65917 of the California Government Code, this chapter is intended to provide incentives for the production of housing for very low-income, low-income, and senior households and for the production of housing for moderate-income households residing in condominium and planned development projects. In enacting this chapter, it is also the intent of the city of Patterson to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the city’s housing element.

Section 18.88.020 Applicability

The provisions of this chapter apply to residential developments seeking a density bonus, which would allow that maximum residential density limits established for the applicable zoning district to be exceeded.

Section 18.88.030 Calculation of Density Bonus and Number of Incentives and Concessions

- A) Subject to the findings included in Section 18.88.090(C), the city shall grant a density bonus to a developer of a housing development who seeks a density bonus and agrees to construct at least one of the following:

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- 1) Ten percent (10%) of the total units of the housing development as target units affordable to low-income households; or
 - 2) Five percent (5%) of the total units of the housing development as target units affordable to very low-income households; or
 - 3) A senior citizen housing development; or
 - 4) Ten percent (10%) of the total units of a newly constructed condominium project or planned development as target units affordable to moderate-income households.
- B) In determining the number of density bonus units to be granted pursuant to subsection A of this section, the maximum residential density for the site shall be multiplied by 0.20 for subsections (A)(1), (A)(2), and (A)(3) of this section and 0.05 for subsection (A)(4) of this section, unless a lesser number is selected by the developer.
- 1) For each one percent (1%) increase above ten percent (10%) in the percentage of units affordable to low-income households, the density bonus shall be increased by one and one-half percent (1.5%) up to a maximum of thirty-five percent (35%).
 - 2) For each one percent (1%) increase above five percent (5%) in the percentage of units affordable to very low-income households, the density bonus shall be increased by two and one-half percent (2.5%) up to a maximum of thirty-five percent (35%).
 - 3) For each one percent (1%) increase above ten percent (10%) of the percentage of units affordable to moderate-income households, the density bonus shall be increased by one percent (1%) up to a maximum of thirty-five percent (35%).
- When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger whole number.
- C) The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus. When calculating the required number of target units, any calculations resulting in fractional units shall be rounded to the next larger whole number.

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- D) The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required target units pursuant to subsection A of this section. Regardless of the number of target units, no housing development may be entitled to a density bonus of more than thirty-five percent (35%).
- E) Subject to the findings included in Section 18.88.090(C), when a developer seeks a density bonus, the city shall grant incentives or concessions listed in Section 18.88.080 as follows:
 - 1) One incentive or concession for projects that include at least ten percent (10%) of the total units for low-income households, at least five percent (5%) for very low-income households, or at least ten percent (10%) for persons and families of moderate income in a condominium or planned development.
 - 2) Two incentives or concessions for projects that include at least twenty percent (20%) of the total units for low-income households, at least ten percent (10%) for very low-income households, or at least twenty percent (20%) for persons and families of moderate income in a condominium or planned development.
 - 3) Three incentives or concessions for projects that include at least thirty percent (30%) of the total units for low-income households, at least fifteen percent (15%) for very low-income households, or at least thirty percent (30%) for persons and families of moderate income in a condominium or planned development.
- F) Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low-income target units, low-income target units, or moderate-income target units, or the project's status as a senior citizen housing development. Density bonuses from more than one category may not be combined.
- G) In accordance with state law, neither the granting of a concession or incentive nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.
- H) The following tables summarize this information:

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18.88.030-1 Density Bonus Summary Table

Target Group	Minimum % Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% Target Units Required for Maximum 35% Bonus
Very low income	5%	20%	2.5%	11%
Low income	10%	20%	1.5%	20%
Moderate income (Condo or PD only)	10%	5%	1%	40%
Senior citizen housing development	100%	20%	—	—

18.88.030-2 Incentives/Concessions Summary Table

Target Group	Target Units		
Very low income	5%	10%	15%
Low income	10%	20%	30%
Moderate income (condo or PD only)	10%	20%	30%
Maximum incentive(s)/concession(s)	1	2	3

Note: A concession or incentive may be requested only if an application is also made for a density bonus, except for child-care facilities pursuant to Section 18.88.050.

Section 18.88.040 Land Donation

- A) When a developer of a housing development donates land to the city as provided for in this section, the developer shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development. For each one percent (1%) increase above the minimum ten percent (10%) land donation described in subsection (B)(2) of this section, the density bonus shall be increased by one percent (1%), up to a maximum of thirty-five percent (35%). This increase shall be in addition to any increase in density allowed by Section 18.88.030(B), up to a maximum combined density bonus of thirty-five percent (35%) if a developer seeks both the increase required pursuant to this section and Section 18.88.030. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger whole number.

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- B) A housing development shall be eligible for the density bonus described in this section if the city makes all of the following findings:
- 1) The developer will donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or development application for the housing development.
 - 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 ten percent (10%) of the number of residential units of the proposed development, or will permit construction of a greater percentage of units if proposed by the developer.
 - 3) The transferred land is at least one acre in size or of sufficient size to permit development of at least forty units, has the appropriate general plan designation, is appropriately zoned for development as very low-income housing, and is now or at the time of construction will be served by adequate public facilities and infrastructure. The land also has the appropriate zoning and development standards to make the development of the very low-income units feasible. No later than the date of approval of the final subdivision map, parcel map, or development application for the housing development, the transferred land will 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.
 - 4) The transferred land and the very low-income units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units consistent with this chapter, which restriction will be recorded on the property at the time of dedication.
 - 5) The land will be transferred to the city, or to a housing developer approved by the city. The city reserves the right to require the developer to identify a developer of the very low-income units and to require that the land be transferred to that developer.
 - 6) The transferred land is within the boundary of the proposed housing development. The transferred land may be located within one-quarter mile of the boundary of the proposed housing development, provided that the city makes all of the findings included in this section.

18.88 Density Bonus and Affordable Housing Incentives

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Section 18.88.050 Child-Care Facilities

- A) When a developer proposes to construct a housing development that includes target units as specified in Section 18.88.030 and includes a child-care facility that will be located on the premises of, as part of, or adjacent to the housing development, the city shall grant either of the following if requested by the developer:
- 1) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child-care facility.
 - 2) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child-care facility.
- B) A housing development shall be eligible for the density bonus or concession described in this section if the city makes all of the following findings:
- 1) The child-care facility will remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable pursuant to Section 18.88.070 of this chapter.
 - 2) Of the children who attend the child-care facility, the percentage of children of very low-income households, low-income households, or moderate-income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low-income households, low-income households, or moderate-income households.
- C) Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession for a child-care facility if it finds, based upon substantial evidence, that the community already has adequate child-care facilities.

Section 18.88.060 Condominium Conversions

- A) The city shall grant either a density bonus or other incentives of equivalent financial value if the applicant for a conversion of existing rental apartments to condominiums agrees to provide thirty-three percent (33%) of the total units of the proposed condominium project as target units affordable to low or moderate-income households, or to provide fifteen percent (15%) of the total units in the condominium conversion project as target units affordable to low-income households. All such target units shall remain affordable for the period specified in Section 18.88.070.

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- B) For purposes of this section, a density bonus means an increase in units of twenty-five percent (25%) over the number of apartments to be provided within the existing structure or structures proposed for conversion.
- C) No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were previously provided pursuant to this chapter or California Government Code § 65915.

Section 18.88.070 Affordability and Development Standards

- A) Target units shall be constructed concurrently with non-restricted units or pursuant to a schedule included in the density bonus housing agreement.
- B) Target units offered for rent to for low-income and very low-income households shall be made available for rent at an affordable rent and shall remain restricted and affordable to the designated income group for a minimum period of thirty years. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development. Target rental units will not meet the requirements for rental inclusionary units contained in Section 18.88.030 unless they remain restricted and affordable for ninety-nine years pursuant to Section 18.88.100.
- C) Target units offered for sale to very low-, low-, or moderate-income households in condominiums and planned developments shall be sold at an affordable ownership cost. The maximum resale price shall be the lower of: (1) fair market value; or (2) the seller's initial purchase price, increased by the lesser of: (A) the rate of increase of area median income during the seller's ownership, or (B) the rate at which the consumer price index increased during the seller's ownership. The seller of the unit shall retain the market value at the time of sale of any capital improvements made by the seller, the down payment, and the seller's proportionate share of appreciation. Because this subsection limits the seller's appreciation, the seller's proportionate share of appreciation is one hundred percent (100%).
- D) Target units shall be built on-site, unless off-site construction is approved in the city's discretion generally pursuant to Section 18.88.050(A) and shall be dispersed within the housing development. The number of bedrooms of the target units shall be equivalent to the bedroom mix of the non-target units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development.

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Housing developments shall comply with all applicable development standards, except those which may be modified as provided by this chapter.

- E) Upon the request of the developer, the city shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of Section 18.88.030 that exceeds the following ratios:
- 1) Zero to one bedrooms: one on-site parking space
 - 2) Two to three bedrooms: two on-site parking spaces
 - 3) Four and more bedrooms: two and one-half parking spaces

If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

Section 18.88.080 Development Standards Modified as Incentive or Concession

- A) Incentives or concessions that may be requested pursuant to Section 18.88.030 may include the following:
- 1) A reduction of site development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code and which result in identifiable, financially sufficient, and actual cost reductions, including, but not limited to:
 - a) Reduced minimum lot sizes and/or dimensions;
 - b) Reduced minimum lot setbacks;
 - c) Reduced minimum outdoor and/or private outdoor living area;
 - d) Increased maximum lot coverage;
 - e) Increased maximum building height and/or stories;
 - f) Reduced minimum building separation requirements;
 - g) Reduced street standards, such as reduced minimum street widths.

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- 2) Approval of mixed-use zoning in conjunction with the housing development if nonresidential land uses will reduce the cost of the housing development and if the city finds that the proposed nonresidential uses are compatible with the housing development and with existing or planned development in the area where the proposed housing development will be located.
 - 3) Incentives for inclusionary units listed in Section 18.88.030.
 - 4) Modifications of those development standards included in subsection (A)(1) of this section.
 - 5) Off-site construction of target units, provided that the city makes all of the findings included in Section 18.88.050(A) (Alternative Equivalency Proposals).
 - 6) Deferred development impact fees (e.g., capital facilities, parkland in lieu, park facilities, fire, or traffic impact fees).
 - 7) Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable, financially sufficient, and actual cost reductions.
- B) Developers may seek a waiver or modification of development standards that will have the effect of precluding the construction of a housing development meeting the criteria of Section 18.88.030 at the densities or with the concessions or incentives permitted by this chapter. The developer shall show that the waiver or modification is necessary to make the housing units economically feasible.

Section 18.88.090 Application Requirements and Review

- A) An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this chapter shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the city and shall include at least the following information:
- 1) Site plan showing total number of units, number and location of target units, and number and location of proposed density bonus units.
 - 2) Level of affordability of target units and proposals for ensuring affordability.

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- 3) Description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards. For all incentives and concessions except mixed-use development, the application shall include evidence that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. For waivers or modifications of development standards, the application shall show that the waiver or modification is necessary to make the housing units economically feasible and that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of Section 18.88.030 at the densities or with the concessions or incentives permitted by this chapter.
 - 4) If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Section 18.88.040(B) can be made.
 - 5) If a density bonus or concession is requested for a child-care facility, the application shall show the location and square footage of the child-care facilities and provide evidence that each of the findings included in Section 18.88.050(B) can be made.
- B) An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this chapter shall be considered by and acted upon by the approval body with authority to approve the housing development. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed to the planning commission and from the planning commission to the city council. In accordance with state law, neither the granting of a concession, incentive, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning change, variance, or other discretionary approval.
- C) Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:
- 1) If the density bonus is based all or in part on donation of land, the findings included in Section 18.88.040(B).
 - 2) If the density bonus, incentive, or concession is based all or in part on the inclusion of a child-care facility, the findings included in Section 18.88.050(B).

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- 3) If the incentive or concession includes mixed-use development, the finding included in Section 18.88.080(A)(2), the developer has shown that the waiver or modification is necessary to make the housing units economically feasible.
- D) If a request for a concession or incentive is otherwise consistent with this chapter, the approval body may deny a concession or incentive if it makes a written finding, based upon substantial evidence, of either of the following:
- 1) The concession or incentive is not required to provide for affordable rents or affordable ownership costs.
 - 2) The concession or incentive would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. For the purpose of this subsection, “specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.
- E) If a request for a waiver or modification is otherwise consistent with this chapter, the approval body may deny a concession or incentive only if it makes a written finding, based upon substantial evidence, of either of the following:
- 1) The waiver or modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. For the purpose of this subsection, “specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.
 - 2) The waiver or modification would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
- F) If a density bonus or concession is based on the provision of child-care facilities, the approval body may deny the bonus or concession if it finds, based on substantial evidence, that the city already has adequate child-care facilities.

18.88 Density Bonus and Affordable Housing Incentives

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Section 18.88.100 Density Bonus Housing Agreement

- A) Developers requesting a density bonus shall agree to enter into a density bonus housing agreement with the city. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this chapter and shall be recorded as a restriction on any parcels on which the target units or density bonus units will be constructed.
- B) The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind on all future owners and successors in interest.
- C) The density bonus housing agreement shall include, but not be limited to, the following:
 - 1) The total number of units approved for the housing development, the number, location, and level of affordability of target units, and the number of density bonus units.
 - 2) Standards for determining affordable rent or affordable ownership cost for the target units.
 - 3) The location, unit size in square feet, and number of bedrooms of target units.
 - 4) Provisions to ensure affordability in accordance with Sections 18.88.070(B) and (C) of this chapter.
 - 5) A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
 - 6) A description of any incentives, concessions, waivers, or reductions being provided by the city.
 - 7) A description of remedies for breach of the agreement by either party. The city may identify tenants or qualified purchasers as third-party beneficiaries under the agreement.
 - 8) Procedures for qualifying tenants and prospective purchasers of target units.
 - 9) Other provisions to ensure implementation and compliance with this chapter.

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- D) In the case of for-sale housing developments, the density bonus housing agreement shall include the following conditions governing the sale and use of target units during the applicable use restriction period:
 - 1) Target units shall be owner-occupied by eligible very low-, low-, or moderate-income households, or by qualified residents in the case of senior citizen housing developments.
 - 2) The purchaser of each target unit shall execute an instrument approved by the city and to be recorded against the parcel including such provisions as the city may require to ensure continued compliance with this chapter.
- E) In the case of rental housing developments, the density bonus housing agreement shall provide for the following:
 - 1) Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.
 - 2) Provisions requiring verification of household incomes.
 - 3) Provisions requiring maintenance of records to demonstrate compliance with this subsection.
- F) Density bonus housing agreements for land dedication and child-care facilities shall ensure continued compliance with all conditions included in Sections 18.88.040 and 18.88.050, respectively.

Chapter 18.90 Temporary Uses

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Section 18.90.010 Purpose

The purpose of this chapter is to establish regulations for uses of private property that are temporary in nature. These provisions place restrictions on the duration of the temporary use, its location, and other development standards. The intent of these regulations is to ensure that the temporary use does not adversely impact the long-term uses of the same or neighboring sites or impact the general health, safety, and welfare of persons residing within the community.

Section 18.90.020 Applicability

The regulations of this chapter apply to the temporary use of property within all city zoning districts

Section 18.90.030 Permit Required

- A) Except as otherwise provided in this zoning code, the temporary uses listed in this chapter shall require the issuance of a temporary use permit from the designated approving authority prior to establishment of the use. the process for accepting, reviewing, and approving or denying a temporary use permit shall be as described in Article II (Procedures), Chapter 18.16.070. (Temporary Use Permit).
- B) Applicants seeking a temporary use permit for a time period longer than otherwise allowed by this chapter may submit for a conditional use permit (CUP) for said activity, provided that it complies with all other relevant development and operational standards (other than time duration) for the use as provided in this chapter. Approval of the CUP shall be in accordance with the standards of Article II (Procedures), Section 18.18.020 (Conditional Use Permit).

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Section 18.90.040 Temporary Use Regulations

- A) Exempt Temporary Uses. The following temporary uses are exempt from the permit requirements of this chapter, provided they comply with the development standards listed herein.
- 1) Emergency Facilities. Temporary facilities to accommodate emergency public health and safety needs and activities.
 - 2) Construction Yards – On-Site. Yards and sheds for the storage of materials and equipment used as part of a construction project, provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity.
 - 3) Activities conducted on public property or within the public right-of-way that are approved by the city or as otherwise required by the municipal code.
- B) Allowed Temporary Uses and Related Standards. The following temporary uses may only be established after first obtaining a valid temporary use permit as described in Chapter 18.16.070 (Temporary Use Permit). Uses that do not fall within the categories defined below shall comply with the use and development regulations and planning permit requirements that otherwise apply to the property.
- 1) Construction Office. A temporary construction office used during the construction of a main building or buildings on the same site.
 - 2) Construction Yards – Off-Site. Site contractors' construction yards, in conjunction with an approved construction project.
 - 3) A mobile home for temporary caretaker quarters during the construction of a subdivision, multi-family, or nonresidential project, while a valid building permit is in force.
 - 4) Model Homes. A model home or model home complex may be authorized before the completion of subdivision improvements.
 - 5) Temporary real estate offices, including sales trailers and related facilities, may be established within the area of an approved residential subdivision project, solely for the first sale of homes. In addition, conditions of approval regulating the hours of operation, landscaping, or other aspects as deemed necessary may be imposed as part of the temporary use permit and subject to applicable building permits.

- 6) Outdoor Displays/Sales (e.g., sidewalk sales and parking lot sales). The establishment of temporary outdoor sales and the temporary display of goods, including promotional sales, may be conducted as part of an otherwise lawfully permitted or allowed permanent use. The temporary activity must be related to the on-site use and provided all activities shall be conducted within the buildable portion of the lot. The temporary activity is limited a maximum of thirty consecutive days. A total maximum of four, thirty day periods are permitted per year. Sales and display may not occupy more than ten percent (10%) of the parking area and shall not substantially alter the existing circulation pattern of the site. Temporary sales and displays shall not obstruct any existing handicap accessible parking space.
- 7) Seasonal Sales Lots. Temporary seasonal sales activities (e.g., Christmas trees, pumpkin sales, and other similar outdoor sales) may be permitted in any commercial or industrial zoning district, or on any religious facility or school site that abuts a collector or arterial roadway as designated in the general plan. Seasonal sales (e.g., Christmas tree sales, pumpkin sales) may be permitted in any nonresidential zoning district upon issuance of a temporary use permit. Only one permit per property is permitted with a one year time period and the term of permit shall not exceed sixty days. Temporary dwellings, including mobile homes, when a primary dwelling is being constructed or remodeled may be permitted, provided a valid building permit has been issued. The temporary dwelling shall be limited to a maximum of one year.
- 8) Temporary Signs. See Section 18.82.080 (Standards for Temporary Signs) for standards and additional limitations.
- 9) Temporary Structures (e.g., tents). A fire permit is required as part of the application.
- 10) Grand opening event/special day or weekend event (e.g., auction, craft fair, carnival, parking lot sale). The temporary activity is limited a maximum of seven consecutive days. A total maximum of four seven-day periods are permitted per year.
- 11) Flea markets are not permitted as a temporary use.
- 12) Farmers' markets may be permitted, provided such markets qualify as a certified farmers' market and all producers/vendors qualify as certified producers under the California Department of Food and Agriculture. The market must be located within the buildable portion of the lot on which it is to be located. The temporary use permit may impose conditions establishing the

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length of the permit, days and hours of operation, and other development factors as deemed appropriate.

- 13) When a temporary use is not specifically listed in this section, the planning director shall determine whether the proposed use is similar in nature to listed uses(s) and shall establish the term and make necessary findings and conditions for the particular use.

Section 18.90.050 General Development Standards

Each use granted a temporary use permit shall comply with all applicable zoning district and development standards as outlined in this zoning code. The planning director shall establish the following standards in combination with the provisions in Section 18.90.040 (Temporary Use Regulations) and based on the type of temporary use, in addition to standards in the zoning code for guidance:

- A) Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this zoning code; and
- B) Limitation on the duration of approved temporary structures to a maximum of one year, so that they shall not become permanent or long-term structures; and
- C) Other requirements as appropriate to minimize any adverse impacts of the use.

Section 18.90.060 Similar Uses

When a temporary use is not specifically listed in this section, the planning director shall determine whether the proposed use is similar in nature to listed uses(s) and shall establish the term and make necessary findings and conditions for the particular use, consistent with the provisions for similar use determination in Section 18.16.040. (Similar Use Determinations).

18.92 Drug or Alcohol Abuse Treatment Facilities

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Chapter 18.92 Drug or Alcohol Abuse Treatment Facilities

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Section 18.92.010 Purpose and Applicability.

Provides standards related to treatment facilities to ensure that they do not interfere with the health, safety and welfare of neighborhood residents and businesses. Standards apply whenever a facility is proposed as permitted in a zoning district.

Section 18.92.020 Standards

These facilities may be established subject to the following:

- A) The use shall be subjects to all city, county, state, and federal regulations concerning such treatment facilities, health and safety, food preparation, or other applicable regulation. Current evidence of such certification shall be provided to and shall remain on file with the planning department.
- B) The use shall be no closer than 1,000 feet from another treatment facility, church or school.

Chapter 18.94 Nonconforming Uses and Structures

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Section 18.94.010 Purpose

The continuance of a nonconforming use or nonconforming structure within the city is detrimental to the orderly development of the city and the general welfare of its residents and is particularly detrimental to the welfare of persons and property in the vicinity of any such nonconformity. It is the intent of this chapter that nonconforming uses and structures shall be eliminated as provided therein.

Section 18.94.020 Applicability

This chapter establishes special regulations for nonconforming land uses and structures that were lawful before the adoption or amendment of this zoning code, but which would be prohibited, regulated, or restricted differently under the current terms of this zoning code or future amendments.

Section 18.94.030 Continuation of Existing Nonconforming Uses of Structures

Nonconforming uses and nonconforming structures, as defined in this chapter, may be continued only in accordance with the provisions of this section, which permit the continuation of a nonconforming use or structure, shall not apply to a use or a structure which is, or which becomes, a public nuisance.

18.94 Nonconforming Uses and Structures

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Section 18.94.040 Illegal Use of Structure

Any use or structure which was established or constructed in violation of the applicable zoning regulations in effect at the time of such establishment or construction and which is not in conformity with the applicable zoning regulations of this section, is an illegal use or structure, as defined in this section, and such use or structure is and shall remain in violation of this section.

Section 18.94.050 Building Permit Issued Prior to Adoption of Regulations

A structure, or part thereof, which does not conform to the current regulations for the zoning district in which it is situated, but for which a building permit was issued and construction started prior to the adoption of such regulations, may be completed, provided the work was and is prosecuted continuously and without delay. Upon completion, such structure shall be deemed to be a nonconforming structure and shall thereafter be subject to the regulations set forth in this section.

Section 18.94.060 Annexations

Except as otherwise expressly provided in this code, structures or uses, or both, which are lawfully existing at the time the property on which they are situated is annexed to the city, and which do not conform to the regulations of the zoning district in which they are placed following annexation, shall be deemed nonconforming structures or nonconforming uses, or both, as these terms are defined in this section, and shall upon such annexation be subject to the provisions of this section and code. The provisions of this section do not allow and shall not be interpreted to allow, the continuation of a use or structure which is a public nuisance or which is prohibited or otherwise made unlawful, in whole or in part, by other chapters of this code or by laws enacted by the state or federal government which are applicable to the city.

Section 18.94.070 Changes in Nonconforming Use of Structures

If allowed by conditional use permit, the nonconforming use of a structure may be changed to another nonconforming use of a similar or of a more restricted class or nature, provided the proposed new nonconforming use will not increase the degree or intensity of the nonconformity.

Section 18.94.080 Discontinuance of Nonconforming Uses

A nonconforming use shall be permanently discontinued and abated or brought into conformity with the regulations of the zoning district in which it is situated as follows:

- A) Cessation of Use. As used in this section, a nonconforming use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether or not the discontinuance was with the intent to abandon such use.
- B) A nonconforming use of a structure shall not be resumed when the nonconforming use has ceased for six consecutive months or more,
- C) A nonconforming use of land which does not involve any structure, except accessory structures, shall not be resumed after such use has ceased.

Section 18.94.090 Replacement of Damaged or Destroyed Nonconforming Structures

Any nonconforming structure damaged to fifty percent (50%) or more of its current market value by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God, shall not be restored or reconstructed except in conformity with the applicable requirements of the zoning district in which it is situated. If such structure is less than fifty percent (50%) damaged, it may be restored, reconstructed, and used as before, provided such restoration is initiated within six months, and is substantially completed within twelve months, after the date such damage occurred.

As used in this section, current market value shall mean the market value of the structure immediately prior to the occurrence of the damage. For purposes of administering the provisions of this section, the city's building official shall make the determination of the current market value of a damaged structure, which determination shall be final.

Section 18.94.100 Repairs to Nonconforming Structures

Repairs and maintenance work as may be required to keep a nonconforming structure in sound condition may be made, provided no structural repairs or alterations or additions shall be made except such as are required by law.

Section 18.94.110 Building Site Area – Land Under One Ownership

Any lot or parcel of land under one ownership and of record on April 28, 1955, and where no adjoining land is owned by the same person may be used as a building site even when of less area or width than that required by the regulations for the zoning district in which it is located.

Section 18.94.120 Building Site Area

Any lot or combination of lots of record on April 28, 1955, having not less than fifty-foot (50') frontage on a street, may be used as a building site even when of less area of width than that required for the zoning district in which it is located.



Public Hearing Draft
Zoning Ordinance

ARTICLE V

Definitions

Adopted July, 2013

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Section 18.96.010 Purpose

The purpose of this chapter is to provide definitions for each of the land use categories listed in the permitted use matrices in Article III (Table 18.38.030-1; Table 18.42.030-1; Table 18.46.030-1; and Table 18.50.030-1). The uses within these tables are divided into similar categories of uses (e.g., residential, recreation, retail). The land use descriptions are categorized by land use type in alphabetical order.

Section 18.96.020 Residential Uses

“Duplex” means a building designed as a single structure and having one owner, and containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family.

“Family Day Care Home, Large” means a State-licensed facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours within a single-family residence. The occupant of the residence provides care and supervision generally for 7 to 14 children. As described in the California Health and Safety Code, large day care homes may provide services for up to 16 children when specific conditions are met.

“Family Day Care Home, Small” means a State-licensed facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours within a single-family residence. The occupant of the residence provides care and supervision generally to six or fewer children. As described in the California Health and Safety Code, small day care homes for children may provide services for up to eight children when specific conditions are met.

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“*Group care facility (large)*” means state-licensed facilities that provide nonmedical care and supervision for more than six adults for periods of less than 24 hours, with no overnight stays.

“*Group care facility (small)*” means, as defined by state law, the provision of nonmedical care to six or fewer adults, including seniors, in the provider’s own home, for a period of less than 24 hours at a time. Homes serving more than six adults are included in the definition of “Group care facility, large.”

“*Live/work unit*” means an integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

- A. Complete kitchen space and sanitary facilities in compliance with the California Building Standards Code; and/or
- B. Working space reserved for and regularly used by one or more occupants of the unit.

“*Manufactured housing*” means a single-family detached dwelling unit constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended. This definition is intended to include mobile homes and modular homes which meet federal standards for manufactured homes. The California Health and Safety Code, Section 18007, defines a manufactured home as a structure that meets the following criteria:

- A. Transportable in one or more sections;
- B. When in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet;
- C. Built on a permanent chassis;
- D. Designed to be used as a residential dwelling;
- E. Erected with or without a permanent foundation when connected to the required utilities; and
- F. Includes the plumbing, heating, air conditioning, and electrical systems contained therein.

“Mobile home park” means any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

“Multiple-family unit” means a building or a portion of a building used and/or designed as a residence for three or more families living independently of each other, including triplexes and apartments; attached ownership units such as condominiums and townhouses; and rooming and boarding houses (a residential structure where rooms are rented for short- or long-term lodging where at least one meal daily is shared in common dining facilities, with ten or fewer beds for rent). Duplexes and single-family attached dwellings (e.g., townhouse configuration) are not included in this definition.

“Single-family, second unit” means an attached or detached additional residential dwelling unit which provides complete independent living facilities for one or more persons. A second unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, on the same parcel as the single-family dwelling is situated, on a lot or parcel zoned for single-family dwelling use.

“Single-family unit” means a building containing one dwelling unit. All rooms within the dwelling shall be interconnected.

“Single-family unit, attached” means a dwelling unit with its own independent outside access, with no other dwelling units located directly and totally above or below it, and having walls in common with at least one but not more than three adjacent similar dwelling units, and located in a building comprising at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, row houses, triplexes, quadruplexes, and multiplexes.

“Transitional housing” means housing containing sleeping, kitchen, and bathroom facilities that is used to ease the transition of homeless individuals to independent living within 24 months. Usually provided with supportive services to assist in finding and keeping permanent housing.

Section 18.96.030 Agriculture, Resource, and Open Space Uses

“Agricultural uses” means crop production, livestock farming, and dairying.

“Crop production and horticulture” means raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail

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sales. This classification includes accessory agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises. Excludes uses for which other garden, nursery, or landscape merchandise are stored and sold on the site.

“Greenbelt” means any area of undeveloped natural land that has been set aside near urban or developed land to provide open space, offer light recreational opportunities, or contain development.

“Observatory” means a location used for observing terrestrial and/or celestial events. Astronomy, climatology/meteorology, geology, oceanography, and volcanology are examples of disciplines for which observatories have been constructed.

“Outdoor amphitheaters, public” means an open-air venue used for entertainment and performances typically in the shape of a semicircular plan. It provides a setting for public events (e.g., theater, concerts, lectures, etc).

Section 18.96.040 Recreation, Education, and Public Assembly Uses

“Athletic fields” means land designed for outdoor games and sporting activities such as baseball, football, and soccer. This use includes accessory structures such as concession stands, locker rooms, showers and other facilities commonly associated with athletic fields.

“Athletic fields, accessory only” means athletic fields, as defined above that are provide as part of different primary use, such as a field located within a dry detention basin or part of an office complex, intended for use by employees.

“Child-care center” means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individuals on less than a 24-hour basis. It’s a facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day-care facilities, and school-age child care centers.

“Civic use” means a public building or institution owned and operated by governmental or other public agencies, not including parks and open space. This classification includes government offices and other governmental activities.

“Community center” means a multipurpose meeting and recreational facility typically consisting of one or more meeting or multipurpose rooms, kitchens, and/or outdoor barbecue facilities that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

“Community garden / farmer’s market” means a permanent or regularly occurring land use where a site is designed specifically for the purpose of a community garden and/or farmer’s market. Farmer’s markets may also be permitted as a temporary use.

“Country club and related uses” means a private club organized and operated for social purposes and possessing outdoor recreational facilities, such as golf courses, tennis courts, or polo grounds.

“Drug or alcohol abuse treatment facility” means a facility established and operated for the purpose of medical and other treatment, on a 24-hour basis, for persons with addictions to alcoholic beverages and/or to prescription or nonprescription drugs.

“Emergency shelter” means any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless.

“Golf course” means a golf course and accessory facilities and uses, including clubhouses with bar and restaurant, locker and shower facilities, driving ranges, pro shops for on-site sales of golfing equipment, and golf cart storage and sales facilities.

“Golf driving range” means an outdoor facility (typically enclosed with fencing) that contains driving tees for golfers to practice. These facilities may also include pro shops and/or small retail facilities.

“Information center” means a facility or tenant space intended for the distribution of tourist and business information (e.g., chamber of commerce)

“Mortuary” means a funeral home or parlor, where the deceased are prepared for burial or cremation and funeral services may be conducted.

“Museum/library” means a public or quasi-public facility, including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally noncommercial in nature. *“Outdoor recreation (large, 3 acres or more)”* means a facility that is 3 acres or larger for various outdoor participant sports and types of recreation (e.g., amphitheaters, amusement and theme parks, golf driving ranges, health and athletic club with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, zoos, etc.)

“Outdoor recreation (small, less than 3 acres)” means a facility that is smaller than 3 acres or larger for various outdoor participant sports and types of recreation (e.g., amphitheaters, miniature golf courses, skateboard parks, swim and tennis clubs, etc.)

“Park, plaza, and playground” means a public park, including playgrounds and athletic fields/courts and public plazas and outdoor gathering places, for community use.

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“Place of assembly (large)” means a facility for public assembly and group entertainment such as public and semi-public auditoriums; exhibition and convention halls; civic theaters, meeting halls, and facilities for live theatrical presentations or concerts by bands and orchestras; motion picture theaters; amphitheaters; meeting halls for rent; and similar public assembly uses. A meeting hall or other facility of less than ten thousand (10,000) square feet in net floor area is considered a “Place of assembly (small).”

“Place of assembly (small)” means a meeting hall and other facility (public or private) less than ten thousand (10,000) square feet in net floor area. Any use that would fit the definition of “Place of assembly (large)” would fit under this category as well; the only distinction is facility size.

“Place of worship” means a facility operated by a religious organization for worship or the promotion of religious activities (e.g., churches, mosques, synagogues, temples) and accessory uses on the same site (e.g., living quarters for ministers and staff, child day care facilities which were authorized in conjunction with the primary use). Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (e.g., recreational camp), are classified according to their respective activities.

“Public art” means any visual work of art, accessibility to public view, including but not limited to sculptures, statues, murals, monuments, frescoes, fountains, paintings, stained glass, or ceramics, and which does not contain advertising.

“Public facility” means a facility operated by public agencies, including fire stations, other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities.

“School (private)” means a private educational institution (e.g., boarding schools, business, secretarial, and vocational schools, colleges and universities, establishments providing courses by mail or online), or special school/studio (e.g., art, ballet and other dance, computers and electronics, drama, driver education, language, music, photography). Also includes facilities, institutions, and conference centers that offer specialized programs in personal growth and development (e.g., fitness training studios, gymnastics instruction, and aerobics and gymnastics studios, environmental awareness, arts, communications, management).

“School (public)” means a public educational institution such as a community college, university, elementary school, middle/junior high school, high school, or military academy.

“School (trade)” means a school or institution providing longer-term (at least one year) programs leading to proficiency, certification, and associate degrees in vocational

programs, including computers, mechanical, food and hospitality service, automotive and aircraft services, surveying, welding, photography, carpentry, agriculture, horticulture, electrical, plumbing, and construction trades.

“Temporary use” means a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; does not involve the construction or alteration of any permanent structure. Temporary uses could include Christmas tree, pumpkin, and fireworks sales, grand openings, and special events.

“Trails (riding, hiking, bicycling, etc.)” means typically linear paths adjacent to roadways and/or through public recreation areas that provide access for pedestrians and bicyclists and could tie into a network of non-vehicular paths throughout the City.

“Zoo” means a facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or owned and operated by the city, another public agency, or a nonprofit of some other enterprise. Section 18.96.050 Utility, Transportation, and Communication Uses.

Section 18.96.050 Utility, Transportation, and Communication Uses

“Communication equipment building” means a public, commercial, or private electromagnetic and photoelectrical transmission, repeater, and receiving station for radio, television, telegraph, telephone, data network and other microwave applications; includes earth stations for satellite-based communications. Does not include home broadcasting and receiving antennas, or telephone, telegraph, and cable television transmission facilities utilizing direct connections.

“Communication tower” means a tower or structure built to support communication equipment used to transmit communication signals for television, telephone, radio, or similar communication purposes.

“Electric substation” means a moderate to large-scale facility serving a sub-area, entire city, or region, including power substations, water transmission lines, wireless base stations, sewer collectors and pump stations, switching stations, gas transmission lines, water storage tanks and reservoirs, and similar structures.

“Public utility structure” means a fixed-base structure or facility serving as a junction point for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants, and storage; and community wastewater treatment plants, settling ponds, and disposal fields. Nothing in this definition is intended to require a land use permit. These uses do not include uses that are not directly and immediately used for the production,

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generation, storage, or transmission of water, wastewater, or electrical power such as an office or customer service center.

“Public utility yard” means a yard or facility used as a place to store materials used by any public agency, political subdivision, or unit of local government of this state, including but not limited to municipal corporations, special purpose districts, and local service districts, as such materials are used by the “outdoor” operations of the public agency, and further used as a place to maintain equipment and facilities of the public agency.

“Transit station, park and ride lots” means a designated area adjacent to a transit station where a vehicle may be left in order to carpool with other commuters or to ride public transit.

Section 18.96.060 Retail, Service, and Office Uses

“Alcoholic beverage sales” means the retail sale of beer, wine, and/or other alcoholic beverages for off-premises consumption.

“Art, antique, collectables” means retail sales uses, including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books. A store selling handcrafted items that are produced on the site is defined separately as an “Artisan shop.”

“Artisan shop” means a retail store selling art, glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

“Auctions” means a typically enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items are offered for sale through competitive bidding.

“Bank and financial services” means a financial institution such as a bank or trust company, credit agency, holding (but not primarily operating) company, lending and thrift institution, or investment company. Also includes automated teller machines (ATM).

“Bar, cocktail lounge, accessory” means facilities that serve alcoholic beverages and are an accessory use to or part of a larger use such as a restaurant or similar establishments where any alcoholic beverage service is subordinate to the sale of food.

“Bar, cocktail lounge” means any bar, cocktail lounge, or similar establishment, which may also provide some minor live entertainment (e.g., music) in conjunction with alcoholic beverage sales. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also

include the brewing of beer as part of a brew pub or microbrewery. Bars may include outdoor food and beverage areas. These facilities do not include bars that are part of a larger restaurant. A use that includes a dance floor, dance hall, discotheque, or stage for musical, comedy, or other performance acts is not included in this use classification.

“Bed and breakfast inn” means a residential structure with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable health department regulations. A bed and breakfast inn with more than five guest rooms is considered a hotel or motel and is included under the definition of “Hotel/motel.”

“Broadcast studio” means a commercial and public communications use, including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of “Communication tower.”

“Building supply (large)” means retail establishments over 100,000 sq. ft. selling lumber and other large building materials, where most display and sales occur indoors. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “Wholesaling and Distribution.” Hardware stores are listed in the definition of “Retail, General,” even if they sell some building materials. Also see “building supply (small)” for smaller specialty stores.

“Building supply (small)” means establishments (retail or wholesale) that sell kitchen, bath, furnishings, carpeting, and other home-oriented supplies. Other retail uses are permitted if accessory to the primary use. These uses may include an expansive showroom. This category does not include the sale of lumber and does not permit the outdoor display of merchandise. This use classification is a subcategory of the larger Building Materials Stores and Yards use classification and may be combined with or separate from such uses.

“Business support services” means establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:

- A. Equipment repair services (except automobile or vehicle repair)
- B. Commercial art and design (production)
- C. Computer-related services (rental, repair)
- D. Copying, quick printing, and blueprinting services

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- E. Equipment rental businesses within buildings
- F. Film processing laboratories
- G. Heavy equipment repair services where repair occurs on site
- H. Janitorial services
- I. Mail advertising services (reproduction and shipping)
- J. Mailbox services
- K. Outdoor advertising services
- L. Photocopying and photofinishing

“Equipment sales and rental” means a service establishment with an outdoor storage/rental yard, which may offer a wide variety of materials and equipment for rent (e.g., construction equipment).

“Gun shop” means any retail sales business engaged in selling, leasing, purchasing, or lending of guns, firearms, or ammunition.

“Home occupation” means a business activity conducted in a residential unit that is incidental to the principal residential use of the lot or site.

“Hospital” means any institution, place, building, or agency licensed by the Departments of Public Health or Mental Hygiene of the state of California, which maintains and operates organized facilities for the diagnosis, care, and treatment of human illness, including convalescence and care during and after pregnancy. The definition of hospital includes a convalescent home, maternity home, nursing home, or sanitarium.

“Hotel/motel” means a facility with guest rooms or suites, provided without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

“Indoor amusement/entertainment facility” means an establishment providing indoor amusement and entertainment services for a fee or admission charge, including dance halls and ballrooms, and electronic game arcades, as primary uses. Four or more electronic games or coin-operated amusements in any establishment, or a premises where fifty percent (50%) or more of the floor area is occupied by amusement devices,

are considered an electronic game arcade as described above; three or less machines are not considered a land use separate from the primary use of the site

“Indoor recreation and fitness” means a business where predominantly participant sports and health activities are conducted entirely within an enclosed building. Typical uses include bowling alleys, billiard parlor, ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, gymnastic studios, athletic clubs, and health clubs.

“Itinerant / mobile vendor” means any vehicle as defined in Section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, prepackaged, or unprepared food or food stuffs of any kind that parks at one or more locations within the City. A mobile food vehicle shall also include any trailer or wagon equipped and used as described in this paragraph and pulled by a vehicle.

“Manufactured home sales, new” means a retail establishment that sells new manufactured homes (see definition of *“manufactured housing”*)

“Medical and dental laboratory” means an establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession.

“Medical and dental office” means a facility primarily engaged in furnishing outpatient dental, medical, mental health, surgical and other personal health services, and medical and dental laboratories.

“Medical clinic” means an establishment where patients, who are not lodged overnight, are seen for examination and treatment by one or more of a group of physicians, dentists, psychologists, or social workers, practicing together. May also include laboratories that are ancillary to the primary use.

“Nightclub” means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted.

“Nurseries, for sale only” means an establishment providing for the sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

“Nurseries, including growing of nursery stock” means an establishment providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

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“Office, accessory” means an office that is incidental and accessory to another business or sales activity which is the primary use (part of the same tenant space or integrated development). The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed fifty percent (50%) of the total net habitable or leasable floor area of the tenant space for a single-use development or the combined floor area of an integrated development for a mixed-use project.

“Outdoor market, sales establishment” means a temporary outdoor retail operation, including farmers’ markets; sales of Christmas trees, pumpkins, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales; and retail sales of various products from individual vehicles in temporary locations outside the public right-of-way. Vendors operating within the public right-of-way and sidewalk cafés are subject to the provisions of Section 18.72 of the Zoning Ordinance.

“Outdoor promotions, sales or displays” means store signs and displays typically located out in front of stores along the sidewalk consistent with the provisions in section 18.72.080 Outdoor Sales and Display.

“Personal services, accessory” means uses accessory retail sales of products related to the personal services provided (see definition for “personal services”).

“Personal services” means a use that provides a personal service that is non-medical as a primary use and may include accessory retail sales of products related to the services. These uses include, but are not limited to:

- A. Barber and beauty shops
- B. Clothing rental
- C. Dry cleaning pickup stores with limited equipment
- D. Home electronics and small appliance repair
- E. Laundromats (self-service laundries)
- F. Shoe repair shops
- G. Tailors
- H. Travel agencies
- I. Video rental

“Private club” means a building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

“Professional office” means an office of administrative business providing direct services to consumers and offices engaged in the production of intellectual property. This use does not include medical or dental offices (see "Medical and dental office"), temporary offices (see Section 18.90, Temporary Uses), or offices that are incidental and accessory to another business or sales activity that is the primary use (see “Office, accessory”). Outdoor storage of materials is prohibited. Professional office uses include, but are not limited to:

- A) Accounting, auditing, and bookkeeping services
- B) Advertising agencies
- C) Architectural, engineering, planning, and surveying services
- D) Attorneys
- E) Counseling services
- F) Court reporting services
- G) Data processing and computer services
- H) Detective agencies and similar services
- I) Educational, scientific, and research organizations
- J) Employment, stenographic, secretarial, and word processing services
- K) Financial services
- L) Government offices, including agency and administrative office facilities
- M) Management, public relations, and consulting services
- N) Photography and commercial art studios
- O) Telemarketing
- P) Writer's and artist's offices outside the home

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“Recreational vehicle park” means a site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher-density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

“Restaurant, no drive thru” means an establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.

“Restaurant, with drive thru” means an establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or cooked or heated quickly. Orders are not generally taken at the customer’s table, and food is generally served in disposable and/or recyclable wrapping or containers.

“Retail, accessory” means the retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include, but are not limited, to pharmacies, gift shops, and food service establishments within hospitals, and convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed, or manufactured on site. The permitted retail area of the accessory use is based on the total square footage of the tenant space of a single-use development or the combined floor area of an integrated development in a mixed-use project.

“Retail, big-box (>80,000 square feet)” means a retail facility that is a large, industrial-style building or store with a footprint or floor area larger than eighty thousand (80,000) square feet. While most big-box stores operate as a single-story structure, they typically have a three-story mass that stands more than thirty feet (30’) tall. The box-like retail store typically offers a variety of products under one roof.

“Retail, general” means a store or shops selling multiple lines of merchandise. These stores and lines of merchandise include, but are not limited to:

- A) Art galleries
- B) Bakeries (all production in support of on-site sales)
- C) Clothing and accessories
- D) Collectibles
- E) Department stores

- F) Dry goods
- G) Fabrics and sewing supplies
- H) Florists and houseplant stores
- I) Furniture
- J) General stores
- K) Gift shops
- L) Hardware
- M) Hobby materials
- N) Home furnishings and equipment
- O) Musical instruments
- P) Newsstands
- Q) Parts and accessories
- R) Pet supplies
- S) Rug and discount stores
- T) Specialty shops
- U) Sporting goods and equipment
- V) Stationery
- W) Variety stores

“Secondhand store” means a retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises is not new. Secondhand stores shall not be considered as including antique stores or pawnshops.

“Service, accessory” means an accessory use that supports retail uses that sell various products, or the provision of certain personal services within a health care, hotel, office, or industrial complex, to employees or customers; also includes retail that is incidental to a primary use conducted on the same premises where no more than twenty percent (20%) of the gross floor area is devoted to retail sales. Examples of these uses include

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pharmacies within hospitals and medical clinics; a prescription optician's shop within an ophthalmologist office; a gift shop and food service establishment within a hospital; gift and convenience stores and food service establishments within hotel, office, and industrial complexes; barber and beauty shops within residential care facilities; and a manufacturing/ processing or artisan/craft product manufacturing use with an incidental retail sales area.

"Tattoo parlor" means any establishment that engages in the business of tattooing and/or branding human beings.

"Telephone answering service" means an office equipped to handle a large volume of calls, especially for taking orders or servicing customers.

"Temporary use" means a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; does not involve the construction or alteration of any permanent structure. Temporary uses could include Christmas tree, pumpkin, and fireworks sales, grand openings, and special events.

"Theater, not including drive-in" means an indoor facility for public assembly and group entertainment, other than sporting events (e.g., civic theater, facility for live theater and concerts, exhibition and convention hall, motion picture theater, auditorium). Does not include outdoor theaters, concert and similar entertainment facilities, indoor and outdoor facilities for sporting events, or drive-in theaters.

"Tobacco shop" means a retail establishment that derives more than ninety percent (90%) of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices, for burning tobacco and related smoking accessories, and where the sales of other products is incidental.

"Veterinary clinic, large animal" means any facility providing medical or surgical treatment, clipping, bathing, and similar services to all animals in *"Veterinary clinic, small animal"* definition but also includes horses and livestock, and includes boarding or the keeping of animals on the premises other than those requiring emergency treatment or those recovering from anesthetic.

"Veterinary clinic, small animal" means any facility providing medical or surgical treatment, clipping, bathing, and similar services to dogs, cats, and other small animals, but excluding boarding or the keeping of animals on the premises other than those requiring emergency treatment or those recovering from anesthetic.

"Wholesale commercial uses" means establishments engaged in selling merchandise to the public, retailers or to commercial or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

Section 18.96.070 Automobile and Vehicle Uses

“Automobile and vehicle dismantling” means an establishment for the dismantling or wrecking of automobiles or other motor vehicles, and/or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. Retail sales are included under the definition of “Auto sales, new and used.”

“Automobile parts sales” means a store that sells new automobile parts, tires, and accessories. May also include minor parts installation (see “Vehicle services (minor)”). Does not include tire recapping establishments, which are found under “Vehicle services (major)” or businesses dealing exclusively in used parts included in “Automobile sales, new and used.”

“Automobile rental agencies” means a retail establishment that rents automobiles, trucks, vans, motorcycles, mobile homes, recreation vehicles, and/or boats.

“Automobile sales, new and used” means a retail establishment selling new and/or used automobiles, vans, campers, trucks, motorcycles, etc. Includes parts sales or repair shops only when part of a dealership selling new vehicles on the same site. Does not include a “fuel/gas station,” which is separately defined.

“Bus yard” means a bus garage or bus depot which is a building where buses are stored and maintained.

“Carwashing and detailing” means a permanent, drive-through, self-service, and/or attended car washing and detailing establishment, including fully mechanized facilities. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day) are not part of this use classification.

“Fuel/gas station” means a retail business similar to an “Automobile service station” that sells gasoline or other motor vehicle fuels, vehicle engine maintenance and other minor repair services are only permitted under the automobile service station classification. May also include mini-markets and other food sales, automatic car washes, accessory towing and trailer rental services, but not the sale, storage, or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

“Parking garage and lot” means a parking lot or parking structure used for parking of operative motor vehicles (for storage of inoperative vehicles, see “Vehicle Storage”) where the facility is the primary use of the site. A parking structure or lot developed in conjunction with another primary use of the site to satisfy the on-site parking requirements for the development is not included in this definition.

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“Recreational vehicle sales” means the sale of vehicles designed primarily for recreational camping, travel, or seasonal use that has its own motive power or is towed by another vehicle, including, but not limited to:

- A) Folding camper trailer
- B) Motor home
- C) Multi-use vehicles
- D) Park trailer
- E) Travel trailer
- F) Truck camper

“Small vehicle sales and rental” means a retail establishment that rents motorcycles, mopeds, and other small vehicles contained within a building. All sales must be contained within an enclosed building.

“Vehicle services (major)” means the repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

“Vehicle services (minor)” means minor facilities that specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site (see “Automobile sales, new and used”) or automobile dismantling yards, which are included under the definition of “Recycling facility, scrap and dismantling facility.”

“Vehicle storage (large)” means a facility for the storage of operative and inoperative vehicles for limited periods of time. Includes, but is not limited to, storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreation vehicles. Does not include vehicle dismantling (see “Auto and vehicle dismantling”) or retail sales (see “Auto sales, new and used”). A large vehicle includes recreational vehicles, buses, and boats, but does not include aircraft.

“Vehicle storage (small)” means a facility for the storage of operative and inoperative vehicles for limited periods of time. Includes, but is not limited to, storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreation vehicles. Does not include vehicle dismantling (see “Auto and vehicle dismantling”) or

retail sales (see “Auto sales, new and used”). A large vehicle includes recreational vehicles, buses, and boats, but does not include aircraft.

Section 18.96.080 Industrial, Manufacturing, and Processing Uses

“*Agriculture products processing*” means the act of changing an agricultural crop after harvest from its natural state to the initial stage of processing in order to prepare it for market and for further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, and cleaning and packing of fruits.

“*Data center*” means a facility used to house computer systems and associated components, such as telecommunications and storage systems. It generally includes redundant or backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices. Data centers may also include related office space and personnel.

“*Fuel yard*” means a large-scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

“*Manufacturing (major)*” means manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, and plastics and rubber products manufacturing.

“*Manufacturing (minor)*” means manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on site or on an adjacent site. Uses include, but are not limited to, furniture manufacturing and cabinet shops, laundry and dry cleaning plants, metal products fabrication, and food and beverage manufacturing, processing, and assembly.

“*Recycling facility, processing*” means a recycling facility located in a building or enclosed space and used for the collection and processing of recyclable materials. “*Processing*” means the preparation of material for efficient shipment or to an end-user’s specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

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“Recycling facility, scrap and dismantling facility” means uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials. This use does not include landfills or other terminal waste disposal sites. Also see *“Auto and vehicle dismantling”* for related use for automobiles. Collection of recycling materials as the sole activity is included in the definition of *“Recycling collection point.”*

“Research and development” means an indoor facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing that are not associated with a manufacturing facility on the same site. Includes, but is not limited to, chemical and biotechnology research and development.

“Sheet metal fabrication” means a manufacturing establishment engaged in assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops and boiler shops, which produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

“Sign fabrication companies” means the manufacturing of signs intended to be enclosed within a building with minimal offsite impacts (e.g. minimal impacts on noise, dust, etc.)

“Storage, personal storage facility” means a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand. The area has typically controlled access in a fenced compound.

“Storage, warehouse (small)” means a facility for the storage of furniture, household goods, or other commercial goods of any nature and includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see *“Storage, personal storage facility”*) or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see *“Wholesale and distribution”*).

“Storage yard” means the storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

“Truck yard/terminal” means a principle use of land for parking or storage of trucks in active use with or without servicing or repairing of trucks as an incidental use thereto. This definition does not include parking or storage of trucks if incidental to and located on the same lot as a permitted use, servicing only said permitted use, and wholly owned by the owners of said permitted use. Not included in this definition are warehouse facilities or similar facilities used primarily for freight forwarding and the deposit, storage, or safekeeping of goods.

“Wholesale and distribution” means an establishment engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers, and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating, and air conditioning supplies and equipment.

Chapter 18.98 General Definitions

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Section 18.98.010 Purpose

The purpose of this chapter is to provide definitions for terms used throughout the zoning ordinance. Special chapters for terms related to affordable housing, signage, telecommunications, and historic preservation have been included.

Section 18.98.020 General Zoning Terminology

“Abutting or adjoining” means having a common border, boundary, or lot line.

“Access” means place or way by which pedestrians and/or vehicles shall have safe, adequate, and usable ingress and egress to a property or use.

“Accessory use or structure” means a use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

“Adjacent” means two or more lots or parcels of land separated only by an alley, street, highway, or recorded easement, or two or more objects that lie near or close to each other.

“Agent of owner” means a person or organization authorized to act for the property owner.

“Alley” means a public way which affords only a secondary means of access to abutting properties.

“Alteration” means any exterior change to a structure, site, or feature or change in occupancy.

“Assessor” means assessor of the county.

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“*Balcony*” means a platform that projects from the wall of a building thirty inches (30”) or more above grade.

“*Bioretention (rain garden)*” means a landscaping feature adapted to provide on-site treatment of stormwater runoff. These features are commonly located in parking lot islands or within small pockets of residential land uses. Surface runoff is directed into shallow, landscaped depressions, which are designed to incorporate many of the pollutant removal mechanisms that operate in forested ecosystems. During storms, runoff ponds in the rain gardens in the top mulch and soil in the system. Runoff from larger storms is generally diverted past the facility to the storm drain system. The remaining runoff filters through the mulch and prepared soil mix. The filtered runoff can be collected in a perforated underdrain and returned to the storm drain system.

“*Blockface*” means the properties abutting on one side of a street and lying between the two nearest intersecting streets.

“*Building frontage*” means the portion of the building facade that faces a given street. In cases where a building has more than one street frontage, the longest of the street frontages shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage (e.g., an entrance facing a courtyard). For multi-tenant buildings, ground-floor tenants may have their primary frontage determined independently of the rest of the building based on the aforementioned rules.

“*Building height*” means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the height of the highest gable of a pitch or hip roof.

“*CALGreen*” means a more stringent building code which requires, at a minimum, that new buildings and renovations in California meet certain sustainability and ecological standards. This new building code (originating on January 1, 2011) is designed to reduce energy consumption to pre-1990 levels. CALGreen has two components—mandatory and voluntary measures. The mandatory measures are minimum baselines that must be met in order for a building to be approved; they range from water and energy efficiency to the use of sustainable building materials. Above and beyond these provisions are voluntary measures. Voluntary measures can be adopted by local jurisdictions through incentives and/or more rigid Tier 1 and 2 requirements.

“*Carport*” means a permanently roofed structure with a permanent foundation and not more than two enclosed sides, used or intended to be used for automobile shelter.

“*Certified arborist*” means a professional arborist who has a minimum of three years' full-time experience working in the professional tree care industry and who has passed an extensive examination covering all facets of arboriculture.

“*Cistern/rain barrel*” means an artificial reservoir for storing liquids, especially a tank for storing rainwater. Rain barrels and cisterns collect building runoff from roof downspouts and store it for later reuse for non-potable applications such as irrigation. Rain barrels are most often used for individual residences, while cisterns have both residential and commercial applications. Both storage devices act to decrease the volume and flow rate of rooftop-generated stormwater runoff.

“*Clean Air Vehicle*” means a vehicle that meets California’s super ultra-low emission vehicle (SULEV) standard for exhaust emissions and the federal inherently low-emission vehicle (ILEV) evaporative emission standard. This includes certain zero-emission vehicles (ZEVs).

“*Court*” means an open, unoccupied space, bounded on two or more sides by the walls of a building.

“*Coverage*” means the percentage of a site covered by structures.

“*Cul-de-sac*” means a local street, one end of which is closed and consists of a circular turnaround.

“*Density*” means the net number of dwelling units per acre (not including land area used for streets or open space).

“*Development*” means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.

“*Development standard*” means any site or construction condition that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation. “*Site and construction conditions*” means standards that specify the physical development of a site and buildings on the site in a housing development.

“*District*” means a portion of the territory of the city within which certain uses of land, premises, and buildings are permitted or prohibited and within which certain yards and open spaces are required and certain height limits are established for buildings.

“*Dwelling*” means a building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including hotels and boarding houses.

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“Dwelling unit” means one or more rooms in a building or portion thereof, designed, intended to be used, or used for occupancy by one family for living and sleeping quarters, and containing a single kitchen.

“Easement” means a grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

“Electric vehicle” means a vehicle that uses one or more electric motors or traction motors for propulsion. Three main types of electric vehicles exist: those that are directly powered from an external power station, those that are powered by stored electricity originally from an external power source, and those that are powered by an on-board electrical generator, such as an internal combustion engine or a hydrogen fuel cell.

“Family” means an individual or two or more persons living together in a dwelling unit as a single housekeeping unit.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social, and technological factors.

“Floor area” means the total horizontal area of all the floors of a building measured from the exterior surface of the outside walls.

“Floor area ratio” means the numerical value obtained through dividing the floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

“Frontage” means the length of any one property line of a premises, which property line abuts a legally accessible street right-of-way.

“General plan” means the city general plan, as amended, a general comprehensive and long-term plan for the physical development of the area under the city’s jurisdiction.

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

“Green roof” means essentially a roof of a building that is partially or completely covered by living vegetation which reduces stormwater runoff and can insulate a building to increase energy efficiency by lowering cooling and heating costs. A green roof or living roof also includes a growing medium, planted over a waterproofing membrane, and may include additional layers such as a root barrier and drainage and irrigation systems.

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“Halfplex” means a building designed as a single structure and containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family. Each unit is owned separately.

“Integrated development” means a group of two or more adjacent parcels or uses planned and/or developed in a joint manner, which may include shared buildings, public spaces, landscape, and/or parking facilities. Integrated development may be under single or multiple ownership.

“Landscape wall” means a wall of stone, brick, block, wood, or similar material used to retain soil for purposes of creating a landscape area raised above the finish grade of the lot. A landscape wall does not function as a retaining wall as defined by this title.

“Landscaping” means the planting and maintenance of some combination of trees, shrubs, vines, groundcovers, flowers, or lawns. In addition, the combination or design may include natural features such as rock and stone, and structural features, including, but not limited to, fountains, reflecting pools, art works, screens, walls, fences, and benches.

“Lot” means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of buildings or used for a principal use and accessory uses together with such open spaces as required by this ordinance and having frontage on an improved and accepted public street.

Lot, Corner. “Corner lot” means a lot bounded by two or more adjacent street lines that have an angle of intersection of not more than one hundred thirty-five (135) degrees. The front yard of a corner lot shall adjoin the shortest street property line.

Lot, Flag. “Flag lot” means a lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, Interior. “Interior lot” means a lot other than a corner lot.

Lot Line, Front. “Front lot line” means the lot line separating the lot from the street.

Lot Line, Rear. “Rear lot line” means the lot line opposite and most distant from the front lot line.

Lot Line, Side. “Side lot line” means any lot line that is not a front lot line or a rear lot line.

Lot, Through. “Through lot” means an interior lot having a frontage on two streets.

“Lot area” means the total area, measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

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“*Lot depth*” means the horizontal distance measured between the midpoints of the front and rear lot lines.

“*Lot width*” means the average width of the lot, measured at right angles to its depth.

“*Nonconforming lot*” means a legally created lot having a width, depth, or area less than required for the zoning district in which it is located.

“*Nonconforming use*” means a use of a structure or site that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this title or by reason of annexation of territory to the city.

“*Open space*” means an area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

“*Parcel of land*” means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same person.

“*Parcel space*” means a readily accessible area, not including driveways, ramps, or loading or work areas, maintained exclusively for the parking of one automobile.

“*Permeable paving (also known as pervious or porous pavement)*” means the method of paving a surface so that it allows the flow of water through it. This allows stormwater to filter through the soil below the paved surface, preventing the numerous environmental issues associated with water runoff.

“*Permitted use*” means permitted without a requirement for approval of a use permit.

“*Personal utility trailer*” means and includes a vehicle without motor power, not exceeding twenty feet (20') in length, eight feet (8') in width, and thirteen and one-half feet (13.5') in overall height, designed so that it can be drawn behind a motor vehicle in accordance with general highway laws. A personal utility trailer, as defined in this section, is considered incidental to the owner's residential use of a property. It is not intended to mean a truck trailer, single or double, that would be pulled behind a commercial vehicle or similar tractor-truck vehicle.

“*Planned development*” means the planning, construction, or implementation and operation of any use or structure, or a combination of uses and structures, on a single parcel of land based on a comprehensive and complete design or plan treating the entire complex of land, structures, and uses as a single project.

“Planned unit development” means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

- A. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area; and/or
- B. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Section 1367 or 1367.1 of the California Civil Code.

“Recreational vehicle” means and includes a motor home, travel trailer, tent trailer, camper, motorcycle trailer, boat and boat trailer, small personal motorized watercraft and watercraft trailer, small personal motorized snowmobile and snowmobile trailer, or other similar type vehicle, not to exceed thirty (30’) feet in overall length if placed, parked, and/or stored within a required front yard, not to exceed forty feet (40’) in overall length if placed, parked, and/or stored within an interior side and/or rear yard and not to exceed eight and one-half feet (8.5’) in width, or thirteen and one-half feet (13.5’) in overall height (overall height includes vehicles mounted on a trailer). Recreational vehicle shall not mean or include any aircraft, including an ultra-light aircraft, glider, or hang glider. A vehicle meeting this definition, which exceeds the stated size limitations, shall not be deemed to be incidental to a dwelling unit and shall not be permitted to be placed, parked, and/or stored within a residential area.

“Recycling collection point” means an incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items at this point is allowed.

“Residence” means one or more rooms designed, used, or intended to be used as permanent living quarters and not as temporary or overnight accommodations.

“Retaining wall” means a wall constructed as part of the development of the site through the issuance of a grading permit or as part of a roadway improvement project that is designed and engineered to retain soil for purposes of soil stabilization.

“Satellite dish antenna” means a round, parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than four (4) meters in diameter, while commercial dish antennas are usually those larger than four (4) meters and typically used by broadcasting stations.

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“*Scenic corridor*” means a strip of land on each side of a watercourse or roadway that is generally visible to the public traveling on or about such route (greenbelt).

“*Screening*” means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

“*Setback*” means the required minimum horizontal distance between the building line and the related front, side, or rear property line.

“*Shopping center*” means a grouping of retail business and service uses on a single site with common parking facilities.

“*Site plan*” means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

“*Story*” means the portion of a building included between the upper surface of any floor and the upper surface of the floor above. The topmost story shall be the portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

“*Story, half.*” Half story means a partial story under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet (2') above the floor of such story.

“*Street*” means a public right-of-way, usually for vehicular travel, which provides a public means of access to abutting property. The term shall include avenue, drive, circle, lane, road, parkway, boulevard, highway, thoroughfare, or any similar term.

“*Structure*” means anything built or constructed which requires a permanent location on the ground or is attached to something having a permanent location on the ground.

“*Substandard lot*” means a lot in a zoning district that does not meet the minimum area requirements for that zoning district.

“*Transitional use*” means a permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

“*Use*” means the purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is or may be occupied or maintained. Includes construction, establishment, maintenance, alteration, moving onto, enlargement, operation or occupancy.

“Use, accessory.” Accessory use means a use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

“Variance” means a dispensation permitted on individual parcels of land as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure, or property, which, because of unusual or unique circumstances, is denied by the terms and provisions of this title.

“Vegetative swale and filter strip” means an area of vegetation typically placed along the edge of roadways designed to remove contaminants from stormwater runoff. As stormwater moves through the vegetation, contaminants are removed by filtration, infiltration, and absorption. A thick coverage of vegetation can reduce the flow velocity of runoff, allow particulates to settle, and protect against erosion. Swales accept a concentrated flow of stormwater through a grassed channel, while filter strips accept distributed stormwater flow across a vegetated area.

“Warehouse” means a building used primarily for the storage of goods and materials.

“Yard” means an open space other than a court, on the same lot or parcel of land as the building which it serves, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

“Yard, corner side.” “Corner side yard” means a side yard on the street side of a corner lot.

“Yard, front.” “Front yard” means an open space extending the full width of the lot or parcel of land, measured between the building closest to the front lot line and the front lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

“Yard, rear.” “Rear yard” means an open space extending the full width of the lot or parcel of land, between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

“Yard, side.” “Side yard” means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

“Zoning district” means a portion of the city where the use of land and structures and the location, height, and bulk of structures are governed by this title.

“Zoning map” means the zoning map, or maps, of the city, as amended.

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“*Zoning ordinance*” or “zoning code” means the zoning ordinance of the city, as amended, as set forth in this title.

Section 18.98.030 Historic Preservation Terminology

“*Alteration*” means any exterior change or modification, through public or private action, of any historic or cultural resource of any property located within a historic preservation overlay district, including, but not limited to, exterior changes to or modifications of structure, architectural details, or visual characteristics such as paint color, surface texture, grading, surface paving, new structures, cutting or removal of trees or other natural features, disturbance of archaeological sites or areas, and placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, paintings, and landscape accessories affecting the exterior visual qualities of the property.

“*Exterior architectural feature*” means the architectural elements embodying style, design, general arrangement, and components of all the outer surfaces of an improvement, including, but not limited to, the kind, color, and texture of the building materials and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

“*Historic landmark*” means any improvement that has special historic, cultural, aesthetic, or architectural character, interest, or value as part of the development, heritage, or history of the city, the state of California, or the nation, and that has been designated pursuant to this chapter.

“*Historic or cultural resource*” means improvements, building, structures, signs, features, sites, places, areas, or other objects of historic, aesthetic, educational, cultural, or architectural significance to the citizens of the city, which may or may not have been officially designated as “historic landmarks” or “historic sites” as hereinafter defined.

“*Historic site*” means a parcel or part thereof on which a historic or cultural resource is, situated and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated, and which has been designated a historic site pursuant to this chapter.

“*Improvement*” means any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

“*Structure*” means a building or any other man-made object affixed on or under a particular site. (Ord. 568 § 1 (part), 1996).

Section 18.98.040 Sign Terminology

“*Sign*” means a structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings, and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following:

- A. “*Abandoned sign*” means a sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.
- B. “*Animated or moving sign*” means a sign which uses movement, lighting or special materials to depict action or create a special effect to imitate movement.
- C. “*Awning sign*” means a sign copy or logo attached to or painted on an awning.
- D. “*Banner, flag or pennant*” means cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the state of California and other states of the nation, counties, municipalities, official flags of foreign nations, and nationally or internationally recognized organizations.
- E. “*Bench sign*” means copy painted on a portion of a bench.
- F. “*Cabinet sign (can sign)*” means a sign which contains all the text and/or logo symbols within a single enclosed cabinet; may or may not be internally illuminated.
- G. “*Changeable copy sign*” means a sign designed to allow the changing of copy through manual, mechanical, or electrical means, including time and temperature displays.
- H. “*Directional sign*” means an on-site sign which is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.
- I. “*Directory sign*” means a sign for listing the tenants and their suite numbers of a multiple-tenant structure or center.

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- J. *“Double-faced sign”* means a sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.
- K. *“Electronic reader board sign”* means a sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.
- L. *“Electronic graphic display sign”* means computer-programmable, microprocessor-controlled electronic or digital displays. Electronic graphic display signs include project images or messages with these characteristics onto building or other objects. It’s a sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light-emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices.
- M. *“Electronic message sign”* means an electronic sign, typically comprising a liquid crystal diode (LCD), light-emitting diode (LED), plasma, or other digital illuminated sign that displays one or more messages. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than illumination illuminating the message. An electronic message sign could be used as a message delivery method for a wall sign, a monument sign, or other freestanding sign, or a billboard and is subject to conditional use permit approval per Section 18.82 of the zoning code.
- N. *“Flashing sign”* means a sign that contains an intermittent or sequential flashing light source.
- O. *“Freestanding sign”* means a sign fixed in an upright position on the ground not attached to a structure other than a framework, pole, or device, erected primarily to support the sign. Includes monument signs and pole signs.
- P. *“Freestanding center identification sign”* means a freestanding sign erected to identify a commercial center consisting of four or more tenant spaces.
- Q. *“Illegal sign”* means a sign that includes any of the following:
- i. A sign erected without first complying with all regulations in effect at the time of its construction or use;
 - ii. A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its

- owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than ninety (90) days;
- iii. A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display conforming has expired, and conformance has not been accomplished;
 - iv. A sign that was legally erected which later became nonconforming and then was damaged to the extent of fifty percent (50%) or more of its current replacement value;
 - v. A sign which is a danger to the public or is unsafe;
 - vi. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the city; and/or
 - vii. A sign that pertains to a specific event, and five (5) days have elapsed since the occurrence of the event.
- R. *“Indirectly illuminated sign”* means a sign whose light source is external to the sign and which casts its light onto the sign from some distance.
- S. *“Internally illuminated sign”* means a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or a light source which is attached to the face of the sign and is perceived as a design element of the sign.
- T. *“Marquee (canopy) sign”* means a sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.
- U. *“Monument sign”* means an independent, freestanding structure supported on the ground having a solid base, as opposed to being supported by poles or open braces.
- V. *“Multi-tenant sign”* means an identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.
- W. *“Multi-vision sign”* means any sign composed in whole or in part of a series of vertical or horizontal slats or cylinder that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a

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single sign structure the display at any given time one or two or more images.

- X. *“Nonconforming sign”* means an advertising structure or sign which was lawfully erected and maintained prior to the adoption of the ordinance codified in this chapter, but does not now completely comply with current regulations.
- Y. *“Off-site directional sign”* means a sign identifying a publicly owned facility or emergency facility, or a temporary subdivision sign, but excluding real estate signs.
- Z. *“Off-site sign”* means a sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise.
- AA. *“Permanent sign”* means a sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
- BB. *“Political sign”* means a sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.
- CC. *“Pole/pylon sign”* means an elevated freestanding sign, typically supported by one or two poles or columns.
- DD. *“Portable sidewalk sign”* means an A-frame or sandwich board sign.
- EE. *“Portable sign”* means a sign that is not permanently affixed to a structure or the ground.
- FF. *“Projecting sign”* means a sign other than a wall sign suspending from, or supported by, a structure and projecting outward.
- GG. *“Real estate sign”* means a sign indicating that a property or any portion thereof is available for inspection, sale, lease, or rent, or directing people to a property, but not including temporary subdivision signs.
- HH. *“Reader board sign”* means a sign composed of individual changeable letters affixed to a marquee or sign cabinet that may or may not be internally illuminated.

- II. *“Roof sign”* means a sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.
- JJ. *“Subdivision directional sign”* means a temporary or otherwise limited-term sign for the purpose of providing direction for vehicular and/or pedestrian traffic to the initial home sales of multiple lots with a single builder within a master planned community, including both single-family and multi-family for-sale products. All other home sales are included within the definition of real estate sign.
- KK. *“Temporary sign”* means a sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area, or neighboring property. Examples of temporary signs include banners, stake signs, and A-frame signs.
- LL. *“Time/temperature sign”* means an electronic or mechanical device that shows time and/or temperature but contains no business identification or advertising.
- MM. *“Vehicle sign”* means a sign that is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.
- NN. *“Video display sign”* means a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression or frames which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands or light, or expanding or contracting shapes, not including electronic changeable copy signs.
- OO. *“Wall sign”* means a sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
- PP. *“Wind sign”* means a sign that spins or is otherwise propelled by the force of air moving across its face.
- QQ. *“Window sign”* means a sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet (3’) of the window.

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“*Sign area*” means the entire area within a perimeter defined by a continuous line composed of right angles using no more than four lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

“*Sign height*” means the vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

Section 18.98.050 Housing Terminology

“*Affordability requirements*” means provisions established by a public agency to require that a specific percentage of housing units in a project or development remain affordable to very low-, low-, and moderate-income households for a specified period.

“*Affordable*” means rented at an affordable rent or sold at an affordable housing price.

“*Affordable housing*” means housing capable of being purchased or rented by a household with very low or low income, based on a household’s ability to make monthly payments necessary to obtain housing.

“*Affordable ownership cost*” means monthly housing payments during the first calendar year of a household’s occupancy, including interest, principal, mortgage insurance, property taxes, homeowner’s insurance, property maintenance and repairs, a reasonable allowance for utilities, and homeowners association dues, if any, not exceeding the following:

- A. Moderate-income units: One hundred ten percent (110%) of the area median income, adjusted for assumed household size based on unit size, multiplied by thirty-five percent (35%) and divided by twelve (12); or
- B. The assumed household size shall be one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom.

“*Affordable rent*” for a unit whose occupancy is restricted to a very low-income household means that the monthly rent, including utilities and all fees for housing services, shall not exceed thirty percent (30%) of income for households earning fifty percent (50%) or less of the median income, or for a unit whose occupancy is restricted to a low-income household means that the monthly rent, including utilities and all fees for housing services, shall not exceed thirty percent (30%) for households earning fifty-one percent (51%) to eighty percent (80%) of the median income as defined herein. Affordable rent shall be based on presumed occupancy levels of one person in a studio

unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

“Affordable sales price” means the maximum purchase price that will be affordable to low- and moderate-income households as defined herein. In setting the affordable sales price, realistic assumptions regarding down payment, mortgage interest rate, and term will be required, and those assumptions must demonstrate that targeted income families can reasonably qualify. If evidence is presented which shows to the satisfaction of the city that targeted income buyers can qualify for financing even though the percentage of their income allocated to housing is higher than thirty percent (30%), then a corresponding increase may be approved in the affordable sales price. Affordable sales price shall be based upon presumed occupancy levels of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

“Affordable unit” means and is limited to those dwelling units which are required to be rented at affordable rents or purchased at an affordable sales price to specified households as described in this chapter.

“Annual household income” means the combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program prescribed by the United States Housing Act of 1937, as amended, or its successor.

“Area median income” means area median income for Stanislaus County as published pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision.

“Condominium project” means a housing development as defined in subdivision (f) of Section [1351](#) of the Civil Code, not including the conversion of existing rental apartments to condominiums.

“Construction costs” means the estimated cost per foot of construction, as established by the building department of the city of Patterson for use in the setting of regulatory fees and building permits, multiplied by the total square footage to be constructed for each dwelling unit, minus square footage for garage area.

“Density bonus” means a density increase over the otherwise allowable maximum residential density, as described in Section 18.88.

“Density bonus housing agreement” means a recorded agreement between a developer and the city as described in Section 18.88 of this chapter to ensure that the requirements of this chapter are satisfied. The agreement, among other things, shall establish the number of target units, their size, location, terms and conditions of affordability, and production schedule.

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“Density bonus units” means those residential units granted pursuant to the provisions of this chapter which exceed the otherwise allowable maximum residential density for the development site.

“Discretionary permit” means and includes use permits issued pursuant to Title 18 of the Patterson municipal code, and the approval of tentative, final, or parcel maps pursuant to Title 16 of the Patterson municipal code.

“Housing development” means construction projects consisting of five or more residential units, including single-family and multi-family units, for sale or for rent. For the purposes of this chapter, “housing development” also includes a subdivision, planned unit development, or condominium project consisting of five or more residential units or unimproved residential lots, the substantial rehabilitation and conversion of an existing commercial building to residential use, and the substantial rehabilitation of an existing multifamily dwelling, where the rehabilitation or conversion would create a net increase of at least five residential units.

“Incentives (or concessions)” means such regulatory concessions as listed in Section 18.88.

“Low-income household” means a household whose income does not exceed the low-income limits applicable to Stanislaus County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section [50079.5](#) of the California Health and Safety Code. It typically refers to those households with incomes of up to eighty percent (80%) of median income.

“Market-rate unit” means a dwelling unit in a residential project, which is not an affordable unit as defined herein.

“Maximum residential density” means the maximum number of residential units permitted by the city’s zoning ordinance on the date the application is deemed complete.

“Median income” means the median income, adjusted for family size, applicable to Stanislaus County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the United States Department of Housing and Urban Development.

“Moderate-income household” means a household whose income does not exceed the moderate-income limits applicable to Stanislaus County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section [50079.5](#) of the California Health and Safety Code. This typically refers to those households with incomes of up to one hundred twenty percent (120%) of median income.

“*Monthly owner-occupied housing payment*” shall be that sum equal to the principal, interest, property taxes, utilities, homeowner’s insurance, and homeowners association dues paid on an annual basis divided by twelve.

“*Non-restricted units*” means all units within a housing development excluding the target units (see “Target unit”).

“*Qualifying resident*” means a senior citizen or other person eligible to reside in a senior citizen housing development.

“*Substantial rehabilitation*” means rehabilitation of existing dwelling units to ensure that they will remain available at affordable housing cost to persons of moderate, low, and very low income for the longest feasible time, but for not less than thirty (30) years.

“*Targeted income families*” means those households that meet the classification as moderate-, low-, and very low-income households as defined in this chapter.

“*Target unit*” means a dwelling unit within a housing development which will be reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very low-, low-, or moderate-income households, or a unit in a senior citizen housing development.

“*Very low-income household*” means a household whose income does not exceed the very low-income limits applicable to Stanislaus County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section [50105](#) of the California Health and Safety Code. (Ord. 675 § 1 Exh. B (part), 2006). Typically this refers to those households with incomes of up to fifty percent (50%) of median income.

Section 18.98.060 Telecommunications Terminology

“*Antenna*” means any system of wires, poles, rods, reflecting discs, whips, panels, or similar devices used for the transmission or receiving of electromagnetic radio frequency signals.

“*Antenna, building mounted*” means an antenna which is affixed to or supported by the roof or exterior wall of a building or other structure.

“*Antenna, ground mounted*” means an antenna which is fully or partially supported by a platform, framework, pole, or other structural system that is affixed to or placed directly on or in the ground.

“*Co-location*” means the use of two or more wireless communication facilities on a single support structure or otherwise sharing a common location. For the purposes of this chapter, co-location shall also include the location of wireless communication

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facilities with other facilities with other facilities such as water tanks, light standards, and other utility facilities and structures.

“Communication tower” means any structure which is used to transmit or receive electromagnetic radio frequency signals or that supports such a device.

“Electromagnetic radio frequency signal” means a wave or burst of electric and magnetic energy radiating away from a transmission source to be picked up by a receiving antenna for the purpose of communicating information.

“Wireless communication facility” means a facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves.