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## ARTICLE 2

# Zoning Districts & Allowable Land Uses

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## **CHAPTER 18.20 - DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS**

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### **Sections:**

- 18.20.010 - Purpose
- 18.20.020 - General Requirements for Development and New Land Uses
- 18.20.030 - Allowable Land Uses and Planning Permit Requirements
- 18.20.040 - Exemptions from Planning Permit Requirements
- 18.20.050 - Temporary Uses

### **18.20.010 - Purpose**

This Chapter describes the City's requirements for the approval of proposed development and new land uses. The permit requirements established by this Development Code for specific land uses are in Chapters 18.21 through 18.26.

### **18.20.020 - General Requirements for Development and New Land Uses**

Each land use and/or structure shall be established, constructed, reconstructed, altered, moved or replaced in compliance with the following requirements.

- A. **Allowable use.** The land use shall be allowable by this Development Code in the zoning district applied to the site. The basis for determining whether a use is allowable is described in Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Permit and approval requirements.** Any planning permit or other approval required by Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 18.20.040 (Exemptions from Planning Permit Requirements).
- C. **Development standards, conditions of approval.** Each land use and structure shall comply with the development standards of this Chapter, applicable standards and requirements in Articles 3 (Site Planning and Project Design Standards), 4 (Standards for Specific Land Uses), 5 (Resource Management), and 6 (Site Development Regulations), and any applicable conditions imposed by a previously granted planning permit.
- D. **Legal parcel.** The site of a proposed development or new land use shall be a parcel that was legally created in compliance with the Subdivision Map Act and Article 8 (Subdivision Regulations and Procedures).

### 18.20.030 - Allowable Land Uses and Planning Permit Requirements

- A. **Allowable land uses.** The uses of land allowed by this Development Code in each zoning district are listed in: Chapters 18.21, Table 2-1; 18.22, Table 2-6; 18.24, Table 2-10; and 18.26, Table 2-14; together with the type of planning permit required for each use. Each land use listed in the tables is defined in Article 10 (Glossary).
1. **Establishment of an allowable use.**
    - a. Any one or more land uses identified by Tables 2-1, 2-6, 2-10, and 2-14 as being allowable within a specific zoning district may be established on any parcel within that zoning district, subject to the planning permit requirements of Subsection B, and compliance with all applicable requirements of this Development Code.
    - b. Where a single parcel is proposed for development with two or more of the land uses listed in the tables at the same time, the overall project shall be subject to the highest permit level required by Subsection B. for any individual use. For example, a new building proposed in the CN zoning district with a bank on the ground floor and a doctor's office on the second floor would require Use Permit (UP) approval because Table 2-6 requires Use Permit approval for "banks and financial services," even though a "Medical Services - Doctor Office" is listed in the CN zone as a permitted use, requiring only a Zoning Clearance.
  2. **Use not listed.**
    - a. A land use that is not listed in Tables 2-1, 2-6, 2-10, or 2-14, and is determined by the Director to not be included in Article 10 (Glossary) under the definition of a listed land use, is not allowed within the City, except as provided in Subsection A.3, or Section 18.20.040 (Exemptions from Planning Permit Requirements).
    - b. A land use that is not listed in the tables within a particular zoning district is not allowed within that zoning district, except as otherwise provided in Subsection A.3, or Section 18.20.040.
  3. **Similar and compatible use may be allowed.** The Director may determine that a proposed use not listed in this Article is allowable as follows:
    - a. **Required findings.** The Director may determine that a proposed use is similar to and compatible with a listed use and may be allowed, only after first making all of the following findings with the determination:
      - i.) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the district;
      - ii.) The use will be consistent with the purposes of the applicable zoning district;
      - iii.) The use will be consistent with the Inland General Plan and any applicable specific plan;
      - iv.) The use will be compatible with the other uses allowed in the district; and
      - v.) The use is not listed as allowable in another zoning district.

A determination that a use qualifies as a similar and compatible use, and the findings supporting the determination, shall be in writing.
    - b. **Applicable standards and permit requirements.** When the Director determines that a proposed, but unlisted, use is similar and compatible to a listed use, the proposed use will be treated in the same

manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

- c. **Referral for determination.** The Director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination at a public meeting.
- d. **Appeal.** A determination of similar and compatible use may be appealed in compliance with Chapter 18.92 (Appeals).

B. **Permit requirements.** Tables 2-1, 2-6, 2-10, and 2-14 within Chapters 18.21 through 18.26 provide for land uses that are:

- 1. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Zoning Clearance (Section 18.71.020). These are shown as "P" uses in the tables;
- 2. Allowed subject to the approval of a Minor Use Permit (Section 18.71.060), and shown as "MUP" uses in the tables;
- 3. Allowed subject to the approval of a Use Permit (Section 18.71.060), and shown as "UP" uses in the tables;
- 4. Allowed subject to the type of City approval required by a specific provision of Chapter 18.42 (Standards for Specific Land Uses), as noted in the "Specific Use Regulations" column of Table 2-1 of Chapter 18.21 of this LUDC which references the required regulation sections of 18.42; and
- 5. Not allowed in particular zoning districts, and shown as "-" in the tables.

**Note:** A land use authorized through the approval of a Zoning Clearance, Minor Use Permit, or Use Permit may also require Design Review approval (Section 18.71.050), a Building Permit, and/or other permit(s) required by the Municipal Code.

### 18.20.040 - Exemptions from Planning Permit Requirements

The planning permit requirements of this Development Code do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all zoning districts subject to compliance with this Section.

A. **General requirements for exemption.** The land uses, structures, and activities identified by Subsection B. below are exempt from the planning permit requirements of this Development Code only when:

- 1. The use, activity or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of this Article (Zoning Districts and Allowable Land Uses), and Articles 3 (Site Planning and Project Design Standards), 4 (Standards for Specific Land Uses), 5 (Resource Management), 6 (Site Development Regulations) and, where applicable, Chapter 18.90 (Nonconforming Uses, Structures, and Parcels); and
- 2. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit).

- B. **Exempt activities and land uses.** The following are exempt from the planning permit requirements of this Development Code when in compliance with Subsection A. above.
1. **Decks, paths and driveways.** Decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit.
  2. **Fences and walls.** See Section 18.30.050 (Fences and Walls).
  3. **Interior remodeling.** Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure.
  4. **Repairs and maintenance.**
    - a. **Single-family dwellings.** Ordinary repairs to, and maintenance of, single-family dwellings.
    - b. **Multi-family and non-residential structures.** Ordinary repairs to, and maintenance of multi-family residential and non-residential structures, if:
      - i.) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and
      - ii.) Any exterior repairs employ the same materials and design as the original construction.
  5. **Small, portable residential accessory structures.** A single portable structure per lot or unit, including pre-manufactured storage sheds or other small structures in residential zoning districts, that are exempt from Building Permit requirements in compliance with the Municipal Code and the Uniform Building Code. Additional structures may be approved in compliance with Section 18.42.160 (Residential Accessory Uses and Structures), where allowed by the applicable zoning district.
  6. **Solar collectors.** The addition of solar collectors to the roof or side of a building, provided that the collectors comply with applicable height limit requirements; and ground-mounted solar collectors that comply with the setback requirements and height limitations of the applicable zoning district and are not visible from off the site.
  7. **Spas, hot tubs, and fish ponds.** Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed three feet in depth.
  8. **Utilities.** The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be permitted in any zoning district. These include: water; gas; electric; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Satellite and wireless communications antennas are not exempt, and are instead subject to Chapter 18.44 (Telecommunications Facilities).

### 18.20.050 - Temporary Uses

Requirements for establishing a temporary use (for example, a construction yard, seasonal sales lot, special event, temporary office trailer, etc.) are in Section 18.71.030 (Limited Term Permit).

## CHAPTER 18.21 - RESIDENTIAL ZONING DISTRICTS

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### Sections:

- 18.21.010 - Purpose
- 18.21.020 - Purposes of the Residential Zoning Districts
- 18.21.030 - Residential District Allowable Land Uses and Permit Requirements
- 18.21.040 - Residential District Subdivision Standards
- 18.21.050 - Residential District Site Planning and Building Standards
- 18.21.060 - Commercial Uses in Residential Zoning Districts

### 18.21.010 - Purpose

This Chapter lists the land uses that may be allowed within the Residential zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 18.21.020 - Purposes of the Residential Zoning Districts

The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.

- A. **RR (Rural Residential) zoning district.** The RR zoning district is applied to areas on the northern fringes of the City that are appropriate for single-family dwellings in a semi-rural environment that can also accommodate lower intensity agricultural land uses. The maximum allowable residential density within the RR district ranges from one dwelling unit per five acres to one dwelling unit per acre, with the maximum density allowed on specific property being identified on the Zoning Map by means of a numerical suffix to the RR zoning district symbol (see Section 18.21.040 - Residential District Subdivision Standards). The RR zoning district implements and is consistent with the RR land use designations of the Inland General Plan.
- B. **RS (Suburban Residential) zoning district.** The RS zoning district is applied to areas of the City that are appropriate for single-family dwellings, but where infrastructure limitations and/or environmental constraints limit the ability for development to achieve urban densities. The maximum allowable residential density within the RS district ranges from one to three dwelling units per acre, with the maximum density allowed on specific property being identified on the Zoning Map by means of a numerical suffix to the RS zoning district symbol (see Section 18.21.040 - Residential District Subdivision Standards). The RS zoning district implements and is consistent with the RS land use designation of the Inland General Plan.
- C. **RL (Low Density Residential) zoning district.** The RL zoning district is applied to areas of the City that are appropriate for neighborhoods of single-family dwellings on standard urban lots, surrounding the more densely developed core of the City. This zone also allows limited, neighborhood serving commercial uses on small, appropriately located individual parcels, or as small, pedestrian-oriented neighborhood centers. The maximum allowable residential density within the RL district ranges from three to six dwelling units per acre; the maximum floor area ratio (FAR) for non-residential uses is 0.40. The RL zoning district implements and is consistent with the RL land use designation of the Inland General Plan.
- D. **RM (Medium Density Residential) zoning district.** The RM zoning district is applied to areas of the City that are appropriate for neighborhoods with a variety of housing types located in proximity to parks, schools, and public services. This zone also allows limited, neighborhood serving commercial uses on small, appropriately located

individual parcels, or as small, pedestrian-oriented neighborhood centers. The maximum allowable residential density within the RM district ranges from six to 12 dwelling units per acre; the maximum floor area ratio (FAR) for non-residential uses is 0.40. The RM zoning district implements and is consistent with the RM land use designation of the Inland General Plan.

- E. **RH (High Density Residential) zoning district.** The RH zoning district is applied to areas of the City that are appropriate for a variety of higher density housing types, primarily on larger parcels where innovative site design can provide the desired mixture of housing types, aesthetic and functional open space areas, and other features that enhance the development and neighborhood. This zone also allows limited, neighborhood serving commercial uses on small, appropriately located individual parcels, or clusters of retail establishments. The maximum allowable residential density within the RH district ranges from 10 to 15 dwelling units per acre; the maximum floor area ratio (FAR) for non-residential uses is 0.40. The RH zoning district implements and is consistent with the RH land use designation of the Inland General Plan.
- F. **RVH (Very High Density Residential) zoning district.** The RVH zoning district is applied to areas of the City that are appropriate for high density multi-family housing near commercial areas and public services. This zone also allows limited, neighborhood serving commercial uses on small, appropriately located individual parcels or clusters of retail establishments. The maximum allowable residential density within the RVH district ranges from 12 to 24 dwelling units per acre; the maximum floor area ratio (FAR) for non-residential uses is 0.40. The RVH zoning district implements and is consistent with the RVH land use designation of the Inland General Plan.

**18.21.030 - Residential District Allowable Land Uses and Permit Requirements**

- A. **General permit requirements.** Table 2-1 identifies the uses of land allowed by this Development Code in each residential zoning district, and the planning permit required to establish each use, in compliance with Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-1 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.

<b>TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts</b>	<b>P</b>	<b>Permitted Use, Zoning Clearance required</b>					
	<b>MUP</b>	<b>Minor Use Permit required (see Section 18.71.060)</b>					
	<b>UP</b>	<b>Use Permit required (see Section 18.71.060)</b>					
	<b>S</b>	<b>Permit requirement set by Specific Use Regulations</b>					
	<b>—</b>	<b>Use not allowed</b>					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>						<b>Specific Use Regulations</b>
	<b>RR</b>	<b>RS</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>RVH</b>	

**AGRICULTURAL, RESOURCE & OPEN SPACE USES**

Agricultural accessory structure	P	P	—	—	—	—	18.42.030
Animal keeping	S	S	S	S	S	S	18.42.040
Crop production, horticulture, orchard, vineyard	P	P	P	P	P	P	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY USES**

Equestrian facility	UP	—	—	—	—	—	
Meeting facility, public or private	UP	UP	UP	UP	UP	UP	
Park, playground	P	P	P	P	P	P	
Private residential recreation facility	UP	UP	MUP	MUP	MUP	MUP	
School - Private	UP	UP	UP	UP	UP	UP	
School - Public	P	P	P	P	P	P	

**Key to Zoning District Symbols**

<b>RR</b>	Rural Residential	<b>RM</b>	Medium Density Residential
<b>RS</b>	Suburban Residential	<b>RH</b>	High Density Residential
<b>RL</b>	Low Density Residential	<b>RVH</b>	Very High Density Residential

Notes:

(1) See Article 10 for land use definitions.

<b>TABLE 2-1</b>	<b>P</b>	<b>Permitted Use, Zoning Clearance required</b>
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<b>Allowed Land Uses and Permit Requirements for Residential Zoning Districts</b>	<b>MUP</b>	<b>Minor Use Permit required (see Section 18.71.060)</b>					
	<b>UP</b>	<b>Use Permit required (see Section 18.71.060)</b>					
	<b>S</b>	<b>Permit requirement set by Specific Use Regulations</b>					
	<b>—</b>	<b>Use not allowed</b>					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>						<b>Specific Use Regulations</b>
	<b>RR</b>	<b>RS</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>RVH</b>	

**RESIDENTIAL USES**

Condominium conversion - 3 units maximum per parcel	—	—	—	P	UP	UP	
Home occupation	P	P	P	P	P	P	18.42.080
Mobile home park	UP	UP	UP	UP	UP	UP	18.42.110
Manufactured home	P	P	P	P	P	P	18.42.110
Multi-family housing, 3 units	—	—	—	P	P	P	18.42.120
Multi-family housing, 4 or more units	—	—	—	UP	UP	P	18.42.120
Co-Housing, 4 or more units	—	—	—	UP	UP	P	18.42.120
Organizational Housing/Care Facility (sorority, monastery, residential care, etc.) of more than 3,000 SF or three units.	—	—	—	UP	UP	UP	
Residential accessory use or structure	P	P	P	P	P	P	18.42.160
Residential care facility for the elderly (RCFE)	—	—	—	UP	UP	UP	
	—	—	—				
Accessory Dwelling Unit/duplex (2)	P	P	P	P	P	P	18.42.170
Single Dwelling Unit	P	P	P	P	P	P	

**RETAIL TRADE & GENERAL SERVICES**

Accessory retail and services	—	—	—	P	P	P	18.42.020
Artisan shop	—	—	—	UP	UP	UP	
Neighborhood market	—	—	UP	UP	UP	UP	18.21.060
Restaurant, cafe, coffee shop	—	—	UP	UP	UP	UP	18.21.060

**Key to Zoning District Symbols**

<b>RR</b>	Rural Residential	<b>RM</b>	Medium Density Residential
<b>RS</b>	Suburban Residential	<b>RH</b>	High Density Residential
<b>RL</b>	Low Density Residential	<b>RVH</b>	Very High Density Residential

Notes:

- (1) See Article 10 for land use definitions.
- (2) See government code 65852.1, 65852.150 and 65852.2 for additional information.

<b>TABLE 2-1</b>	<b>P</b>	<b>Permitted Use, Zoning Clearance required</b>
<b>Allowed Land Uses and Permit Requirements</b>	<b>MUP</b>	<b>Minor Use Permit required (see Section 18.71.060)</b>

<b>for Residential Zoning Districts</b>	<b>UP</b>	<b>Use Permit required (see Section 18.71.060)</b>					
	<b>S</b>	<b>Permit requirement set by Specific Use Regulations</b>					
	<b>—</b>	<b>Use not allowed</b>					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>						<b>Specific Use Regulations</b>
	<b>RR</b>	<b>RS</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>RVH</b>	

**SERVICES - BUSINESS & PROFESSIONAL (2)**

Medical services - Clinic, lab, urgent care	—	—	—	UP	UP	UP	
Medical services - Doctor office	—	—	—	UP	UP	P	18.21.060
Medical services - Extended care	—	—	—	UP	UP	UP	
Medical services - Hospital	—	—	—	UP	UP	UP	
Office - Accessory	P	P	P	P	P	P	
Office - Professional or administrative	—	—	—	—	—	UP	18.21.060

**SERVICES**

Day care, adult - 6 or fewer clients	MUP	MUP	MUP	MUP	MUP	MUP	
Day care, adult - 7 or more clients	—	—	—	UP	UP	UP	
Day care, child - Small family day care home	P	P	P	P	P	P	
Day care, child - Large family day care home	MUP	MUP	MUP	MUP	MUP	MUP	18.42.060
Child day care - Day care center	—	—	—	MUP	MUP	MUP	18.42.060
Vacation rental unit	—	—	—	—	—	—	
Mortuary, funeral home (not including cremation)	—	—	—	—	—	UP	
Personal services	—	—	UP	UP	UP	UP	18.21.060
Public safety facilities	UP	UP	UP	UP	UP	UP	

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

Pipelines, transmission lines	S	S	S	S	S	S	18.42.145
Utility facility	UP	UP	UP	UP	UP	UP	
Roof mounted solar and wind for on-site use	P	P	P	P	P	P	
Utility infrastructure	P	P	P	P	P	P	

**Key to Zoning District Symbols**

<b>RR</b>	Rural Residential	<b>RM</b>	Medium Density Residential
<b>RS</b>	Suburban Residential	<b>RH</b>	High Density Residential
<b>RL</b>	Low Density Residential	<b>RVH</b>	Very High Density Residential

**Notes:**

(1) See Article 10 for land use definitions.

(2) A doctor's office or professional or administrative office may be approved in a residential zoning district only on a site that is adjacent to or separated only by a street or alley from a commercial or industrial zoning district.

**18.21.040 - Residential District Subdivision Standards**

- A. Each subdivision shall comply with the minimum parcel size requirements shown in Table 2-2 for the applicable zoning district.

- B. The minimum parcel size requirements for a specific subdivision are determined by the Review Authority as part of subdivision approval. The Review Authority may require one or more parcels within a specific subdivision to be larger than the minimums required by this table based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- C. A condominium or other common interest project may be subdivided with smaller parcels for ownership purposes, with the minimum lot area determined through subdivision review, provided that the overall development site complies with the minimum parcel size, and the total number of any dwellings complies with the maximum density for the applicable zone.

**TABLE 2-2 - MINIMUM PARCEL SIZE STANDARDS**

Zoning District	Minimum Parcel Size			
	Minimum Area (1)	Minimum Width	Minimum Depth	Maximum Depth
RR-1 through RR-5	As shown by the numerical suffix to the RR symbol on the Zoning Map, with the number in the suffix indicating the minimum lot area in acres.	200 ft, or more as determined by the Review Authority for a parcel larger than 3 acres;  100 ft for a parcel smaller than 3 acres.	200 ft	N.A.
RS	40,000 sf	100 ft	200 ft	N.A.
RS-15	15,000 sf	100 ft	100 ft	N.A.
RL	6,000 sf, but no more than 6 parcels per net acre.	50 ft	100 ft	3 times width
RM	6,000 sf, but no more than 12 parcels per net acre.	50 ft	75 ft	3 times width
RH	Determined by the Review Authority during the subdivision process, consistent with the General Plan.			
RVH	Determined by the Review Authority during the subdivision process, consistent with the General Plan.			

Notes:

(1) Minimum parcel areas shall be considered net acreage as defined in Section 18.100.020(N).

**18.21.050 - Residential District Site Planning and Building Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Tables 2-4 and 2-5, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3.

**TABLE 2-4 - RR, RS, AND RL DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District		
	RR Rural Residential	RS Suburban Residential	RL Low Density Residential
<b>Density</b>	<i>Maximum number of dwelling units allowed on a single parcel.</i>		
	1 dwelling unit per parcel, plus one second unit where allowed by 18.42.170.		
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 18.30.100 for exceptions, reductions, and encroachments. See Chapter 18.42 for setback requirements applicable to a specific land use.</i>		
Front	25 ft		20 ft, but no closer than 25 ft to the street right-of-way or the edge of pavement, whichever is closer
Side - Interior (each)	20 ft	10 ft	5 ft
Side - Street side	Same as front setback		10 ft
Rear	20 ft		10 ft
Garage	5 ft back from street-facing façade of primary structure		
Accessory structures	See 18.42.030 (Agricultural Accessory Structures) and 18.42.160 (Residential Accessory Uses and Structures)		
<b>Site coverage</b>	<i>Maximum percentage of the total lot area that may be covered by impervious surfaces.</i>		
Maximum coverage	10,000 sf	25%	40%
Additional coverage	The maximum coverage above may be increased by 10% with Minor Use Permit approval, with the review and approval of a drainage plan by the Director of Public Works.		
<b>Floor area ratio (FAR)</b>	<i>Maximum floor area ratio for non-residential structures. FAR does not apply to residential structures.</i>		
Maximum FAR	N.A.		0.40
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 18.30.060 for height measurement requirements, and height limit exceptions.</i>		
Maximum height	28 ft		
<b>Fencing</b>	See Section 18.30.050 (Fences, Walls, and Screening)		
<b>Landscaping</b>	See Chapter 18.34 (Landscaping Standards)		
<b>Parking</b>	See Chapter 18.36 (Parking and Loading)		
<b>Signs</b>	See Chapter 18.38 (Signs)		

**TABLE 2-5 - RM, RH, AND RVH DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District		
	RM Medium Density Residential	RH High Density Residential	RVH Very High Density Residential
<b>Density</b>	<i>Minimum and maximum number of dwelling units allowed on a single parcel.</i>		
Minimum and max.	6 to 12 units per acre	10 to 15 units per acre (1)	12 to 24 units per acre (1)
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 18.30.100 for exceptions, reductions, and encroachments. See Chapter 18.42 for setback requirements applicable to a specific land use.</i>		
Front	20 ft, but no closer than 25 ft to a City street		
Side - Interior (each)	5 ft	5 ft; except 10 ft for single-story and 20 ft for multi-story buildings of 3 or more units on a site abutting an RS or RL zone.	
Side - Street side	10 ft		
Rear	10 ft	10 ft	20 ft abutting an RS or RL zone, 10 ft elsewhere.
Garage	5 ft back from street-facing façade of primary structure		
Accessory structures	See 18.42.030 (Agricultural Accessory Structures) and 18.42.160 (Residential Accessory Uses and Structures).		
<b>Site coverage</b>	<i>Maximum percentage of the total lot area that may be covered by impervious surfaces.</i>		
Maximum coverage	50%	75%	90%
Additional coverage	An additional 10% of lot area may be covered with Minor Use Permit approval, with the review and approval of a drainage plan by the Director of Public Works.	An additional 10% of lot area may be covered with Minor Use Permit approval, with the review and approval of a drainage plan by the Director of Public Works.	
<b>Floor area ratio (FAR)</b>	<i>Maximum floor area ratio for non-residential structures. FAR does not apply to residential structures.</i>		
Maximum FAR	0.40		
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 18.30.060 for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	45 ft
<b>Fencing</b>	See Section 18.30.050 (Fences, Walls, and Screening)		
<b>Landscaping</b>	See Chapter 18.34 (Landscaping Standards)		
<b>Parking</b>	See Chapter 18.36 (Parking and Loading)		
<b>Signs</b>	See Chapter 18.38 (Signs)		

Notes:

(1) A proposed residential project shall not be proposed at less than the minimum density provided for the applicable zoning district.

**18.21.060 - Commercial Uses in Residential Zoning Districts**

- A. **Applicability.** The standards in this Section apply to agricultural, resource, and open space uses, retail trade, and business and professional service uses identified by Section 18.21.020, Table 2-1, as allowable within a residential zoning district and subject to the requirements of this Section.
- B. **Retail uses.** A neighborhood market, restaurant, café, or coffee shop shall comply with the following standards:
1. **Site planning.** Each proposed site shall be planned to provide pedestrian orientation and the buffering of on-site non-residential activities from adjacent residential development. No parking shall be located between buildings and a public street.
  2. **Limitation on floor area.** No individual use shall exceed a total floor area of 10,000 square feet.
  3. **Hours of operation.** A commercial use that is subject to this Section shall be open for business only during the hours from 7:00 a.m. to 8:00 p.m., unless other hours are specifically authorized by the Use Permit approval for the project.
- C.

## CHAPTER 18.22 - COMMERCIAL ZONING DISTRICTS

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### Sections:

- 18.22.010 - Purpose
- 18.22.020 - Purposes of Commercial Zoning Districts
- 18.22.030 - Commercial District Land Uses and Permit Requirements
- 18.22.040 - Commercial District Subdivision Standards
- 18.22.050 - Commercial District Site Planning and Building Standards
- 18.22.060 - CBD Frontage and Facade Standards
- 18.22.070 - Commercial Design Guidelines

### 18.22.010 - Purpose

This Chapter lists the land uses that may be allowed within the commercial zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 18.22.020 - Purposes of Commercial Zoning Districts

The purposes of the individual commercial zoning districts and the manner in which they are applied are as follows.

- A. **CN (Neighborhood Commercial) zoning district.** The CN zoning district is applied to areas of the City that are appropriate for small-scale facilities providing convenience shopping and services for adjacent residential neighborhoods. The maximum allowable residential density within the CN district for the residential component of a mixed-use project is 12 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CN zoning district implements and is consistent with the CN land use designation of the General Plan.
- B. **CO (Office Commercial) zoning district.** The CO zoning district is applied to areas of the City that are intended to serve the office and institutional needs of the community that cannot be accommodated within the CBD zoning district. Other related and office-supporting uses may also be allowed. The maximum allowable residential density within the CO district for either the residential component of a mixed-use project or multi-family dwellings as a primary use is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CO zoning district implements and is consistent with the CO land use designation of the General Plan.
- C. **CBD (Central Business District) zoning district.** The CBD zoning district is applied to the core of the downtown which is the civic, cultural, and commercial center of the City. The CBD zone is intended to accommodate retail stores, government and professional offices, theaters, and other similar and related uses in the context of pedestrian oriented development. The maximum allowable residential density within the CBD zone for the residential component of a mixed use project is 40 dwelling units per acre; the maximum floor area ratio (FAR) is 2.0. The CBD zoning district implements and is consistent with the CBD land use designation of the General Plan.
- D. **CG (General Commercial) zoning district.** The CG zoning district is applied to areas of the City that are appropriate for less compact and intensive commercial uses than those accommodated within the CBD zone. Allowable land uses are typically more auto-oriented than pedestrian oriented, and may include automotive and service-related uses, a wide range of retail stores, including those selling large products (appliances, home furnishings, building materials, etc.) The maximum allowable residential density within the CG district for the residential component of a mixed-use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CG zoning district implements and is consistent with the CG land use designation of the General Plan.

- E. **CH (Highway Commercial) zoning district.** The CH zoning district is applied to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores. The maximum allowable residential density within the CH district for the residential component of a mixed-use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CH zoning district implements and is consistent with the CH land use designation of the General Plan.

### 18.22.030 - Commercial District Land Uses and Permit Requirements

- A. **General permit requirements.** Table 2-6 identifies the uses of land allowed by this Development Code in each Commercial zoning district, and the planning permit required to establish each use, in compliance with Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-6 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Findings for Use Permit or Minor Use Permit approval.** The approval of a Use Permit or Minor Use Permit for a project within a commercial district shall require that the Review Authority first make the following findings for the zoning district applicable to the site, in addition to the findings required by Section 18.71.060 (Use Permit and Minor Use Permit).
1. **CN (Neighborhood Commercial) district.** The use is designed and intended to serve the local neighborhood and not a broader service area, and is not of a size as to require a clientele larger than the neighborhood market area.
  2. **CO (Office Commercial) district.** The use acts to support primary uses in the zone, or clients or visitors of allowable permitted uses.
  3. **CBD (Central Business District) district.** The use complements the local, regional and tourist-serving retail, office and services functions of the CBD, and will not detract from this basic purpose of the CBD. Uses proposed for the intense pedestrian-oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of South Franklin Street, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian oriented uses on the street-fronting portion of the building.
  4. **CG (General Commercial) district.**
    - a. The uses generally require larger display and/or storage areas; and
    - b. The use is not dependent on heavy customer traffic per square foot.
  5. **CH (Highway Commercial) district.**
    - a. Secondary uses oriented to local clientele may be permitted where the primary use of a site is oriented to or serves visitor, regional, or transient traffic; and
    - b. Uses oriented to local clientele may be allowed where visitor-oriented uses are precluded because of environmental concerns or other site specific constraints.

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CN	CO	CBD	CG	CH		
	<b>P Permitted Use, Zoning Clearance required</b> <b>MUP Minor Use Permit required (see Section 18.71.060)</b> <b>UP Use Permit required (see Section 18.71.060)</b> <b>S Permit requirement set by Specific Use Regulations</b> <b>— Use not allowed</b>						
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>						<b>Specific Use Regulations</b>
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>							
Crop production, horticulture, orchard, vineyard	P	P	P	P	P		
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</b>							
Laboratory - Analytical and Testing	—	P	—	P	—		
Artisan/craft product manufacturing with retail sales	—	P(2)	P(2)	P(2)	P(2)		
Brewery/Restaurant	—	—	UP	—	—		
Printing and publishing	—	—	P	P	—		
Research and Development (R&D)	—	—	—	UP	—		
Recycling - Small facility	P	P	P	P	P		18.42.150
Recycling - Large facility	—	—	—	UP	—		18.42.150

**Key to Zoning District Symbols**

<b>CN</b>	Neighborhood Commercial	<b>CG</b>	General Commercial
<b>CO</b>	Office Commercial	<b>CH</b>	Highway and Visitor Commercial
<b>CBD</b>	Central Business District		

**Notes:**

(1) See Article 10 for land use definitions.

(2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.

TABLE 2-6	P Permitted Use, Zoning Clearance required
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<b>Allowed Land Uses and Permit Requirements for Commercial Zoning Districts</b>	<b>MUP</b>	<b>Minor Use Permit required (see Section 18.71.060)</b>				
	<b>UP</b>	<b>Use Permit required (see Section 18.71.060)</b>				
	<b>S</b>	<b>Permit requirement set by Specific Use Regulations</b>				
	<b>—</b>	<b>Use not allowed</b>				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>					<b>Specific Use Regulations</b>
	<b>CN</b>	<b>CO</b>	<b>CBD</b>	<b>CG</b>	<b>CH</b>	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY USES**

Recreational Vehicle Park	—	—	—	—	UP	
Commercial recreation facility - Indoor	—	—	UP	P	P	
Commercial recreation facility - Outdoor	UP	UP	—	UP	UP	
Conference facility	—	UP	UP	UP	UP	
Health/fitness facility	—	UP	UP	P	UP	
Library, museum, art gallery	UP	UP	P	P	P	
Meeting facility, public or private	UP	UP	UP	UP	UP	
Park, playground	P	P	P	P	P	
School - Private	UP	UP	UP	UP	UP	
Sports and Active Recreation Facility	—	—	UP	UP	UP	
Studio - Art, dance, martial arts, music, etc.	UP	UP	P	P	P	
Theater	—	—UP	P	P	P	

**RESIDENTIAL USES**

Emergency shelter	—	—	—	P	—	
Home occupation	P	P	P	P	P	18.42.080
Live/work unit	MUP	MUP	MUP	MUP	—	18.42.090
Multi-family dwellings	P	UP	UP	UP	UP	18.42.120
Residential care facility for the elderly (RCFE)	—	UP	UP	UP	—	
Residential care facility	—	UP	UP	UP	—	
Residential component mixed use project	P	UP	P(2)	P	P	18.42.100
Single Residential Unit	MUP (3)		UP (4)	UP (4)		

**Key to Zoning District Symbols**

<b>CN</b>	Neighborhood Commercial	<b>CG</b>	General Commercial
<b>CO</b>	Office Commercial	<b>CH</b>	Highway and Visitor Commercial
<b>CBD</b>	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with Section 18.22.060.B (Limitation on Location of Allowable Uses).
- (3) Use permitted only for lots in the CN zone that do not front a major collector, as defined in the General Plan.
- (4) Use permitted only for existing structures that have the appearance of a single-family dwelling, per the Citywide Design Guidelines.

<b>TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts</b>	<b>P</b>	<b>Permitted Use, Zoning Clearance required</b>				
	<b>MUP</b>	<b>Minor Use Permit required (see Section 18.71.060)</b>				
	<b>UP</b>	<b>Use Permit required (see Section 18.71.060)</b>				
	<b>S</b>	<b>Permit requirement set by Specific Use Regulations</b>				
	<b>—</b>	<b>Use not allowed</b>				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>					<b>Specific Use Regulations</b>
	<b>CN</b>	<b>CO</b>	<b>CBD</b>	<b>CG</b>	<b>CH</b>	

**RETAIL TRADE**

Artisan shop	UP	UP	P	P	P	
Auto and vehicle sales and rental	—	—	—	P	P	
Auto parts sales with no installation services	—	—	—	P	P	
Bar/tavern	—	—	UP	MUP	MUP	
Big box retail	—	—	—	UP	UP	
Building and landscape materials sales - Indoor	—	—	—	P	UP	
Building and landscape materials sales - Outdoor	—	—	—	UP	UP	18.42.130
Construction and heavy equipment sales and rental	—	—	—	UP	UP	18.42.130
Convenience store	P	—	P	P	P	
Drive-through retail or service	—	—	UP	UP	UP	18.42.070
Farm supply and feed store	—	—	—	P	—UP	
Fuel dealer (propane for home and farm use, etc.)	—	—	—	UP	—	
Furniture, furnishings and appliance store	—	—	P	P	UP	
Retail, general - 10,000 sf or larger	—	—	UP	UP	UP	
Retail, general- 5,000 sf – 9,999 sf	—	—	P	P	P	
Retail, general - Less than 5,000 sf	P	P	P	P	P	
Groceries, specialty foods	P	—	P	P	P	
Mobile home, boat, or RV sales	—	—	—	UP	UP	
Night club	—	—	UP	UP	UP	
Outdoor retail sales and activities	—	—	P	P	P	18.42.130
Restaurant, café, coffee shop	UP	P	P	P	P	18.42.165
Second hand store	—	—		P	P	
Service station	—	—	—	UP	UP	18.42.180
Shopping center	—	—	—	UP	UP	

**Key to Zoning District Symbols**

<b>CN</b>	Neighborhood Commercial	<b>CG</b>	General Commercial
<b>CO</b>	Office Commercial	<b>CH</b>	Highway and Visitor Commercial
<b>CBD</b>	Central Business District		

Notes:

(1) See Article 10 for land use definitions.

<b>TABLE 2-6</b> <b>Allowed Land Uses and Permit Requirements</b> <b>for Commercial Zoning Districts</b>	<b>P Permitted Use, Zoning Clearance required</b> <b>MUP Minor Use Permit required (see Section 18.71.060)</b> <b>UP Use Permit required (see Section 18.71.060)</b> <b>S Permit requirement set by Specific Use Regulations</b> <b>— Use not allowed</b>					
	<b>PERMIT REQUIRED BY DISTRICT</b>					<b>Specific Use Regulations</b>
<b>LAND USE (1)</b>	<b>CN</b>	<b>CO</b>	<b>CBD</b>	<b>CG</b>	<b>CH</b>	

**SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL**

Bank, financial services	UP	P	P	P	P	
Business support service	—	P	P	P	P	
Medical services - Doctor office	P	P	P	P	UP	
Medical services - Clinic, lab, urgent care	—	P	P	P	—	
Medical services - Hospital	—	UP	—	UP	UP	
Office - Accessory	P	P	P	P	P	
Office - Business/service	—	P	P	P	P	
Office - Professional/administrative	—	P	P	P	P	

**SERVICES - GENERAL**

Adult day care	P	P	P	P	—UP	
Catering service	—	P	—P(3)	P	—	
Child day care center	UP	UP	UP	UP	MUP	
Drive-through service	—	—	UP	UP	UP	18.42.070
Equipment rental	—	—	UP	P	UP	
Kennel, animal boarding	—	—	—	UP	—	18.42.040
Lodging - Bed & breakfast inn (B&B)	—	—	UP	UP	P	18.42.050
Lodging - Hotel or motel	—	—	UP	UP	UP	
Lodging - Vacation rental unit	—	—	MUP	—	—	18.42.190
Maintenance service - Client site services	—	—	—	P	—	
Mortuary, funeral home	—	P	—	P	—	
Personal services	P	P	P	P	MUP	
Personal services - Restricted	—	—	UP	UP	UP	
Public safety facility	—	P	P	P	P	
Repair service - Equipment, large appliances, etc.	—	—	—	P	—P	
Vehicle services - Major repair/body work	—	—	—	UP	UP	
Vehicle services - Minor maintenance/repair	—	—	—	P	P	
Veterinary clinic, animal hospital		P	—	P	P	

**Key to Zoning District Symbols**

<b>CN</b>	Neighborhood Commercial	<b>CG</b>	General Commercial
<b>CO</b>	Office Commercial	<b>CH</b>	Highway and Visitor Commercial

<b>CBD</b>	Central Business District
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Notes:

- (1) See Article 10 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with Section 18.22.060.B (Limitation on Location of Allowable Uses).
- (3) Permitted above the first floor or as part of a restaurant.

<b>TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts</b>	<b>P Permitted Use, Zoning Clearance required</b>					
	<b>MUP Minor Use Permit required (see Section 18.71.060)</b>					
<b>UP Use Permit required (see Section 18.71.060)</b>						
<b>S Permit requirement set by Specific Use Regulations</b>						
<b>— Use not allowed</b>						
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>					<b>Specific Use Regulations</b>
	<b>CN</b>	<b>CO</b>	<b>CBD</b>	<b>CG</b>	<b>CH</b>	

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

Ambulance, taxi, and specialized transportation dispatch facility	—	UP	—	UP	UP	
Broadcasting studio	—	P	P	P	—	
Parking facility, public or commercial	P	P	P	P	P	
Pipelines, transmission lines	S	S	S	S	S	18.42.145
Telecommunications facility	S	S	S	S	S	18.44
Transit station	UP	UP	UP	UP	UP	
Solar, wind, geothermal facilities for on-site use	P	P	P	P	P	
Utility facility	P	P	UP	P	P	
Vehicle storage	—	—	—	UP	—	

**Key to Zoning District Symbols**

<b>CN</b>	Neighborhood Commercial	<b>CG</b>	General Commercial
<b>CO</b>	Office Commercial	<b>CH</b>	Highway and Visitor Commercial
<b>CBD</b>	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.

**18.22.040 - Commercial District Subdivision Standards**

- A. Each subdivision shall comply with the minimum parcel size requirements shown in Table 2-7 for the applicable zoning district.
- B. The minimum parcel size requirements for a specific subdivision are determined by the Review Authority as part of subdivision approval. The Review Authority may require one or more parcels within a specific subdivision to be larger than the minimums required by this table based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- C. A condominium or other common interest project may be subdivided with smaller parcels for ownership purposes, with the minimum lot area determined through subdivision review, provided that the overall development site complies with the minimum parcel size, and the total number of any allowed dwellings complies with the maximum density for the applicable zone.

**TABLE 2-7 - MINIMUM PARCEL SIZE STANDARDS**

Zoning District	Minimum Parcel Size			
	Minimum Area (1)	Minimum Width	Minimum Depth	Maximum Depth
CN	2,000 sf	25 ft	N.A.	3 times width; except that lots less than 50 ft in width may be 150 ft in depth if they have both fronting street and rear alley frontages.
CO	6,000 sf	50 ft	N.A.	3 times width
CBD	2,000 sf	20 ft	N.A.	3 times width; except that lots less than 50 ft in width may be 150 ft in depth if they have both fronting street and rear alley frontages.
CG	5,000 sf	50 ft	N.A.	3 times width
CH	6,000 sf	50 ft	N.A.	3 times width

Notes:

(1) Minimum area shall be considered net acreage as defined in Section 18.100.020(N)

**18.22.050 - Commercial District Site Planning and Building Standards**

- A. **General standards.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-8 and 2-9 in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

**TABLE 2-8 - CN, CO, AND CBD DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District		
	CN Neighborhood Commercial	CO Office Commercial	CBD Central Business District
<b>Residential density</b>	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>		
Maximum density	24 units per acre	24 units per acre	40 units per acre
<b>Setbacks</b>	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 18.30.100 for exceptions to these requirements.</i>		
Front	Same as the front setback for an R zone on the same block; 10 ft elsewhere.	20 ft for buildings 20 ft or more in height; 15 ft for other buildings.	None allowed - Building facades shall abut the back of the public sidewalk, except as provided in 18.22.060.
Side - Interior (each)	Same as the front setback required for an R zone abutting the side property line; none required elsewhere.	10 ft; 15 ft adjacent to an abutting R zone.	None required
Side - Street side	None required	Same as front setback	None required
Rear	15 ft; 5 ft adjacent to an alley.	10 ft; 15 ft adjacent to an abutting R zone; 5 ft adjacent to an alley.	15 ft for a building 12 ft or more in height on a site abutting an R zone; 5 ft adjacent to an alley; none required elsewhere.
<b>Floor area ratio (FAR)</b>	<i>Maximum allowable floor area ratio for non-residential projects. FAR may be increased with Use Permit approval to accommodate housing units and/or live-work units in a mixed-use project to a maximum FAR of 2.0 for a mixed-use project.</i>		
	0.40	0.40	2.00
<b>Site coverage</b>	<i>Maximum percentage of the total lot area that may be covered by impervious surfaces.</i>		
Maximum coverage	No limitation		
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 18.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	25 ft	25 ft; 35 ft with Use Permit approval.	35 ft and 3 stories; 45 ft and 3 stories with Use Permit approval.
<b>Fencing</b>	See Section 18.30.050 (Fences, Walls, and Screening)		
<b>Landscaping</b>	See Chapter 18.34 (Landscaping Standards)		
<b>Parking</b>	See Chapter 18.36 (Parking and Loading)		
<b>Signs</b>	See Chapter 18.38 (Signs)		

**TABLE 2-9 - CG AND CH DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District	
	CG General Commercial	CH Highway Commercial
<b>Residential density</b>	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>	
Maximum density	24 units per acre	
<b>Setbacks</b>	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 18.30.100 for exceptions to these requirements.</i>	
Front	10 ft on Main Street and Highway 20; same as the front setback for an R zone on the same block; none required elsewhere.	15 ft on Main Street and Highway 20; same as the front setback for an R zone on the same block; 5 ft required elsewhere.
Side - Interior (each)	Same as the front setback required for an R zone abutting the side property line; none required elsewhere.	
Side - Street side	Same as front setback.	
Rear	5 ft adjacent to an alley; 15 ft adjacent to an abutting residential zone; none required elsewhere.	10 ft adjacent to an alley; 15 ft adjacent to residential zone; none required elsewhere.
<b>Floor area ratio (FAR)</b>	<i>Maximum allowable floor area ratio for non-residential projects. May be increased with Use Permit approval to accommodate housing units and/or live-work units up to an FAR of 2.0 for a mixed use project.</i>	
	0.40	
<b>Maximum floor area</b>	<i>Maximum floor area allowed for commercial buildings in the locations noted.</i>	
	a. Between the Noyo River and Pudding Creek bridges - 50,000 sf. b. North of Pudding Creek bridge - 30,000 sf.	
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 18.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft; 45 ft with Use Permit approval.	35 ft.
<b>Fencing</b>	See Section 18.30.050 (Fences, Walls, and Screening)	
<b>Landscaping</b>	See Chapter 18.34 (Landscaping Standards)	
<b>Parking</b>	See Chapter 18.36 (Parking and Loading)	
<b>Signs</b>	See Chapter 18.38 (Signs)	

**18.22.060 - CBD Frontage and Facade Standards**

- A. **Applicability.** The requirements of this Section apply to proposed development within the CBD zoning district. Each new non-residential structure, and all alterations to existing structures involving any change in the facade at the street frontage, shall comply with the following standards. The Review Authority may approve minor variations to these standards as deemed appropriate, provided that the Review Authority also first finds that the minor variation will still produce a new or altered building that complies with the intent of this Section.
- B. **Limitation on the location of allowable land uses.** Each land use shall be located as follows.
1. The ground floor of each non-residential structure shall be limited to the uses allowed on the ground floor by Section 18.22.020, Table 2-6, to enhance the pedestrian orientation of downtown streets. Examples of the pedestrian-oriented uses allowed by Table 2-6 include walk-in uses such as restaurants, retail stores, health/fitness facilities, personal services, community service organizations, and similar uses. The Review Authority may modify the Table 2-6 limitations on ground floor uses when existing structures are re-occupied by different tenants or uses, or when this requirement is determined by the Review Authority to be infeasible because of excessive storefront vacancies.
  2. Ground floor, street fronting business/service offices may be approved if the Review Authority first determines that the use will not impair the pedestrian character of the street, provided that:
    - a. Parcels on the block occupied by office uses that are not pedestrian oriented constitute less than 50 percent of the block frontage;
    - b. The remainder of the block is characterized primarily by retail and/or restaurant uses; and
    - c. The facade design of the structure that accommodates the office contributes to the visual interest of the street and conspicuously expresses the nature of the use.
- C. **Elevation of first floor.** At least 75 percent of the street fronting length of the first habitable floor of a nonresidential structure shall be located no more than two vertical feet above or below the sidewalk elevation at any point along the street property line.
- D. **Pedestrian access.** The primary entrance of each ground floor use shall be recessed a minimum of three feet when accessed from the public right-of-way. Walk-up facilities and entries shall be recessed and provide adequate queuing space to avoid interruption of pedestrian flow.
- E. **Formula design prohibited.** The architectural style and exterior finish materials of each proposed structure shall be designed based upon the architectural traditions of Fort Bragg and Mendocino County, and the architectural styles prevalent in the site vicinity. Buildings proposed with architectural features substantially similar to those found in other communities on buildings occupied by the same corporate or franchise entity that will occupy the proposed building are strongly discouraged.

## CHAPTER 18.24 - INDUSTRIAL ZONING DISTRICTS

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### Sections:

- 18.24.010 - Purpose
- 18.24.020 - Purposes of Industrial Zoning Districts
- 18.24.030 - Industrial District Land Uses and Permit Requirements
- 18.24.040 - Industrial District Subdivision Standards
- 18.24.050 - Industrial District Site Planning and Building Standards

### 18.24.010 - Purpose

This Chapter lists the land uses that may be allowed within the industrial zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 18.24.020 - Purposes of Industrial Zoning Districts

The purposes of the individual industrial zoning districts and the manner in which they are applied are as follows.

- A. **IL (Light Industrial) zoning district.** The IL zoning district is applied to areas of the City that are appropriate for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses that do not generate significant customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Allowable manufacturing uses and activities must be entirely within enclosed structures. The maximum floor area ratio (FAR) is 0.40. The IL zoning district implements and is consistent with the IL land use designation of the General Plan.
- B. **IH (Heavy Industrial) zoning district.** The IH zoning district is applied to areas of the City that are appropriate for a range of heavy industrial including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses. The maximum floor area ratio (FAR) is 0.40. The IH zoning district implements and is consistent with the IH land use designation of the General Plan.

### 18.24.030 - Industrial District Land Uses and Permit Requirements

- A. **General permit requirements.** Table 2-10 identifies the uses of land allowed by this Development Code in each industrial zoning district, and the planning permit required to establish each use, in compliance with Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-10 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	P	Permitted Use, Zoning Clearance required	
	MUP	Minor Use Permit required (see Section 18.71.060)	
	UP	Use Permit required (see Section 18.71.060)	
	S	Permit requirement set by Specific Use Regulations	
	—	Use not allowed	
LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>			
Crop production, horticulture, orchard, vineyard	P	P	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</b>			
Agricultural product processing	UP	P	
Artisan/craft product manufacturing	P(2)	UP	
Brewery/Restaurant	UP	UP	
Boat and ship construction, repair, maintenance	UP	P	
Construction contractor base	P(2)	P(2)	
Fish processing	P(2)	P	
Laboratory – Analytical, testing	P(2)	P	
	P	P	
Lumber and wood product manufacturing	UP	UP	
Manufacturing/processing - Cannabis	UP	UP	18.42.055 FBMC 9.33
Manufacturing/processing - Heavy		UP	
Manufacturing/processing - Light	P	P	
Manufacturing/processing - Medium intensity	UP	P(2)	
Media production	P	P	
Petroleum product storage and distribution	UP	P	
Printing and publishing	P	P	
Research and Development (R&D)	P	P	
Recycling - Large facility	UP	UP	18.42.150
Recycling - Small facility	P	P	18.42.150
Storage - Outdoor	UP	UP	18.42.140
Storage - Personal storage facility (mini-storage)	UP	P	
Storage – Warehouse, indoor storage	P(2)	P	
Wholesaling and distribution	P(2)	P	

**Key to Zoning District Symbols**

IL	Light Industrial
IH	Heavy Industrial

Notes:

(1) See Article 10 for land use definitions.

(2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.

LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>			
Adult entertainment business	S	S	18.40
Commercial recreation facility - Indoor	UP		
Commercial recreation facility - Outdoor	UP	UP	
Emergency Shelter	UP	---	
	—	—	
Health/fitness facility	UP	—	
Library, museum	UP	---	
Meeting facility, public or private	UP	—	
School - Specialized education/training	UP	UP	
Sports and Active Recreation Facility	UP	UP	
<b>RESIDENTIAL USES</b>			
Caretaker quarters	UP	MUP	
Live/work unit	UP	—	18.42.090

**Key to Zoning District Symbols**

IL	Light Industrial
IH	Heavy Industrial

Notes:

(1) See Article 10 for land use definitions.

<b>TABLE 2-10</b> <b>Allowed Land Uses and Permit Requirements</b> <b>for Industrial Zoning Districts</b>	<b>P Permitted Use, Zoning Clearance required</b> <b>MUP Minor Use Permit required (see Section 18.71.060)</b> <b>UP Use Permit required (see Section 18.71.060)</b> <b>S Permit requirement set by Specific Use Regulations</b> <b>— Use not allowed</b>		
	<b>PERMIT REQUIRED BY DISTRICT</b>		<b>Specific Use Regulations</b>
<b>LAND USE (1)</b>	<b>IL</b>	<b>IH</b>	

**RETAIL TRADE**

Accessory retail or services	MUP	MUP	18.42.020
Building and landscape materials sales - Indoor	P	P	
Building and landscape materials sales - Outdoor	UP	P	18.42.130
Construction and heavy equipment sales and rental	UP	P	18.42.130
Farm supply and feed store	P(2)	P	
Fuel dealer (propane for home and farm use, etc.)	P	—	
Mobile home, boat or RV sales	UP	UP	
Service station	UP	UP	18.42.180

**SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL**

Business support service	P	UP	
Office - Accessory	P	P	
Office - Processing -	P	P	

**Key to Zoning District Symbols**

<b>IL</b>	Light Industrial
<b>IH</b>	Heavy Industrial

Notes:

(1) See Article 10 for land use definitions.

<b>TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts</b>	<b>P</b>	<b>Permitted Use, Zoning Clearance required</b>	
	<b>MUP</b>	<b>Minor Use Permit required (see Section 18.71.060)</b>	
	<b>UP</b>	<b>Use Permit required (see Section 18.71.060)</b>	
	<b>S</b>	<b>Permit requirement set by Specific Use Regulations</b>	
	<b>—</b>	<b>Use not allowed</b>	
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>		<b>Specific Use Regulations</b>
	<b>IL</b>	<b>IH</b>	

**SERVICES - GENERAL**

Accessory retail or services	MUP	MUP	18.42.020
Equipment rental	P(2)	P(2)	
Kennel, animal boarding	UP	UP	18.42.040
Maintenance service - Client site services	P(2)	P	
Medical Marijuana Dispensary	UP	UP	FBMC 9.30 (Ord. 851 §1, 2005)
Public safety facility	P	P	
Repair service - Equipment, large appliances, etc.	P(2)	P	
Vehicle services - Major repair/body work	UP	UP	
Vehicle services - Minor maintenance/repair	P	P	
Veterinary clinic, animal hospital	P	P	

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

Ambulance, taxi, or specialized transportation dispatch facility	P(2)	P	
Broadcasting studio	P	—	
Freight terminal	P(2)	P	
Parking facility, public or commercial	UP	UP	
Pipeline or transmission line	S	S	18.42.145
Telecommunications facility	S	S	18.44
Transit station or terminal	UP	UP	
Utility facility	P	P	
Vehicle storage	UP	UP	

**Key to Zoning District Symbols**

<b>IL</b>	Light Industrial
<b>IH</b>	Heavy Industrial

Notes:

(1) See Article 10 for land use definitions.

**18.24.040 - Industrial District Subdivision Standards**

- A. Each subdivision shall comply with the minimum parcel size requirements shown in Table 2-11 for the applicable zoning district.
- B. The minimum parcel size requirements for a specific subdivision are determined by the Review Authority as part of subdivision approval. The Review Authority may require one or more parcels within a specific subdivision to be larger than the minimums required by this table based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- C. An industrial condominium may be subdivided with smaller parcels for ownership purposes, with the minimum lot area determined through subdivision review, provided that the overall development site complies with the minimum parcel size.

**TABLE 2-11 - MINIMUM PARCEL SIZE STANDARDS**

Zoning District	Minimum Parcel Size			
	Minimum Area (1)	Minimum Width	Minimum Depth	Maximum Depth
IL	5,000 sf	50 ft	100 ft	3 times width
IH	5,000 sf	50 ft	100 ft	3 times width

Notes:

(1) Minimum area based on net parcel size as defined in Section 18.100.020(N).

### 18.24.050 - Industrial District Site Planning and Building Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-12 in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

**TABLE 2-12 - IL AND IH DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District	
	IL Light Industrial	IH Heavy Industrial
<b>Residential density</b>	<i>Maximum number of dwelling units allowed on a parcel. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>	
Maximum density	15 live/work units per acre	1 caretaker unit per parcel
<b>Setbacks</b>	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 18.30.100 for exceptions to these requirements.</i>	
Front	30 ft from Main Street; 15 ft elsewhere.	
Side - Interior (each)	10 ft; except no setback required if the other side yard maintains a setback 15 ft or more. 10 ft on any side abutting a C zone. 30 ft on any side abutting an R or OS zone, or a PD zone not specified for industrial uses.	
Side - Street side	Same as front setback.	
Rear	Abutting an alley, 10 ft within 30 ft of each side property line or driveway accessing the alley (see Figure 2-1); 30 ft if adjacent to an R zone; none required elsewhere.	
<b>Floor area ratio (FAR)</b>	<i>Maximum FAR allowed.</i>	
	0.40	
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 18.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft; 45 ft with Use Permit approval.	40 ft; 60 ft with Use Permit approval.
<b>Fencing</b>	See Section 18.30.050 (Fences, Walls, and Screening)	
<b>Landscaping</b>	See Chapter 18.34 (Landscaping Standards)	
<b>Parking</b>	See Chapter 18.36 (Parking and Loading)	
<b>Signs</b>	See Chapter 18.38 (Signs)	

## CHAPTER 18.26 - SPECIAL PURPOSE ZONING DISTRICTS

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### Sections:

- 18.26.010 - Purpose
- 18.26.020 - Purposes of Special Purpose Zoning Districts
- 18.26.030 - Special Purpose District Land Uses and Permit Requirements
- 18.26.040 - Special Purpose District General Development Standards
- 18.26.050 - Special Purpose District Site Planning and Building Standards

### 18.26.010 - Purpose

This Chapter lists the land uses that may be allowed within the special purpose zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 18.26.020 - Purposes of the Special Purpose Zoning Districts

The purposes of the individual special purpose zoning districts and the manner in which they are applied are as follows.

- A. **OS (Open Space) zoning district.** The OS zoning district is applied to properties that are largely unimproved and used for the preservation of natural resources and habitats, passive outdoor recreation, scenic resources, and/or for the protection of public health and safety (e.g., preservation of floodplains). Allowable uses are limited to those that support maintenance and/or recreational uses. The maximum floor area ratio (FAR) is 0.10. The OS zoning district implements and is consistent with the OS land use designation of the General Plan.
- B. **PR (Parks and Recreation) zoning district.** The PR zoning district is applied to the sites of public parks and recreational facilities. Allowable uses are limited to recreational uses, and the structures needed to support those uses, and facility and site maintenance. The maximum floor area ratio (FAR) is 0.25. The PR zoning district implements and is consistent with the PR land use designation of the General Plan.
- C. **PF (Public Facility & Services) zoning district.** The PF zoning district is applied to the sites of existing and proposed public buildings, utility facilities, water and wastewater treatment plants, and related easements. The maximum floor area ratio (FAR) is 0.75. The PF zoning district implements and is consistent with the PF land use designation of the General Plan.

**18.26.030 - Special Purpose District Land Uses and Permit Requirements**

- A. **General permit requirements.** Table 2-14 identifies the uses of land allowed by this Development Code in each Special Purpose zoning district, and the planning permit required to establish each use, in compliance with Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-14 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.

**18.26.040 - Special Purpose District Subdivision Standards**

The minimum area and dimensions for new parcels in the OS, PR, and PF zoning districts shall be determined by the City through the subdivision process.

**18.26.050 - Special Purpose District Site Planning and Building Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements established by the City through the Use Permit process, capital improvements programming process, or leasing of public property, as applicable, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	OS	PR	PF	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>				
Animal keeping	S	S	S	18.42.040
Nature preserve	P	P	P	
Crop production, horticulture, orchard, vineyard	P	P	P	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</b>				
Recycling - Small facility	—	—	MUP	18.42.150
Storage – Warehouse, indoor storage	—	—	P	
Storage - Outdoor	—	—	UP	18.42.140
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>				
Equestrian facility	P	UP	—	
Health/fitness facility	—	UP	UP	
Sports and Active Recreation Facility	UP	UP	UP	
Hiking/riding trail	P	P	P	
Library, museum	—UP	UP	UP	
Meeting facility, public or private	—UP	UP	UP	
Park, playground	—P	P	P	
School	—	—UP	P	
	—			
Theater	—	UP	UP	
<b>RESIDENTIAL USES</b>				
Caretaker quarters	MUP	MUP	MUP	
Emergency shelter	—	—	UP	
Farm dwelling on a parcel of 10 acres or more	MUP	—	—	
Residential care facility	—	—	UP	

**Key to Zoning District Symbols**

<b>OS</b>	Open Space	<b>PF</b>	Public Facility & Services
<b>PR</b>	Parks and Recreation		

Notes:

(1) See Article 10 for land use definitions.

TABLE 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zoning Districts	P	Permitted Use, Zoning Clearance required		
	MUP	Minor Use Permit required (see Section 18.71.060)		
	UP	Use Permit required (see Section 18.71.060)		
	S	Permit requirement set by Specific Use Regulations		
	—	Use not allowed		
LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	OS	PR	PF	
<b>RETAIL TRADE</b>				
Accessory retail or services	—	P	P	18.42.020
<b>SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL</b>				
Medical services - Clinic, urgent care	—	—	UP	
Medical services - Hospital	—	—	UP	
Office - Accessory	P	P	P	
Office - Government	—	P	P	
<b>SERVICES - GENERAL</b>				
Adult day care	—	—	UP	
Child day care center	—	—	UP	
Public safety facility	—	—	P	
<b>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</b>				
Ambulance, taxi, or specialized transportation dispatch facility	—	—	UP	
Parking facility, public or commercial	—	—	P	
Pipeline or transmission line	S	S	S	18.42.145
Telecommunications facility	S	S	S	18.44
Transit station	—	—	UP	
Utility facility	—	—	P	
Vehicle storage	—	—	UP	

**Key to Zoning District Symbols**

<b>OS</b>	Open Space	<b>PF</b>	Public Facility & Services
<b>PR</b>	Parks and Recreation		

Notes:

(1) See Article 10 for land use definitions.

### **Article 3**

#### **Site Planning and Project Design Standards**

##### **Chapter 18.30 STANDARDS FOR ALL DEVELOPMENT AND LAND USES**

- 18.30.010 Purpose
- 18.30.020 Applicability
- 18.30.050 Fences, Walls, and Screening
- 18.30.060 Height Limits and Exceptions
- 18.30.070 Outdoor Lighting
- 18.30.080 Performance Standards
- 18.30.090 Public Improvement Requirements
- 18.30.100 Setback Requirements and Exceptions
- 18.30.110 Solid Waste/Recyclable Materials Storage
- 18.30.120 Underground Utilities

##### **Chapter 18.31 DENSITY BONUSES AND AFFORDABLE HOUSING INCENTIVES**

- 18.31.010 Purpose
- 18.31.020 Definitions
- 18.31.030 Density Bonus and Incentives Eligibility
- 18.31.040 Types of Density Bonuses
- 18.31.045 Incentives and Waivers/Modifications of Development Standards
- 18.31.050 Density Bonus and Incentive Procedures
- 18.31.060 Affordable Housing Regulatory Agreement.

##### **Chapter 18.32 INCLUSIONARY HOUSING REQUIREMENTS**

- 18.32.010 Purpose
- 18.32.020 Definitions
- 18.32.030 Inclusionary Housing Applicability and Exempt Projects
- 18.32.040 Inclusionary Housing Requirements
- 18.32.050 Alternative Equivalent Action
- 18.32.060 Inclusionary Housing Phasing, Agreements and Affordability
- 18.32.070 Inclusionary Housing Incentives
- 18.32.080 Inclusionary Housing Plan
- 18.32.085 Inclusionary Housing Regulatory Agreement
- 18.32.090 Inclusionary Housing Trust Fund
- 18.32.100 Enforcement of Affordable Housing Requirements

##### **Chapter 18.34 LANDSCAPING STANDARDS**

- 18.34.010 Purpose
- 18.34.020 Applicability
- 18.34.030 Definitions
- 18.34.040 Landscape and Irrigation Plans
- 18.34.050 Landscape Location Requirements
- 18.34.060 Landscape Standards
- 18.34.070 Maintenance of Landscape Areas

##### **Chapter 18.36 PARKING AND LOADING**

- 18.36.010 Purpose
- 18.36.020 Applicability
- 18.36.030 General Parking Regulations
- 18.36.040 Number of Parking Spaces Required
- 18.36.050 Disabled Parking Requirements
- 18.36.060 Bicycle Parking
- 18.36.070 Motorcycle Parking

- 18.36.080 Reduction of Parking Requirements
- 18.36.090 Parking Design and Development Standards
- 18.36.100 Driveways and Site Access
- 18.36.110 Loading Space Requirements

**Chapter 18.38 SIGNS**

- 18.38.010 Purpose
- 18.38.020 Applicability
- 18.38.030 Sign Permit Requirements
- 18.38.040 Exemptions from Sign Permit Requirements
- 18.38.050 Prohibited Signs
- 18.38.060 General Requirements for All Signs
- 18.38.070 Zoning District Sign Standards
- 18.38.080 Standards for Specific Sign Types
- 18.38.090 Nonconforming Signs
- 18.38.100 Violations, Enforcement, Abatement
- 18.38.110 Judicial Review
- 18.38.120 Partial Invalidation

**Chapter 18.30**

**STANDARDS FOR ALL DEVELOPMENT AND LAND USES**

Sections:

- 18.30.010 Purpose
- 18.30.020 Applicability
- 18.30.050 Fences, Walls, and Screening
- 18.30.060 Height Limits and Exceptions
- 18.30.070 Outdoor Lighting
- 18.30.080 Performance Standards
- 18.30.090 Public Improvement Requirements
- 18.30.100 Setback Requirements and Exceptions
- 18.30.110 Solid Waste/Recyclable Materials Storage

**18.30.010 - Purpose**

This Chapter expands upon the zoning district development standards of Article 2 by addressing additional details of site planning, project design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of stable and desirable character, consistent with the General Plan and any applicable specific plan.

**18.30.020 - Applicability**

The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter 18.90 (Nonconforming Uses, Structures, and Parcels), and shall be considered in combination with the standards for the applicable zoning district in Article 2 (Zoning Districts and Allowable Land Uses) and those in Article 4 (Standards for Specific Land Uses). If there is a conflict, the standards in Article 4 shall control.

**18.30.050 - Fences, Walls, and Screening**

**A. Applicability.** The requirements of this Section apply to all fences and walls unless otherwise stated.

- 1. Fences or walls in flood hazard area.** A fence or wall in an area subject to flooding identified on a Federal Flood Insurance Rate Map (FIRM) on file in the Department shall require a Building Permit, and shall comply with all requirements of the Director of Public Works in addition to the requirements of this Section.
- 2. Exemptions.** These regulations do not apply to fences or walls required by regulations of a State or Federal agency, or by the City for reasons of public safety.

**B. Height limits.**

- 1. General height limit.** Each fence, wall, and hedge shall comply with the height limits shown in Table 3-1.

**TABLE 3-1 - MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES**

Location	Maximum Height
Within front or street side setback	<p><b>Open fence:</b> 6 ft (open fencing must be of a minimum 4-inch wire mesh or equivalent).</p> <p><b>View-obscuring fence:</b> 42 inches (3 1/2 ft) within a traffic safety visibility area (see Section 18.30.060.E), 6 ft elsewhere.</p> <p>Trellises, arbors and similar entry features are not permitted within a traffic safety visibility area, but are allowed up to 8 ft elsewhere (a height greater than 6 ft requires a Building</p>

Location	Maximum Height
	Permit).
Within interior side or rear setback	8 ft with Minor Use Permit approval; 6 ft otherwise.
Outside of required setbacks	8 ft (a height greater than 6 ft requires a Building Permit).

**2. Requirements for increased height.** Where Table 3-1 allows increased fence height with Minor Use Permit approval, the approval shall be subject to the following requirements.

- a. Each fence shall comply with the traffic safety visibility area requirements in Section 18.30.060.E (Height Limits and Exceptions - Height limit at street corners).
- b. The review authority may require conditions to address aesthetic issues and neighborhood concerns.

**C. Measurement of fence and wall height.**

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1. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material.
2. The height of fencing atop a wall shall be measured from the base of the wall.
3. In cases where elevation of the finished grade within six feet of the base of the fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the lowest natural grade; except that a safety fence with a height of 48 inches shall be allowed in all cases. See Figure 3-1.

**D. Specific fencing and wall requirements.**

- 1. Fencing between different land uses.** Fencing between different land uses shall be provided in compliance with Subsection F. (Screening).
- 2. Outdoor equipment, storage, and work areas.** Screening of nonresidential outdoor uses and equipment adjacent to a residential use shall be provided in compliance with Subsection F. (Screening).
- 3. Retaining walls.** Any embankment to be retained that is over 48 inches in height shall be benched so that no individual retaining wall exceeds a height of 36 inches, and each bench is a minimum width of 36 inches.
- 4. Swimming pools, spas, and similar features.** Swimming pools/spas and other similar water features shall be fenced in compliance with Uniform Building Code (UBC) requirements, regardless of the other requirements of this Section.
- 5. Temporary fencing.** Temporary fencing may be necessary to protect construction sites, archaeological resources, historic resources, trees, rare plants and/or other similar sensitive features during site preparation and construction. This fencing shall be approved administratively by the Director.

**E. Prohibited materials.** The following fence materials are prohibited unless approved by the Director for animal control, special security needs, or required by a City, State, or Federal law or regulation.

1. Barbed wire, or electrified fence, except within the RR zoning district;
2. Razor or concertina wire in conjunction with a fence or wall, or by itself within any zoning district;

3. Chain link fencing within the front and street side yards and/or visible from the public right-of-way in any zoning district, or a fence of similar material, as determined by the Director; and
4. Chain link fencing or fence of similar material, as determined by the Director: anywhere within the Central Business District.

**F. Screening.** This Subsection establishes standards for the screening and separation of adjoining residential and nonresidential land uses, equipment and outdoor storage areas, and surface parking areas.

**1. Screening between different land uses.** Non-residential land use proposed on a site adjacent to a residential zoning district shall provide screening at the parcel boundary as follows, and as directed by the review authority.

- a. The screen shall consist of plant materials and a solid, decorative fence or wall of masonry or similar durable material, a minimum of six feet in height.
- b. The maximum height of the fence or wall shall comply with the provisions of Subsection B. (Height limits).
- c. The decorative fence or wall shall be architecturally treated on both sides, subject to the approval of the review authority.
- d. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall, except that five feet of landscaping shall be provided between a parking lot and a screening wall, in compliance with Section 18.34.050.C (Landscape Location Requirements - Parking areas).
- e. The review authority may waive or approve a substitute for this requirement if the review authority first determines that:
  - i) The relationship of the proposed uses make the required screening unnecessary;
  - ii) The intent of this Section can be successfully met by means of alternative screening methods;
  - iii) Physical constraints on the site make the required screening infeasible; or
  - iv) The physical characteristics of the site or adjoining parcels make the required screening unnecessary.

**2. Mechanical equipment, loading docks, and refuse areas.**

- a. Roof or ground mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts, back flow devices, and exhaust, etc.), loading docks, refuse storage areas, and utility services (electrical transformers, gas meters, etc.) shall be screened from public view from adjoining public streets and rights-of-way and adjoining areas zoned for residential uses. Utility services are not allowed within any front setback, except for underground installations (i.e., vaults).
- b. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.

**3. Outdoor storage and work setbacks.** Land uses with outdoor storage of materials, recycling facility-processing centers, waste resource and waste recycling operations, and similar uses shall comply with the screening requirements established by Section 18.42.140 (Outdoor Storage).

**4. Outdoor building materials and garden supply areas.** Outdoor building materials and garden supply areas shall be screened with fencing, landscaping, walls, or similar material to minimize visibility of the storage area, with the screening plan first approved by the review authority.

### 18.30.060 - Height Limits and Exceptions

**A. Purpose.** This Section describes the required methods for measuring the height of structures in compliance with the height limits established by this Development Code, and exceptions to those height limits.

**B. Maximum height of structures.** The height of each structure shall not exceed the height limit established for the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses), except as otherwise provided by this Section, or by Article 4 (Standards for Specific Land Uses).

**C. Height measurement.** The maximum allowable height shall be measured as the vertical distance from the natural grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. See Figure 3-2. The location of natural grade shall be determined by the Director, and shall not be artificially raised to gain additional building height.

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**Figure 3-2 - Height Measurement**

**D. Exceptions to height limits.** The following structures and structural features may exceed the height limits of this Development Code as noted:

**1. Architectural features.** A chimney, cupola, monument, mechanical equipment, or vent may exceed the height limits by a maximum of three feet. A spire, theater scenery loft, tower, or roof-mounted water tank may exceed the height limits by eight feet.

**2. Telecommunications facilities.** The height of communications facilities, including antennas, poles, towers, and necessary mechanical appurtenances shall comply with Chapter 18.44 (Telecommunications Facilities).

**E. Height limit at street corners.** Development proposed adjacent to any public or private street or alley intersection, or the intersection of a driveway with a street, in other than the CBD zoning district shall be designed to provide a traffic safety visibility area for pedestrian and traffic safety. See Figure 3-3.

**1. Measurement of visibility area.** A traffic safety visibility area is a triangle measured as follows, and may include private property and/or public right-of-way.

**a. Street intersections.** The visibility area shall be defined by measuring 20 feet from the intersection of the front and street side right-of-way lines (i.e., edge of pavement or curb), and connecting the lines across the property.

**b. Driveways.** The visibility area shall be defined by measuring 15 feet along the driveway from the intersection of the driveway with the street right-of-way line, and 15 feet along the street line, away from the driveway, and connecting the lines across the intervening property.

**2. Height limit.** No structure, sign, or landscape element shall exceed 42 inches in height within the traffic safety visibility area, unless approved by the Public Works Director, except for trees with their canopy trimmed to a minimum of six feet above grade.

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**Figure 3-3 - Required Traffic Safety Visibility Area**

### 18.30.070 - Outdoor Lighting

Outdoor lighting on the site of a multi-family or non-residential structure or use shall comply with the following requirements.

- A. An outdoor light fixture shall be limited to a maximum height of 18 feet.
- B. Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact florescent, or other lighting technology that is of equal or greater energy efficiency) fixtures and lamps.
- C. Lighting fixtures shall be shielded or recessed to minimize light bleed to adjoining properties, by:
  - 1. Directing each light fixture downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site;
  - 2. Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site;
  - 3. Confining glare and reflections within the boundaries of the site to the maximum extent feasible; and
  - 4. Incorporating a cut-off shield to prevent light spill for any light sources over 10 feet high.
- D. No lighting on private property shall produce an illumination level greater than one footcandle on any property within a residential zoning district except on the site of the light source.
- E. No lighting or lighted signs shall blink, flash, or be of unusually high intensity or brightness, as determined by the Director.
- F. Up lighting shall not be used to illuminate a building's architectural features. However lighting may be used to keynote special features such as towers and decorative cornices as determined by the review authority. .

#### **18.30.080 - Performance Standards**

- A. Purpose.** This Section provides performance standards that are designed to minimize various potential operational impacts of land uses and development within the City and promote compatibility with adjoining areas and land uses.
- B. Applicability.** The provisions of this Section apply to all new and existing land uses, including permanent and temporary uses in all zoning districts, unless an exemption is specifically provided. Uses existing on the effective date of this Section shall not be altered or modified thereafter to conflict with these standards.
- C. Combustibles and explosives.** The use, handling, storage, and transportation of combustibles and explosives shall comply with Title 24 of the California Code of Regulations.
- D. Dust.** Please see requirements related to dust control and grading in chapter 18.62. **E. Ground vibration.** No ground vibration shall be generated that is perceptible without instruments by a reasonable person at the property lines of the site, except for vibrations from temporary construction or demolition activities, and motor vehicle operations.
- F. Hazardous materials.** As required by the Safety Element of the General Plan, an applicant for a proposed non-residential project that will involve the generation, use, transportation, and/or storage of hazardous substances shall comply with the following requirements.
  - 1. The applicant shall notify the fire protection authority of all hazardous substances that are to be transported, stored, treated, or that could be accidentally released into the environment on the site.
  - 2. The planning permit application for the project shall include detailed information on hazardous waste reduction, recycling, transportation, and storage, and a plan for emergency response to a release or threatened release of a hazardous material.
  - 3. The site shall be provided with secondary containment facilities and a buffer zone adequate to protect public health and safety on a site with hazardous materials storage and/or processing activities, as required by the review authority.

**G. Light and glare.** Outdoor lighting shall comply with the requirements of Section 18.30.070 (Outdoor Lighting).

**H. Liquid waste.** No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the Regional Water Quality Control Board.

**I. Noise.** Noise emanating from the site shall comply with the City's noise standards in Municipal Code Chapter 9.44 (Noise).

**J. Odor.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.

**K. Radioactivity, electrical disturbance or electromagnetic interference.** None of the following shall be emitted:

1. Radioactivity, in a manner that does not comply with all applicable State and Federal regulations; or
2. Electrical disturbance or electromagnetic interference that interferes with normal radio or television reception, or with the function of other electronic equipment beyond the property line of the site; or that does not comply with all applicable Federal Communications Commission (FCC) and other applicable State and Federal regulations.

**L. Sediment Control and Stormwater Management.** All projects shall comply with Chapter 17.62 and Chapter 17.64 with regard to erosion and sediment control and stormwater runoff management.

#### **18.30.090 - Public Improvement Requirements**

The development of an approved project shall include the construction of improvements to each public street frontage of the site as required by the review authority, the subdivision improvement requirements in Chapter 18.88 (Subdivision Design and Improvement Requirements), and/or the City's public improvement standards, as applicable. These improvements may include the widening of an existing street, and/or the installation of bike lanes, reinstallation of curb, gutter, and sidewalk; the installation of street trees and other landscaping within the public right-of-way; the installation of drainage facilities as required by the Director, Public Works, and/or other improvements determined by the review authority to be reasonably related to the needs for pedestrian and vehicle circulation, and community infrastructure demands created by the project.

#### **18.30.100 - Setback Requirements and Exceptions**

**A. Purpose.** This Section provides standards for the location, required size, and allowable uses of front, side, and rear setbacks. Setback standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation between potentially conflicting activities; and space for privacy, landscaping and recreation.

#### **B. Setback requirements.**

**1. Minimum setbacks for all structures.** Each structure shall comply with the front, interior side, street side, and rear setback requirements of the applicable zoning district, except:

- a. Where a different setback requirement is established for a specific land use by Article 4 (Standards for Specific Land Uses);
- b. Where a different setback requirement is established by Article 5 (Resource Management); and
- c. As otherwise provided by this Section.

No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line, or into an access easement or street right-of-way, except as provided by this Section.

**2. Exemptions from setback requirements.** The minimum setback requirements of this Development Code do not apply to the following (please see table 3-2 for additional details):

- a. A projection into a required setback allowed by Subsection F.;
- b. A fence or wall six feet or less in height, when located within a front or street side setback;
- c. A fence or wall 42 inches in height or less within a front or street side setback when located in the traffic visibility area required by Section 18.30.060.E (Height limit at street corners);
- d. A deck, earthwork, step, terrace, and other site design element that is placed directly upon grade and does not exceed a height of 30 inches above the surrounding grade at any point;
- e. A sign in compliance with Chapter 18.38 (Signs);
- f. A retaining wall less than 30 inches in height above finished grade. Any embankment to be retained that is over 48 inches in height shall be benched so that no individual retaining wall exceeds a height of 36 inches, and each bench is a minimum width of 36 inches; and
- g. An arbor or trellis (i.e., gateway) eight feet or less in height.

**C. Measurement of setbacks.** Setbacks shall be measured and applied as follows, except that the Director may require different setback measurement methods where the Director determines that unusual parcel configuration makes the following infeasible or ineffective. See Figure 3-4.

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#### Figure 3-4 - Location and Measurement of Setbacks

**1. Front setback.** A front setback shall be measured at right angles from the nearest point on the front property line of the parcel (or edge of access easement on a private street) to the nearest point of the wall of the structure, except as provided in following Subsections C.1.a through C.1.e. The front property line is the narrowest dimension of a lot adjacent to a street.

**a. Averaging.** In a residential zone where 50 percent or more of the parcels on the same block and on the same side of the street are developed with buildings, the front setback required for the applicable zoning may be reduced to the average depth of the front setbacks of the developed parcels..

**b. Mapped street with future improvements.** If the City has established a plan that identifies a right-of-way for the future construction of a new street or the widening of an existing street, a required front or street side setback shall be measured from the plan line.

**c. Infill development within previously approved project.** Where the City has established specific setback requirements for individual vacant parcels through the approval of a specific plan, subdivision map, or other entitlement, those setbacks shall apply to continuing development within the approved project instead of the setbacks required by this Development Code.

**d. Flag lot.** For a parcel with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the front setback shall be measured from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the parcel; establishing a setback line parallel to the lot line nearest to the public street or right-of-way.

**e. Corner lot.** The front setback shall be measured from the nearest point of the wall of the structure to the nearest point of the most narrow street frontage property line. If the property lines on both street frontages are of the same length, the property line to be used for the front setback measurement shall be determined by the Director.

**2. Side setback.** The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest point of the wall of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear setbacks.

**3. Street side setback.** The side setback on the street side of a corner parcel shall be measured from the nearest point on the side property line bounding the street, or the edge of an easement for a private road, or the inside edge of the sidewalk whichever results in the greatest setback from the existing or future roadway.

**4. Rear setback.** The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest line of the structure, establishing a setback line parallel to the rear property line.

- a. The Director shall determine the location of the required rear setback on a double-frontage parcel.
- b. Where a parcel has no rear lot line because its side lot lines converge to a point, an assumed line five feet long within the parcel, parallel to, and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback.

**D. Limitations on the use of setbacks.**

**1. Structures.** A required setback area shall not be occupied by a structure other than those identified by Subsection B.3 as being exempt from the setback requirements of this Chapter.

**2. Storage.** No front or street side setback shall be used for the accumulation, placement or storage of vehicles, large motor vehicles, non-motorized vehicles (as defined in Section 10.02.010), building materials, scrap, junk or machinery except for the following:

- a. Vehicles, not in excess of one-ton capacity, regularly in use, that are parked within a designated driveway;
- b. Building materials and construction trailers required for construction on the parcel, immediately before and during a construction project which has a valid Building Permit in force; and/or
- c. Trailers, large motor vehicles and non-motorized vehicles stored or parked in a front or street side setback area in any nonresidential zoning district where authorized through Minor Use Permit approval (Section 18.71.060).

**3. Parking.** See Section 18.36.090.A. (Parking Design and Development Standards - Location of parking).

**5. Mechanical and utility equipment.** See Subsection F.5 (Setback requirements for specific structures - Mechanical Equipment).

**6. Exceptions to setback requirements.** See section 18.30.100 (B)(2) for structures that are exempt from setback requirements.

**E. Allowed projections into setbacks.** An architectural feature attached to a primary structure may extend beyond the wall of the structure and into a required front, side, or rear setback in compliance with Table 3-2. See also Section 18.30.100(B)(2) and Figure 3-5.

**TABLE 3-2 - ALLOWED PROJECTIONS INTO SETBACKS**

Projecting Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Balcony, deck, porch, - Uncovered, unenclosed., and less than 30 in. above grade	25% of setback	May project to property line	

Projecting Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Balcony, deck porch, - Which may be roofed but is otherwise unenclosed	25% of setback to a maximum of 6 ft	20% of side setback	20% of setback
Balcony, deck, porch, - Covered and enclosed	Not allowed in setback		
Balcony, deck, landing, porch, stairway - Uncovered and unenclosed, 30 in. or more above grade	6 ft	30 in	6 ft
Landing & stairway – covered or uncovered, but not enclosed.	40% of setback	May project to property line	
Bay window, or similar projecting feature	30 in	20% of setback (but no more than 36 inches)	30 in
Chimney/fireplace, 6 ft. or less in breadth	30 in	30 in	30 in
Cornice, eave, awning, roof overhang	30 in	30 in	5 ft

Notes:

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**Figure 3-5 - Examples of allowed projections into side setback**

**F. Setback requirements for specific structures:**

- 1. Accessory structures.** See Section 18.42.030 (Agricultural Accessory Structures), and 18.42.160 (Residential Accessory Uses and Structures).
- 2. Fences.** See Section 18.30.050 (Fences and Walls).
- 3. Decks and other site design elements.** A detached deck, freestanding solar device, steps, terrace, or other site design element that is placed directly upon the grade, and that exceeds a height of 30 inches above the surrounding grade at any point, shall comply with the setback requirements of this Development Code for detached accessory structures. (Note: a site design element less than 18 inches above grade is exempt.)
- 4. Swimming pool, hot tub, etc.** A swimming pool, hot tub, or spa on a parcel of 10,000 square feet or less shall be set back a minimum of ten feet from side and rear property lines, and shall not be located within a front setback. A swimming pool, hot tub, or spa on a parcel larger than 10,000 square feet shall comply with the setback requirements of the applicable zoning district. All equipment associated with a pool, hot tub and/or spa on any parcel shall comply with the setback requirements of the applicable zoning district.
- 5. Mechanical equipment.** Ground-mounted mechanical equipment located outside of a structure shall comply with the setback requirements of the applicable zoning district. Examples of this equipment include: swimming pool pumps and filters, heating, ventilation, and air conditioning, and similar equipment; and transformers, cable television distribution boxes, and similar utility equipment that is not underground. The Director may approve an exception to this requirement for the installation of propane or oil tanks within a required side or rear setback area, where there is no feasible alternative location that complies with the setback requirements.

**18.30.110 - Solid Waste/Recyclable Materials Storage**

- A. Purpose.** This Section provides standards which recognize the City’s support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911).

**B. Applicability.** These requirements apply to new multi-family residential and nonresidential development, or changes to existing multi-family residential or nonresidential development that increase gross floor area by 25 percent or more.

**C. Extent of storage area required.** Solid waste and recyclables storage areas shall be provided in the number, dimensions, types, and locations required by the Department or review authority. Additional storage areas may be required, as deemed necessary by the Director.

**D. Enclosure requirements.** Storage areas shall be fully enclosed by a six-foot high decorative masonry wall or other solid enclosure that is architecturally compatible with adjacent structures. Gates shall be solid and continuously maintained in working order. A concrete apron shall be installed. Landscaping shall be provided to soften and screen the enclosure in compliance with Chapter 18.34 (Landscaping Standards). See Figure 3-6.

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**Figure 3-6 - Solid Waste Enclosure**

**18.30.120 - Underground Utilities**

Utility connections to new structures shall be installed underground; except that in a neighborhood where utilities are located overhead, a proposed structure of less than 3,000 square feet may take its service from the existing overhead facilities.

## Chapter 18.31

### DENSITY BONUSES AND AFFORDABLE HOUSING INCENTIVES

Sections:

- 18.31.010 Purpose
- 18.31.020 Definitions
- 18.31.030 Density Bonus Eligibility
- 18.31.040 Types of Density Bonuses and Incentives Allowed
- 18.31.050 Density Bonus Procedures

#### **18.31.010 - Purpose**

A. This Chapter is intended to implement the requirements of State law (Government Code Sections 65915, et seq.) and the Housing Element of the General Plan, by offering a density bonus and other incentives for the development of housing that is affordable to the types of households and qualifying residents identified in Section 18.31.030 (Density Bonus Eligibility), and for development of senior housing, all as further provided for in Government Code section 65915.

B. This chapter also sets forth density bonus and housing incentives in addition to State law which encourage the development of housing that is affordable to a range of households with varying income levels.

#### **18.31.020 - Definitions**

The specialized and technical terms and phrases used in this Chapter are defined in Article 10 (Glossary & Index), under "Affordable and Inclusionary Housing Requirements."

#### **18.31.030 - Density Bonus and Incentives Eligibility**

In order to be eligible for a density bonus and/or other incentives as provided by this Chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Development Code and State law, except as provided by Section 18.31.040 (Types of Density Bonuses), below.

**A. Housing development.** In order to qualify for a density bonus and incentives, the housing development shall meet Government Code Section 65915(b) requirements with regard to affordability, household income levels, and senior housing.

**B. Minimum project size to qualify for density bonus.** The density bonus shall be available only to a housing development o that provides affordable housing in compliance with Section 18.32 (Inclusionary Housing Requirements), or in compliance with State law.

**C. Condominium conversion projects.** A condominium conversion project is eligible for a density bonus or incentives, if it complies with the eligibility and other requirements in State law (Government Code Section 65915.5).

**D. "Sweat equity" developments.** A "sweat equity" housing development is eligible for incentives in compliance with Subsection 18.31.045(B5) (Types of Density Bonuses and Incentives Allowed, Incentives for "sweat equity" developments).

**E. Donations of Land.** The donation of land makes a project eligible for a Density Bonus if it satisfies all of the requirements of Government Code section 65915(g).

#### **18.31.040 - Types of Density Bonuses**

The amount of a density bonus and the extent of other incentives allowed for a proposed housing development shall be determined by the Review Authority in compliance with State law and this Section.

**A. Amount of Density Bonus.** The amount of density bonus provided by the City of Fort Bragg shall comply with State law 65915(f).

**B. Additional density bonus.** Housing developments that qualify for a density bonus under State law may be eligible for an additional density bonus by the Review Authority, as outlined below:

- 1. Bonus for preferred design and/or green design.** An additional five percent density bonus may be granted to developments with preferred design features and or green/environmentally sustainable design features as determined by the Planning Commission and defined in the General Plan and the Citywide Design Guidelines.
- 2. Relation to maximum statutory bonus density.** Bonus densities under State law are limited to an aggregate amount of 35%. The above local density bonus shall be in addition to, and does not count towards calculating the aggregate statutory density bonus.
- 3. Bonus or incentives allowed for housing development with child care facility.** A housing development that complies with the resident requirements of State law, and also includes a childcare facility on the premises shall be eligible for an additional bonus or incentives, subject to compliance with the requirements as stipulated by Government Code Section 65915(h).

#### **18.31.045 - Incentives and Waivers/Modifications of Development Standards**

**A. Waivers/Modifications of Development Standard.** If a density bonus and/or other incentives cannot be accommodated on a site due to strict compliance with the development standards of this Development Code, the applicant may request and the Council shall modify or waive such development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled, unless the waiver or modification would have an adverse impact as further defined in Government Code Section 65915(e)(1).

#### **B. Incentives for Affordable Housing Projects.**

- 1. Available concessions or incentives.** A housing development qualifying for a density bonus under Government Code section 65915(b) shall be entitled to concessions or incentives identified by Government Code Section 65915[k], with the number of incentives as established in Government Code section 65915(d).
- 2. Preferred or Pre-Approved Council incentives.** The City has established a set of preferred incentives by resolution from which developers may select an incentive with certainty of approval by the Council.
- 3. Applicant specified concessions or incentives.** An applicant may submit to the City a request for specific concessions or incentives in compliance with this Section and State law.
- 4. Required findings to reject concession or incentive.** The City shall grant the concession or incentive requested by the applicant unless the Council makes a written finding, based upon substantial evidence, of any of the following:
  - a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as affordable to very low, low, or median or moderate income households as required; or
  - b. The concession or incentive would have a specific adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources and for which 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; or
  - c. The concession or incentive would be contrary to State or Federal law.
- 5. Incentives for “sweat equity” developments.** A “sweat equity” development in compliance with Section 18.31.030.D (Density Bonus Eligibility, “sweat equity” developments) may be granted incentives only as follows:
  - a. One incentive will be granted to a development where 100 percent of the units are provided to low income households; or

- b. Two incentives may be granted to a development where 100 percent of the units are provided to very low income households.

**18.31.050 - Density Bonus and Incentive Procedures**

**A. Processing requirements.** A request for a density bonus and/or incentives shall be evaluated and decided concurrently with the related housing development project and in compliance with Government Code Section 65915.

**B. Application Procedures.** The project applicant shall submit the following to the Review Authority so that the Review Authority can determine if the project is eligible for a density bonus and/or incentives:

1. A written request specifying how the proposed housing development or senior housing qualifies for a density bonus under 65915(b);
2. A written proposal for specific incentives or concessions under 65915(d);
3. A written request for waiver or modification of incentives under 65915(e);
4. A draft affordable housing agreement consistent with C below and 65915(c); and
5. A project pro forma.

**C. Affordable Housing Regulatory Agreement.** An Affordable Housing Regulatory Agreement shall be recorded against the relevant property consistent with the requirements of Government Code Section 65915(c). An applicant requesting a density bonus and/or incentives under this ordinance or under State law shall draft, and agree to enter into, an Affordable Housing Regulatory Agreement with the City (“agreement”). The agreement shall include the contents and provisions as described in Subsection 18.32.85 as applicable. The terms of the draft agreement shall be reviewed as appropriate by the City Manager and/or the City Attorney.

**D. Control of Affordable Unit Resale.** In order to maintain the availability of the for-sale affordable units constructed in compliance with this Chapter, the resale conditions established in Subsection 18.32.060D shall apply. Any abuse in the resale provisions shall be referred to the City Attorney for appropriate action.

**18.31.060 - Affordable Housing Regulatory Agreement.**

**A. Affordable Housing Regulatory Agreement.** The applicant shall execute and cause to be recorded a Density Bonus Regulatory Agreement (“agreement”) between the City and the developer. The agreement shall be executed by the City Manager, and shall be recorded against the property receiving the Density Bonus.

1. **Agreement contents.** The agreement shall include at least the following information:
  - a. **Number of dwelling units.** The total number of dwelling units approved for the housing development project, including the number of density bonus units;
  - b. **Description and location of units.** The location, unit sizes (in square feet), and number of bedrooms of the dwelling units;
  - c. **Use of property.** A description of the use of the property stating that the units shall be used to provide housing to qualifying households under the provisions of this Chapter and Government Code 65915(f).;
  - d. **Description of targeted income group.** A description of the household income group to be accommodated by the housing development project, and the standards and methodology for determining the corresponding affordability consistent with this Chapter and State law;
  - e. **Non-discrimination clause.** The clause shall state that there shall be no discrimination against or segregation of any person, or group of persons, on account of race, color, creed, religion, sex, marital status, sexual-orientation, national origin or ancestry in the sale, transfer, use, occupancy, or enjoyment of an affordable unit, or any part thereof. Nor shall any developer establish or permit any such practice or

practices of discrimination or segregation with reference to the selection, location, use, or occupancy of purchasers or occupants of the affordable units, or parts thereof;

**f. Length of affordability.** Description of the affordability restrictions for the affordable dwelling units in compliance with 65915(c), requiring 15 years of continuing affordability;

**g. Description of concessions and/or incentives.** A description of the additional concessions and/or incentives sought of the City;

**h. Remedies for breach of the agreement.** A description of the remedies for breach of the Affordable Housing Regulatory Agreement by the owners, developers, and/or successors-in-interest of the development project;

**i. Other provisions.** Other provisions to ensure successful implementation and compliance with this Chapter.

**2. Agreement provisions.** The agreement shall include at least the following provisions:

**a. Continuing right-of-first-refusal.** The developer shall give the City the continuing right-of-first-refusal to purchase any or all of the affordable dwelling units at a sales price for the affordable dwelling unit consistent with the limits established for low, very low, or moderate income households, as published by HUD;

**b. Written approval of City required prior to transfer of unit.** The deeds to the affordable dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign sell or otherwise transfer any interests for the affordable dwelling units without the prior written approval of the City;

**c. Confirmation of price by City.** When providing the written approval, the City shall confirm that the sales price of the affordable dwelling unit is consistent with the limits established in Section 18.30.060D1;

**d. Occupied by eligible households.** The City shall have the authority to enter into other agreements with the developer, or purchasers of the affordable dwelling units, to ensure that the required dwelling units are occupied by eligible households for the minimum time of continued affordability as described in Section 18.31.060 (A) 1f (above);

**e. Enforcement of compliance.** Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance;

**f. Failure to comply.** Any default or failure to comply may result in daily penalties, liens, foreclosure, specific performance, or withdrawal of the Certificates of Occupancy;

**g. Recovery of all City-related costs.** In any action taken to enforce compliance with deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services;

**h. Eligible and qualified residents.** The affordable dwelling units shall be owner-occupied by eligible moderate or median income households, or by qualified residents in the case of senior housing;

**i. Mandatory contents of instrument or agreement.** The initial purchaser of each affordable dwelling unit shall execute an instrument or agreement approved by the City which:

i) Restricts the sale of the unit in compliance with this Chapter during the affordability restriction period. If the unit is sold, the City shall be entitled to receive the amount of the sales price which exceeds the maximum sales price (as defined in Section 18.30.060D1) less reasonable costs of the sale plus the value of substantial structural or permanent fixed improvements;

- ii) Contains provisions as the City may require to ensure continued compliance with this Chapter and State law; and
  - iii) Shall be recorded against the parcel(s) containing the affordable dwelling unit(s); and
- j. Affordability restriction period.** The applicable affordability restriction period shall be in compliance with 65915(c), requiring 15 years of continuing affordability for for-sale units and 25 years of continuing affordability for rental units.
- 3. Execution of agreement.**
- a. Timing of approval and recordation.** The approval and recordation of the agreement shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of Certificates of Occupancy for the inclusionary dwelling units.
  - b. Binding on all parties.** The agreement shall be binding on all future owners, developers, and/or successors-in-interest.
- B. Effect of plan and agreement.** After the approval of the Density Bonus and the recording of an Affordable Housing Regulatory Agreement, each affordable housing unit shall be constructed as required, and shall be sold and maintained as an affordable unit, in compliance with the plan and agreement.

## Chapter 18.32

### INCLUSIONARY HOUSING REQUIREMENTS

Sections:

- 18.32.010 Purpose
- 18.32.020 Definitions
- 18.32.030 Inclusionary Housing Applicability
- 18.32.040 Inclusionary Housing Requirements
- 18.32.050 Alternative Equivalent Action
- 18.32.060 Requirements for Inclusionary Units
- 18.32.070 Inclusionary Housing Incentives
- 18.32.080 Inclusionary Housing Plan and Housing Regulatory Agreement
- 18.32.090 Inclusionary Housing Trust Fund
- 18.32.100 Enforcement of Inclusionary Housing Requirements

#### **18.32.010 - Purpose**

This Chapter requires the development of affordable housing in new development projects providing five or more housing units that are intended for sale or rent.

- A. This Chapter establishes standards and procedures to implement the inclusionary housing requirements identified in Section 18.32.040 (Inclusionary Housing Requirements).
- B. This Chapter is intended to implement the requirements of Government Code Sections 65583 and 65913, and the Housing Element of the General Plan, by increasing the production of residential units affordable to low, moderate and median income households. This Chapter complements the density bonus provisions of Chapter 18.31 and assures that new housing development contributes to attaining the City's housing goals.

#### **18.32.020 - Definitions**

The specialized and technical terms and phrases used in this Chapter are defined in Article 10 (Glossary), under "Affordable and Inclusionary Housing Requirements."

#### **18.32.030 - Inclusionary Housing Applicability and Exempt Projects**

- A. **Applicability.** The requirements of this Chapter apply to all housing developments proposed with five or more dwelling units or a subdivision proposing five or more lots, except as noted in Subsection C.
- B. **Conversion of rental project to for-sale project.** Residential projects approved as rental developments after the effective date of this Chapter shall be subject to its inclusionary requirements if the project or any of the rental units therein are proposed to convert to for-sale units.
- C. **Exempt projects.** The following residential projects are exempt from the inclusionary housing requirements of this Chapter.
  - 1. **Project with vested rights.** A residential project for which the City has entered into a development agreement before the effective date of this Chapter, or which otherwise demonstrates a vested right to proceed without complying with this Chapter.
  - 2. **Involuntarily damaged or destroyed dwelling unit.** Any dwelling unit(s) in existence prior to the effective date of this Chapter that is (are) damaged or destroyed by fire or natural catastrophe so long as the square footage and use of the replacement or repaired structure remain(s) the same.
  - 3. **Affordable Housing Units.** All affordable units shall be exempt from the inclusionary housing requirement, including those in mixed-income developments, mixed-use developments, sweat equity projects, senior housing projects, housing projects for people with special needs, and other affordable housing units as determined by the director. In order to be exempt from the Inclusionary Housing requirements the affordable housing units shall be affordable for a minimum of 15 years.

4. **Small Project.** A residential development project with four or fewer dwelling units or a minor subdivision.
5. **One-bedroom Residential Units.** One-bedroom residential units that are less than 600 square feet shall be exempt from the inclusionary requirement in order to encourage the production of small units.
6. **Other exemptions as approved by City Council.**

**18.32.040 - Inclusionary Housing Requirements**

**A. Number of inclusionary housing units required for non- subdivision projects with five or more residential units.**

1. **All developments that include 5 - 10 residential units.** All rental and “for sale” developments of five to ten units must construct 20 percent of residential units to be “affordable by design” as defined in Article 10 (Glossary).
2. **Developments that include more than 10 residential units to be sold shall include inclusionary units as follows:**
  - a. If 11 - 20 residential units, the applicant shall construct 10 percent of all new dwellings as inclusionary units, or complete an approved alternative equivalent action, subject to all requirements in compliance with this Chapter.
  - b. If 21 or more residential units, the applicant shall construct 15 percent of all new dwellings as inclusionary units, or complete an approved alternative equivalent action, subject to all requirements in compliance with this Chapter.
3. **Development projects that include more than 10 residential rental units shall** comply with requirements below, only if the developer enters into a contract with the City of Fort Bragg and requests and receives one or more incentives or a density bonus;
  - a. If the project includes 11 - 20 residential rental units, the applicant shall construct 10 percent of all new dwellings as inclusionary units, or an approved alternative equivalent action, subject to all requirements in compliance with this Chapter.
  - b. If 21 or more residential units for sale, the applicant shall construct 15 percent of all new dwellings as inclusionary units, or an approved alternative equivalent action, subject to all requirements in compliance with this Chapter.
  - c. As an alternative to constructing inclusionary units, the developer may pay an in-lieu fee that is calculated based on the requirements outlined in subsections 1 & 2 above.
4. **Fractional Units.** If the calculation of the required number of units results in a fraction of units, the developer must construct the additional inclusionary unit, pay a proportional fraction of the in-lieu fee, or perform an alternative equivalent action approved by the Council in compliance with Section 18.32.050 (Alternative Equivalent Action) for the fraction.

**B. Inclusionary requirement for subdivision projects with five or more residential lots.**

1. If a proposal involves the major subdivision of a residentially zoned parcel the inclusionary requirement shall be met either through: 1) the construction of inclusionary housing; 2) the donation of net land for the construction of inclusionary housing; or 3) an Alternative Equivalent Action (18.32.050).
  - a. All major subdivisions that result in the creation of five to ten lots shall be deed restricted such that 20 percent of the lots must include residential units to be “affordable by design” as defined in Article 10 (Glossary).

b. All major subdivisions that result in the creation of 11 to 20 lots shall require: 1) that 10 percent of the net land be donated to the City or its designated agency for the construction of inclusionary units; 2) the construction of 10 percent of the units as inclusionary units; or 3) an approved alternative equivalent action. Land donations must have the appropriate General Plan designation, zoning, and development standards to permit the feasible development of inclusionary units and be served by adequate public facilities and infrastructure.

c. All major subdivisions that result in the creation of more than 20 lots shall require: 1) that 15 percent of the net land be donated to the City or its designated agency for the construction of inclusionary units; 2) the construction of 15 percent of the units as inclusionary units; or 3) an approved alternative equivalent action. Land donations must have the appropriate General Plan designation, zoning, and development standards to permit the feasible development of inclusionary units and be served by adequate public facilities and infrastructure.

2. The satisfaction of the inclusionary requirement for major subdivisions shall be included in and described on the tentative map at the time of application. The description shall include acreage and location of any proposed land donation.

#### **18.32.050 - Alternative Equivalent Action**

A developer of a project with residential units may comply with the requirements of Subsection 18.32.040 (Inclusionary Housing Requirements) above by an alternative equivalent action approved by the City Council in compliance with this Section.

**A. Scope of alternative proposals.** A proposal for an alternative equivalent action may include:

**1. Construction of secondary units.** For single-family subdivision projects of between 11 and 30 lots, a developer may build small secondary units in lieu of inclusionary units. Two “small secondary units” are equal to one inclusionary unit. Single-family subdivision projects with 30 lots or more may only utilize secondary units as an alternative equivalent action for the first 30 lots of the project; or

**2. Donation of vacant land.** Land donations for the construction of inclusionary units as part of a subdivision without development or as an alternative equivalent action, must meet the following requirements:

- a) Have the appropriate General Plan designation, zoning, and development standards to permit the feasible development of affordable units in an amount equal to at least 15 percent of the units in the residential development;
- b) Be served by adequate public facilities and infrastructure; and
- c) Be subject to an affordability covenant or deed restriction to ensure continued affordability; or

**3. Construction of inclusionary units on another site subject to Council approval;** or

**4. Payment of an Inclusionary Housing In-Lieu Fee,** in an amount as set forth in a resolution of the City Council, which may be amended from time to time to reflect inflation and changed conditions in the City and the region; or

**5. Any on site or off site alternative equivalent action recommended by the Community Development Committee and approved by City Council;** or

**6. A combination of the above strategies, as approved by City Council.**

**B. Content of proposal.** A proposal for an alternative equivalent action shall show how the alternative action proposed will further affordable housing opportunities in the City to an equal or greater extent than compliance with the requirements of Subsection 18.32.040 (Inclusionary Housing Requirements). If required by the City, the applicant shall provide or pay for an independent third party review/analysis of the equivalence of the proposed alternative action.

**C. Review and approval.** A proposal for an alternative equivalent action shall be specified in the Inclusionary Housing Plan submitted with the applications for the residential development. The proposal shall be processed concurrently with the residential development applications except that the review authority for an alternative equivalent action shall be the Council.

**D. Criteria for approval.** A proposal for an alternative equivalent action to satisfy the requirements of this Chapter may be approved at the Council's discretion, if the Council first determines that the alternative action will further affordable housing opportunities in the City to an equal or greater extent than compliance with the otherwise applicable requirements of Subsection 18.32.040 (Inclusionary Housing Requirements).

**18.32.060 - Inclusionary Housing Phasing, Agreements and Affordability**

**A. Timing and Phasing of Unit Construction.** All inclusionary units within a residential project shall be constructed concurrent with, or before, the construction of the market rate dwelling units. If the City approves a phased project, the required inclusionary units shall be provided within each phase of the residential project with their number in proportion to the total number of units in the phase in relation to the total number of units in the project, or phased in another sequence acceptable to the City as approved by the Review Authority. Certificates of Occupancy will be issued for increments of no more than seven market rate units before Certificates of Occupancy are issued for the corresponding inclusionary unit(s).

**B. Recordation of Inclusionary Housing Agreement.** The recordation of the Inclusionary Housing Regulatory Agreement, as described in Section 18.32.085, shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of any Certificates of Occupancy.

**C. Affordability Requirements.**

**1. For Sale Units.** One-half of the required inclusionary units shall be available at sales prices affordable to households whose annual household income does not exceed 100 percent of area median income as defined in Article 10 (Glossary). The remaining one-half of the required inclusionary units shall be available at sales prices affordable to moderate-income households whose annual household income does not exceed 120 percent of area median income with priority given to essential public service employees within the City as defined in Article 10 (Glossary).

**2. Rental Units.** One-half of the required units shall be available at rents affordable to low-income households whose annual household income does not exceed 80 percent of area median income; and, the remaining half of the inclusionary units shall be available at affordable rents to moderate households whose annual household income does not exceed 120 percent of area median income, with priority for rental given to essential public service employees within the City as defined in Article 10 (Glossary), who meet income eligibility requirements.

**D. Continued Affordability.** The procedures to maintain the continued affordability of the inclusionary units shall be included in the Inclusionary Housing Plan submitted with the development project application and shall be subject to approval by the City as described in Section 18.32.080.

**1. Term of affordability.**

a) For-sale inclusionary units shall be affordable for 15 years. If a "for sale" inclusionary unit is resold during this term, the equity accrued shall be apportioned as follows:

i. Equity accrual to the property owner during the first five years shall be limited to equity accrued through the mortgage and down payments (less all outstanding mortgage, taxes and liens); it shall not include market related appreciation. At the resale of an inclusionary unit within the first five years of the term, all market rate equity shall be paid to the City's Housing Trust Fund.

ii. Equity accrual to the property owner who sells an inclusionary unit in years 6 through 15 shall include 10 percent of the market appreciation per year of ownership, after repayment of the mortgage, taxes and any outstanding liens. The remaining market rate equity shall be paid to the City's Housing Trust Fund.

- iii. After 15 years the unit will not be an inclusionary housing unit, and resale may proceed without a payment to the City's Housing Trust Fund.
  - b) Inclusionary Housing Rental Units shall be affordable for 25 years.
- 2. Resale restrictions.** In order to maintain the availability of the for-sale inclusionary units constructed in compliance with this Chapter, resale of the units shall be restricted as follows.
- a) **Written notice of intent to sell, City option.** Resale restrictions shall provide that, before offering an inclusionary unit for sale, the seller shall provide written notice to the Director, by certified mail, of their intent to sell. The City or its designee shall be granted an option to purchase the unit for sale, with a maximum of 60 days to exercise the option, and a maximum of 120 days to conclude the purchase, in addition to the time for exercising the option.
  - b) **Payment of Inclusionary Housing In Lieu fee.** If the unit is sold prior to the 15 year term of affordability, the seller shall pay to the City's Housing Trust Fund an Inclusionary Housing Fee in the amount calculated according to section 18.32.060D1a. This fee shall be paid as part of the escrow process for the resale of the unit.
- 3. Rental restrictions.** An inclusionary unit may be leased or subleased to an income qualified eligible renter (per 18.32.060 C.2 Affordability Requirements for Rental Units) upon review of the renter's income qualifications by the Director.

**E. Eligibility of households.**

1. No household shall be allowed to purchase an inclusionary unit, 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 an inclusionary housing agreement or resale restrictions.
2. The eligibility of potential occupants of inclusionary units shall be determined on the basis of household income at the time of purchase as defined in this Chapter, the relationship between household size and the size of the available units, and any further criteria required by law and/or established by the City Council. The housing developer shall use an equitable selection method established in conformance with the terms of this Chapter and in compliance with State and Federal law. Selection from eligible households shall be based on the affordable housing priorities established below:
  - a) **Priority 1.** Essential public service employees as defined in Article 10 (Glossary), City of Fort Bragg employees, or child care workers employed in Fort Bragg. If essential public service employees do not purchase the inclusionary units, the units shall be made available to other eligible Priority 1 applicants, prior to being made available to Priority 2 applicants.
  - b) **Priority 2.** Other eligible households who live in Fort Bragg and who are also employed within Fort Bragg City limits. When the list of Priority 2 applicants is exhausted, units may be sold to Priority 3 households.
  - c) **Priority 3.** Other eligible households.

**F. Annual monitoring.**

1. Inclusionary units shall be monitored on an annual basis by the City (or its designee) to ensure that units have not been re-sold to an unqualified owner (on the basis of income).
2. Monitoring may be achieved by a third party, may include self-certification, may involve review of utility records, or may include any other reasonable method of monitoring as approved by the Director.
3. All owners that initially qualified for inclusionary housing retain their right to inhabit their inclusionary housing unit should their income increase above qualifying levels.

**G. Discretionary permit and map requirements for projects subject to this chapter.**

- 1. Discretionary permits.** Each discretionary permit for a residential project that is subject to this Chapter and approved after the effective date of this Chapter shall contain a condition detailing the method of compliance with this Chapter.
- 2. Final or Parcel Maps.** Each Final or Parcel Map shall have a written notation indicating that compliance with the requirements of this Chapter shall be met for each parcel created by the map, unless the requirements of this Chapter have been satisfied by an alternative equivalent action approved by the City.

**H. Requirements for Certificate of Occupancy or Final Building Inspection.** A temporary or permanent Certificate of Occupancy shall not be issued, or a Final Building Inspection approved, for any new residential project with more than four dwelling units of a major subdivision until:

1. The developer has satisfactorily completed the requirements of this Chapter (e.g., on-site construction of affordable units or alternative equivalent actions); or
2. The developer has demonstrated to the satisfaction of the Director that an exemption as described in Section 18.32.030 (Inclusionary Housing Applicability and Exempt Projects) is applicable.

**18.32.070 - Inclusionary Housing Incentives**

**A. Authority for incentives.** A residential development that complies with the inclusionary housing requirements in Subsection 18.32.040, through the actual construction of inclusionary units, shall be entitled to the following procedures and incentives.

- 1. Voluntary Pre-Application Review of Requested Incentives.**
  - a. Before the submittal of any formal application for a housing development, the developer may request a pre-application review by the Director or the City Council of requested incentives.
  - b. Voluntary Pre-application Review shall not bind the Director or City Council, but rather shall be subject to the discretion of the review authority to accept, reject, or modify any preliminary recommendations based upon a full review of the formal application, including all pertinent project information and any CEQA analysis, presented at the public hearing on the application.
- 2. Priority processing of applications.** Project applications that include the construction of inclusionary units shall be expedited by each City department involved with the application.
- 3. Pre-Approved incentives.** The Council has adopted by resolution a set of pre-approved incentives, which may be amended from time to time. Project applicants with projects that include inclusionary housing may select an incentive from this resolution without the need of further approval for the selected incentive.

**18.32.080 - Inclusionary Housing Plan**

**A. Inclusionary Housing Plan.** The applicant for a residential project that is subject to this Chapter shall submit an Inclusionary Housing Plan as part of the project application(s), detailing how the provisions of this Chapter will be implemented. The Inclusionary Housing Plan shall include the number and income level of any required inclusionary units, any related occupancy restrictions, any resale or other controls to ensure continued affordability of the inclusionary units, a detailed pro forma if requested by the Director, any requested incentives or waivers, any proposed alternative equivalent action, and any other information necessary to review compliance with the requirements of this Chapter. The Inclusionary Housing Plan shall be considered and acted upon by the review authority at the same time as the residential development that is the subject of the plan.

**B. Conditions of approval.** Any tentative map, use permit or other permit approving residential development projects subject to this Chapter shall contain conditions sufficient to ensure compliance with the provisions of this Chapter. Such conditions shall include but not be limited to the number of inclusionary units required, the schedule of construction for the inclusionary units, the applicant's manner of compliance with this Chapter, and shall require the execution and recordation of an agreement imposing appropriate resale and other controls to maintain continued affordability of the inclusionary units for the required time.

**18.32.085 - Inclusionary Housing Regulatory Agreement**

**A. Inclusionary Housing Regulatory Agreement.** The applicant shall execute and cause to be recorded an Affordable Housing Regulatory Agreement (“agreement”) between the City and the developer to implement the provisions of this Chapter and any approved Inclusionary Housing Plan. The agreement once approved and executed by the City Manager shall be recorded against the property containing the inclusionary units.

**18.32.090 - Inclusionary Housing Trust Fund**

**A. Inclusionary Housing Trust Fund established.** There is hereby established the City of Fort Bragg Inclusionary Housing Trust Fund (the “Housing Fund”). Inclusionary housing In-lieu fees collected pursuant to this Chapter shall be deposited into the Housing Fund. Separate accounts within the Housing Fund may be created as necessary to avoid commingling as required by law, or as deemed appropriate to further the purposes of the Fund.

**B. Use of funds.** The City’s use of the Housing Fund shall comply with the following requirements.

1. Monies deposited in the Housing Fund along with any interest earnings shall be used solely to increase and improve the supply of affordable housing in the City, including:
  - a. The acquisition of property and property rights;
  - b. The cost of construction including costs associated with planning, administration, and design, actual building or installation, and any other costs associated with the construction or financing of affordable housing beyond that which is required by this ordinance for a specific development;
  - c. Reimbursement to the City for costs if funds were advanced by the City from other sources; and
  - d. Reimbursement of developers or property owners who have constructed affordable housing units beyond that which is required by this ordinance for a specific development.
2. To the maximum extent possible, all monies should be used to provide for additional affordable housing and services.
3. No portion of the Housing Fund may be diverted to other purposes by way of loan or otherwise.

**18.32.100 - Enforcement of Affordable Housing Requirements**

**A. Enforcement by City Manager.** The City Manager shall enforce the provisions of this Chapter and may initiate revocation of any building permit or development approval in accordance with Section 18.98.070. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this Chapter, including civil action, injunctive relief, and any other proceeding or method allowed by Article 18.98 or other law.

**B. Remedies cumulative not exclusive.** The remedies available to the City shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

**C. Recovery of costs.** In any action to enforce this Chapter, or an Affordable Housing Regulatory Agreement recorded in compliance with this Chapter, the prevailing party in such action shall be entitled to recover its reasonable attorney’s fees and related costs.

## Chapter 18.34

### LANDSCAPING STANDARDS

Sections:

- 18.34.010 Purpose
- 18.34.020 Applicability
- 18.34.030 Definitions
- 18.34.040 Landscape and Irrigation Plans
- 18.34.050 Landscape Location Requirements
- 18.34.060 Landscape Standards
- 18.34.070 Maintenance of Landscape Areas

#### **18.34.010 - Purpose**

This Chapter establishes requirements for landscaping to enhance the appearance of development projects, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, preserve the integrity of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety.

#### **18.34.020 - Applicability**

The provisions of this Chapter apply to all land uses as follows:

- A. New projects.** Each new nonresidential and multi-family residential project shall provide landscaping in compliance with this Chapter. All residential development projects shall provide street trees in compliance with Section 18.34.060.B.2.d.(iii.).
- B. Existing development.** The approval of a Minor Use Permit, Use Permit, Minor Variance, Variance, or application for Design Review for physical alterations and/or a change in use within an existing development may include conditions of approval requiring compliance with specific landscaping and irrigation requirements of this Chapter.
- C. Timing of installation.** Required landscape and irrigation improvements shall be installed before final building inspection. The installation of landscaping for a residential project may be deferred for a maximum of 90 days in compliance with Section 18.76.060 (Performance Guarantees).
- D. Alternatives to requirements.** The review authority may modify the standards of this Chapter to accommodate alternatives to required landscape materials or methods, where the review authority first determines that the proposed alternative will be equally or more effective in achieving the purposes of this Chapter. The review authority may also modify the requirements of this Chapter to accommodate an affordable housing project in compliance with Chapters 18.31 (Density Bonuses and Affordable Housing Incentives), and 18.32 (Inclusionary Housing Requirements).

#### **18.34.030 - Definitions**

Definitions of certain technical terms and phrases used in this Chapter are under “Landscaping Standards” in Article 10 (Glossary) of this Development Code.

#### **18.34.040 - Landscape and Irrigation Plans**

**A. Preliminary Landscape Plan.** A Preliminary Landscape Plan shall be submitted as part of each application for new development, or the significant expansion (e.g., 25 percent or more of floor area), or redevelopment of an existing use, as determined by the Director.

**B. Final Landscape Plan.** After planning permit approval, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. A Final Landscape Plan shall be approved by the review authority before the start of grading or other construction, and before the issuance of a Building Permit.

**C. Content and preparation.**

**1. Required information.** Preliminary Landscape Plans and Final Landscape Plans shall contain the information required for landscape plans by the Department. However, at a minimum, the plans shall include the following information:

**a. Preliminary Landscape Plans.** Location of proposed materials, including the identification of ground covers, shrubs, and trees.

**b. Final Landscape Plans.** Detailed drawings and specifications clearly identifying the name, size, and precise location of all materials.

**2. Preparation by qualified professional.** Each landscape plan for five or more dwelling units, or a non-residential project submitted in compliance with this Chapter shall be prepared by a California licensed landscape architect, licensed landscape contractor, certified nurseryman, or other professional determined by the Director to be qualified.

**D. Review and approval.** After initial application, the Director shall review each Preliminary Landscape Plan and Final Landscape Plan to verify its compliance with the provisions of this Chapter. The Director may approve the submittal in compliance with this Chapter, or may disapprove or require changes to a submittal if it is not in compliance.

**E. Statement of surety.** When required by the Director, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all approved landscaping before occupancy of the site.

**F. Changes to approved landscape plans.** The Director may authorize minor changes from the requirements of this Chapter and the approved landscaping plan.

1. For purposes of this Section, minor changes shall be defined as changes to the Final Landscape Plans that and do not affect the landscaping theme/character established for the subject development project.

2. If the Director determines that a requested change does not comply with the definition of minor in Subsection F.1, above, the requested change may only be approved by the review authority that originally approved the plans.

**G. Projects with 2,500 SF or more of Landscaped Area.** All projects with 2,500 SF or more of landscaped area must comply with the State of California Model Water Efficient Landscaping Ordinance (Government Code Sections 65595 and 65596). The model ordinance is available from the Community Development Department or can be found online.

#### **18.34.050 - Landscape Location Requirements**

Landscaping shall be provided in all areas of a site subject to development with structures, grading, or the removal of natural vegetation, as follows.

**A. Setbacks.** The setback and open space areas required by this Development Code and easements for utilities and drainage courses shall be landscaped, except where:

1. Occupied by approved structures or paving;

2. They are retained in their natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this Chapter.

**B. Unused areas.** Any area of a project site not intended for a specific use, including a commercial pad site intended for future development, shall be landscaped unless retained in its natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this Chapter.

**C. Parking areas.** All parking areas shall be landscaped as follows:

- 1. Landscape materials.** Landscaping shall be provided throughout the parking lot as a combination of ground cover, shrubs, and trees.
- 2. Curbing.** Areas containing plant materials may be bordered by a curb when constructed as part of a parking lot. However, alternative barrier designs, to protect landscaped areas from damage by vehicles and to allow infiltration of parking lot stormwater runoff into landscaped areas, are preferred.
- 3. Runoff detention, retention, or infiltration.** The design of landscaped areas for parking lots shall consider, and may, where appropriate, be required to include provisions for the on-site detention, retention, and/or infiltration of stormwater runoff, which reduces and slows runoff, and provides pollutant cleansing and groundwater recharge. Where landscaped areas are designed for detention, retention, and/or infiltration of stormwater runoff from the parking lot, the following provisions shall apply:
  - a. Recess landscaped areas.** Landscaped areas shall be recessed below the surface of the pavement, to allow stormwater runoff from the parking lot to flow into the landscaped area and infiltrate into the ground.
  - b. Provide curb cuts.** Curb cuts shall be placed in curbs bordering landscaped areas, or else curbs shall not be installed, to allow stormwater runoff to flow from the parking lot into landscaped areas.
- 4. Perimeter parking lot landscaping.** All surface parking areas shall be provided a fence, or landscape buffer between the parking area, and streets and adjoining properties, and the open areas between the property line and the public street right-of-way shall be landscaped.
  - a. Adjacent to streets and only where allowed by Section 18.36.090 or preexisting conditions.**
    - i) A parking area for a nonresidential use adjoining a public street, where allowed by Section 18.36.090.A (Parking Design and Development Standards - Location) shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zoning district or 15 feet, whichever is more.
    - ii) A parking area for a residential use, except for a single-family dwelling or duplex, shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zoning district.
    - iii) The landscaping shall be designed and maintained to screen cars from view from the street to a minimum height of 36 inches, but shall not exceed any applicable height limit for landscaping within a setback.
    - iv) Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices which meet the intent of this requirement.
    - v) Shade trees shall be provided at a minimum rate of one for every 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.
    - vi) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 18.30.060.E (Height limit at street corners).
  - b. Adjacent to side or rear property lines.** Parking areas for nonresidential uses shall provide a perimeter landscape strip at least five feet wide (inside dimension) where the parking area adjoins a side or rear property line. Trees shall be provided at the rate of one for each 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.

**c. Adjacent to structures.** When a parking area is located adjacent to a nonresidential structure, a minimum eight-foot wide (inside dimension) landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian accessways. The required width of the landscape strip may be reduced by the review authority where it determines that overall site area is insufficient to accommodate allowable structures and required parking.

**d. Adjacent to residential use.** A parking area for a nonresidential use adjoining a residential use shall provide a landscaped buffer setback with a minimum 10-foot width between the parking area and the common property line bordering the residential use.

i) A solid decorative masonry wall or solid fence shall be provided along the property line to address land use compatibility issues (e.g., nuisance noise and light/glare) as determined by the review authority.

ii) Trees shall be provided at the rate of one for each 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.

#### **5. Interior parking lot landscaping.**

**a. Amount of landscaping.** Multi-family, commercial, and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of 10 percent of the gross area of the parking lot. The review authority may grant an exception for small, infill parking lots where compliance with this standard is not feasible without significantly reducing the number of parking spaces. Trees not less than five feet in height and 15-gallon container in size shall be planted throughout the parcel and along any street frontage as required by the review authority.

**b. Location of landscaping.** Landscaping shall be evenly dispersed throughout the parking area, as follows.

i) Parking lots with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, including, at a minimum, specimen trees, flowering plants, enhanced paving, and project identification.

ii) Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.

**c. Groundwater recharge.** See requirements 1-3 above.

#### **18.34.060 - Landscape Standards**

**A. Landscape design.** The required landscape plan shall be designed to integrate all elements of the project (e.g., buildings, parking lots, and streets) to achieve their aesthetic objectives, desirable microclimates, stormwater runoff infiltration, and minimize water and energy demand.

**1. Plant selection and grouping.** Plant materials shall be selected for: low water demand and drought tolerance; adaptability and relationship to the Fort Bragg environment, and the geological and topographical conditions of the site; color, form, and pattern; ability to provide shade; and soil retention capability. At least 50 percent of landscaping plants shall be locally native plants. Invasive plants are prohibited.

a. Plants having similar water use shall be grouped together in distinct hydrozones.

b. The protection and preservation of native species and natural areas is encouraged, and may be required by conditions of approval as a result of project review in compliance with the California Environmental Quality Act (CEQA).

c. Fire prevention shall be addressed on sites in any wooded or vegetated area of the City identified by the Fire Department as being fire prone, by reducing fuel between development areas and naturally vegetated areas, as identified by the Director.

**2. Minimum dimensions.** Each area of landscaping shall have a minimum interior width of eight feet within the residential and commercial zoning districts, and five feet in the industrial zoning districts. These dimensions may be reduced where the review authority determines they are infeasible because of limited site area. Wherever this Development Code requires a landscaped area of a specified width, the width shall be measured within any curb or wall bordering the landscaping area.

**3. Height limits.** Landscape materials shall be selected, placed on a site, and maintained to not:

a. Exceed a maximum height of 42 inches within a traffic safety visibility area required by Section 18.30.060.E, except for one or more trees with the lowest portion of their canopy maintained at a minimum height of six feet above grade; or

b. Interfere with the proper operation of solar energy equipment or passive solar design on adjacent parcels.

**4. Protective curbing.** Required landscaping shall be protected with a minimum six-inch high concrete curb or other barrier, except where adjacent to bicycle paths, or where the landscaped area is designed to infiltrate stormwater runoff from adjacent impermeable surfaces, or where otherwise deemed unnecessary by the Director.

**5. Safety requirements.** Landscape materials shall be located so that at maturity they do not:

a. Interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;

b. Conflict with overhead utility lines, overhead lights, or walkway lights; or

c. Block pedestrian or bicycle ways.

**6. Water features.** Decorative water features (e.g., fountains, ponds, waterfalls) shall have re-circulating water systems and shall minimize use of potable water.

**B. Plant material.** Required landscape shall include trees, shrubs, and ground covers, as follows.

**1. Size at time of planting.** Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a 15-gallon container for trees, five-gallon container for specimen shrubs and six-inch pots for mass planting, unless otherwise approved by the review authority on the basis that the alternate size will achieve the desired immediate effect equally well.

**2. Trees.** Tree planting shall comply with the following standards.

a. Trees shall not be planted under any structure that may interfere with normal growth (for example, an eave, overhang, balcony, light standard or other similar structure).

b. Trees in landscape planters less than 10 feet in width or located closer than five feet from a permanent structure shall be provided with root barriers/root barrier panels.

c. Trees shall be staked.

d. At a minimum, the required landscape shall include the following number of trees:

i) Parking area: refer to Section 18.34.050.C (Parking areas).

ii) Street setbacks: one per 200 square feet of landscaped area.

**3. Groundcover and shrubs.** The majority of areas required to be landscaped shall be covered with groundcover, shrubs, turf, or other types of plants that are predominantly drought tolerant. At least 50 percent of landscaping plants shall be locally native plants.

- a. A minimum of two, five-gallon size shrubs shall be provided for every six feet of distance along street setbacks, or as approved by the Director.
- b. Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year.
- c. Artificial groundcover or shrubs shall not be allowed.
- d. Crushed rock, redwood chips, pebbles, stone, and similar materials shall be allowed up to 15 percent of the total required landscape area. Artificial or synthetic ground covers are not allowed.
- e. Nonturf areas (e.g., shrub beds) shall be top dressed with a bark chip mulch or approved alternative.

**4. Turf.** Turf shall be limited to 25 percent of the total landscaped area on the site where the applicant provides calculations approved by the Director that demonstrate that the irrigation requirements will not exceed standard low water usage, and where the turf is required for active play areas. No turf shall be allowed:

- a. In any area of 10 feet or less in width; or
- b. On any slope exceeding 10 percent (25 percent, where other project water-saving techniques compensate for the increased runoff). A level buffer zone of 18 inches shall be provided between bermed turf areas and any hardscape (e.g., any street, walkway, or similar feature).

**5. Soil conditioning and mulching.**

- a. A minimum one-foot depth of uncompacted soil shall be available for water absorption and root growth in each planted area.
- b. A soil test for horticultural suitability shall be required at time of landscape installation in each landscaped area. Soil shall be prepared and/or amended to be suitable for the landscape to be installed.
- c. A minimum of two inches of mulch shall be added in each nonturf area to the soil surface after planting. Any plant type that is intolerant to mulch shall be excluded from this requirement. Nonporous material shall not be placed under the mulch.

**C. Irrigation system requirements.** All landscaped areas shall be designed with native plantings such that they do not require an automatic irrigation system once the plantings are established (after two years). An automatic irrigation system may be approved by the review authority if: 1) the applicant provides a compelling case to the review authority for an automatic irrigation system; and/or 2) provides irrigation water from an onsite well. If an automated irrigation system is installed it shall comply with the following:

1. Water-efficient systems (e.g., drip, mini-spray, bubbler-type, or similar system) shall be used. Low-flow sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas. Turf areas shall be sized and shaped so they can be efficiently irrigated. Spray or run-off onto paved areas shall be avoided.
2. Dual or multi-program controllers with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., lawn, ground cover, shrub, tree areas), or a variety of solar aspects. Soil moisture-sensing devices and rain sensors shall be used on larger projects (50,000 plus square feet of landscaped area) to minimize or eliminate over-watering.
3. Watering shall be scheduled during the early morning, at times of minimal wind conflict and evaporation loss.

4. Sprinkler heads must have matched precipitation rates within each valve zone.
5. Check valves are required where elevation differential may cause low head drainage.

**D. Certification of landscape completion.** The completion of required landscaping and irrigation improvements shall be certified by the author of the landscape and irrigation plan, through a signed statement submitted to the Director.

**18.34.070 Maintenance of Landscape Areas**

**A. Maintenance required.** All site landscaping shall be maintained in a healthful and thriving 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.** Inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures is prohibited.

**C. Enforcement.** Failure to maintain landscape areas in compliance with this Section shall be deemed a nuisance, and shall be subject to abatement in compliance with the Municipal Code, and/or the applicable planning permit may be revoked.

## Chapter 18.36

### PARKING AND LOADING

Sections:

- 18.36.010 Purpose
- 18.36.020 Applicability
- 18.36.030 General Parking Regulations
- 18.36.040 Number of Parking Spaces Required
- 18.36.050 Disabled/Handicapped Parking Requirements
- 18.36.060 Bicycle Parking
- 18.36.070 Motorcycle Parking
- 18.36.080 Reduction of Parking Requirements
- 18.36.090 Parking Design and Development Standards
- 18.36.100 Driveways and Site Access
- 18.36.110 Loading Space Requirements

#### **18.36.010 - Purpose**

The requirements of this Chapter are intended to ensure that suitable off-street parking and loading facilities are provided for all uses and developments, and that the facilities are properly designed, attractive, and located to be unobtrusive while meeting the needs of the specific use.

#### **18.36.020 - Applicability**

**A. Off-street parking and loading required.** Each land use and structure, including a change or expansion of a land use or structure, shall provide suitable off-street parking and loading facilities in compliance with this Chapter.

**B. Timing of improvements.** A land use shall not be commenced and a structure shall not be occupied until the parking and loading improvements required by this Chapter are completed and approved by the Director.

#### **18.36.030 - General Parking Regulations**

**A. Parking and loading spaces to be permanent.** Each parking and loading space shall be permanently available, marked, and maintained for parking or loading purposes for the use it is intended to serve; provided that the approval of a Limited Term Permit (Section 18.71.030) may allow the temporary use of a parking or loading space for other purposes.

**B. Parking and loading to be unrestricted.** A lessee, owner, tenant, or other person having control of the operation of a premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit, or restrict authorized persons from using the spaces without the prior approval of the Director.

**C. Vehicles for sale.** Only one vehicle or trailer owned by the lessee, owner, or renter of the property may be displayed for the purpose of sale for a maximum of one month, on parcels that are not authorized car sale lots.

#### **D. Large Motor Vehicle and Non-Motorized Vehicle Parking.**

1. The storage (parking for any period longer than 72 hours) of a large motor vehicle or non-motorized vehicle (as defined in Section 10.02.010) in a residential zoning district shall be allowed only when all portions of the large motor vehicle or non-motorized vehicle are located entirely within the property boundaries and do not extend into the setbacks or the public right-of-way. Except that vehicles can be located within required setbacks with approval of a Minor Use Permit.

2. Parking within setback areas shall also comply with Section 18.30.100.D. (Limitations on the Use of Setbacks).

#### **18.36.040 - Number of Parking Spaces Required**

Each land use shall provide the number of off-street parking spaces required by this Section. See Sections 18.36.060, and 18.36.070 for off-street parking requirements for bicycles and motorcycles, respectively.

**A. Parking requirements by land use.**

**1. Number of spaces.** The number of off-street parking spaces required for each land use is determined as follows. Rules for the calculation of the required number of spaces are in Subsection A.2, below.

**a. Basic space requirement.** Each land use shall provide the number of off-street parking spaces required by Table 3-7, except where a greater or lesser number of spaces is required through Minor Use Permit or Use Permit approval in compliance with Section 18.71.060.

**b. Use not listed.** A land use not specifically listed in Table 3-7 shall provide parking as required by the Director. The Director shall use the requirements in Table 3-7 as a guide in determining the appropriate number of off-street parking spaces required for the use.

**c. Use with accessory components.** A single use with accessory components shall provide parking for each component. For example, a hotel with a gift shop shall provide the parking spaces required by Table 3-7 for a hotel (e.g., the guest rooms), and for a gift shop.

**d. Multi-tenant site.** A site with multiple tenants shall provide the aggregate number of parking spaces required for each separate use, except when any land or building under the same ownership or under a joint use agreement is used for two or more purposes with shared parking and no spaces reserved for a particular use. In this instance, the parking shall be provided as required by the analysis below:

- i) Determine the minimum amount of parking required for each land use as though it were a separate use, by time period, considering proximity to transit.
- ii) Calculate the total parking required across uses for each time period.
- iii) Set the requirement at the maximum total across time periods.

**e. Expansion of structure, change in use.** When a structure is enlarged, or when a change in its use requires more off-street parking than the previous use, additional parking spaces shall be provided in compliance with this Chapter. See also Chapter 18.90 (Nonconforming Uses, Structures, and Parcels). However, if required driveway access for one off-street space eliminates one on-street parking space, the off-street space shall not be required.

**f. Excessive parking.**

- i) The City discourages a land use being provided more off-street parking spaces than required by this Chapter, in order to avoid the inefficient use of land, unnecessary pavement, and excessive storm water runoff from paved surfaces.
- ii) The provision of off-street parking spaces in excess of the requirements in Table 3-7 is allowed only with Minor Use Permit approval in compliance with Section 18.71.060, and only when additional landscaping, pedestrian amenities and necessary storm drain improvements are provided to the satisfaction of the review authority.

**2. Calculation of required parking.**

**a. Floor area.** In any case where Table 3-7 expresses a parking requirement based on floor area in square feet (for example: 1 space for each 1,000 sf of floor area), the floor area shall be construed to mean gross interior floor area.

**b. Rounding of calculations.** If a fractional number is obtained in calculations performed in compliance with this Chapter, one additional parking space shall be required for a fractional unit of 0.50 or above, and no additional space shall be required for a fractional unit of less than 0.50.

**c. Bench or bleacher seating.** Where fixed seating is provided as benches, bleachers, pews, or similar seating, a seat shall be defined as 24 inches of bench space for the purpose of calculating the number of parking spaces required by Table 3-7.

**d. Parking based on employees.** Whenever parking requirements are based on the number of employees, calculations shall be based on the largest number of employees on duty at any one time.

**B. Use of on-street parking - Exception.** Available on-street parking spaces cannot be used to meet the parking requirements identified in this Chapter. An exception to this provision may be granted according to the following procedure:

**1. Criteria for approval.** The Minor Use Permit may be issued if it meets all of the following criteria, in addition to the findings identified in Section 18.71.060:

a. The maximum amount of parking which is feasible shall be provided on-site.

b. The exception shall only be granted in situations where the Director, Public Works has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians.

c. The Director of Community Development has determined that the project is located in an area of abundant on-street parking.

**2. Annual review.** Each Minor Use Permit that grants an exception to off-street parking requirements shall be reviewed annually, and, if the review authority finds that the use of on-street parking spaces is creating a nuisance, the City may initiate proceedings to revoke the Minor Use Permit.

**C. Nonconforming parking.** A use or structure with nonconforming off-street parking may be physically changed or undergo a change in use in compliance with the following provisions.

**1. Residential uses.** No additional parking spaces shall be required; provided, the change does not increase the number of dwelling units, nor eliminate the only portion of the site that can be used for the required or existing parking or access.

**2. Nonresidential uses.**

a. The number of existing parking spaces shall be maintained on the site and additional parking shall be provided in compliance with this Chapter for any additional floor area.

b. If the use of the structure is changed to one that requires more parking than the previous use, only the difference between the number of parking spaces required for the previous use and those required for the new use shall be added.

c. The change shall not eliminate the only portion of the site that can be used for the required or existing parking or access.

**3. Waiver by Director.** The Director may waive parking requirements when a nonconforming structure is proposed for rehabilitation if the Director determines that the existing structure location, parcel size, or topography renders the requirement unreasonable.

**D. Recreational vehicle (RV) parking spaces.** Off-street recreational vehicle (RV) parking spaces shall be provided as follows for retail uses, shopping centers, and visitor attractions that are required by this Chapter to provide 40 or more off-street parking spaces.

**1. Number of RV spaces required.** RV parking spaces shall be provided at a minimum ratio of one RV space for each 40 off-street vehicle parking spaces, or fraction thereof, required by this Chapter.

**2. RV stall dimensions.** Each RV parking space shall be designed as a pull-through space with a minimum width of 12 feet and a minimum length of 40 feet, with 14 feet of vertical clearance.

**3. Modifications by Director.** The Director may modify the provisions of this Subsection through a Minor Use Permit granted in compliance with Section 18.71.060.

**TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE**

Land Use Type: Manufacturing Processing and Warehousing	Vehicle Spaces Required	
	Minimum	Maximum
All manufacturing, industrial, and processing uses, except the following.	1 space for each 400 sf of office area; 1 space for each 1,000 sf of floor and/or ground area devoted to other than office use; 1 space for each 5,000 sf of open storage.	1 space for each 200 sf of office area; 1 space for each 500 sf of floor and/or ground area devoted to other than office use; 1 space for each 2,500 sf of open storage.
Media production	1 space for each 400 sf of floor area.	1 space for each 200 sf of floor area.
Recycling facilities		
Heavy or light processing facilities, Large collection facilities	Determined by Use Permit.	Determined by Use Permit.
Scrap/dismantling yards	1 space for each 400 sf of gross floor area, plus 1 space for each 10,000 sf of gross yard area.	1 space for each 200 sf of gross floor area, plus 1 space for each 5,000 sf of gross yard area.
Small collection facilities	Determined by Minor Use Permit.	Determined by Minor Use Permit.
Wholesaling and distribution	1 space for each 1,000 sf of floor area.	1 space for each 300 sf of floor area.

**TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Recreation, Education, and Public Assembly	Vehicle Spaces Required	
	Minimum	Maximum
Clubs, community centers, lodges, meeting halls, religious facilities, theaters, auditoriums, and places of assembly	1 space for each 250 sf of floor area or 5 seats, whichever would yield more spaces.	1 space for each 100 sf of floor area or 3 seats, whichever would yield more spaces.
Commercial recreation facilities - Indoor	1 space for each 400 sf of floor area.	1 space for each 200 sf of floor area.
Commercial recreation facilities - Outdoor	Determined by Use Permit	Determined by Use Permit
Studios (art, dance, martial arts, music, etc.) Health/fitness facilities Conference/convention and sports/entertainment facilities	1 space for each 300 sf of floor area.	1 space for each 100 sf of floor area.
Library, gallery, and museum	1 space for each 500 sf of floor area.	1 space for each 250 sf of floor area.
Schools (public and private)		
Elementary, Junior High, Kindergarten and nursery schools	1 space per employee plus 1 space for each 10 students.	1 space per employee plus 1 space for each 5 students.
High schools	1 space per employee plus 1 space for each 5 6 students.	1 space per employee plus 1 space for each 4 students.
Colleges and universities (including trade, business, and art/music/dancing schools)	1 space per employee plus 1 space for each 4 students.	1 space per employee plus 1 space for each 2 students.

Land Use Type: Recreation, Education, and Public Assembly	Vehicle Spaces Required	
	Minimum	Maximum
Mobile home		
Outside of mobile home park	1 space for each unit.	-
Within a mobile home park	1 space for each unit, plus 0.5 guest parking space	-
Multi-family housing & Live/work unit	Under two bedrooms: 1 space per unit 2 bedrooms or more: 2 spaces per unit	2.25 spaces per unit.
Organizational house, rooming or boarding house, residential care facility, co-housing	0.5 spaces per bedroom.	1 space per bedroom.
Second dwelling unit	See Section 18.42.170.F	See Section 18.42.170.F
Single-family dwelling	2 spaces;	4 spaces

Notes:

- (1) Recreational vehicle parking spaces may also be required. See Section 18.36.040.D (Recreational vehicle (RV) parking spaces).

**TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Retail Trade	Vehicle Spaces Required	
	Minimum	Maximum
All "Retail Trade" and general retail uses listed in Section 18.22.030, Table 2-6, except for the following:	1 space for each 400 sf of floor area, plus 1 space for each 600 sf of outdoor sales area.	1 space for each 200 sf of floor area, plus 1 space for each 400 sf of outdoor sales area.
Auto and vehicle sales and rental	1 space for each 400 sf of floor area for the showroom and offices, plus 1 space for each 2,000 sf of outdoor display area, plus spaces as required by this Section for parts sales ("retail trade," above), and vehicle services.	1 space for each 200 sf of floor area for the showroom and offices, plus 1 space for each 1,000 sf of outdoor display area, plus spaces as required by this Section for parts sales ("retail trade," above), and vehicle services.
Bar, cocktail lounge, night club, tavern	1 space for each 5 seats; or 1 space for each 250 sf of floor area, whichever would yield more spaces	1 space for each 3 seats; or 1 space for each 100 sf of floor area, whichever would yield more spaces
Building and landscape materials and furniture stores, Warehouse retail center	1 space for each 1,000 sf of display area.	1 space for each 500 sf of display area
Convenience store	1 space for each 300 sf of floor area.	1 space for each 150 sf of floor area.
Marine-related use (hardware, supplies, rentals, and sales)	1 space for each 500 sf of floor area for the showroom and offices, plus 1 space for each 5,000 sf of outdoor display area, plus spaces as required by this Section for parts sales ("retail trade," above), and services.	1 space for each 300 sf of floor area for the showroom and offices, plus 1 space for each 2,500 sf of outdoor display area, plus spaces as required by this Section for parts sales ("retail trade," above), and services.
Restaurant, cafe, coffee shop	1 space for each 100 sf of dining area.	1 space for each 40 sf of dining area.
Service station	1 space for each 300 sf of floor area, plus 2 spaces for each service bay.	1 space for each 200 sf of floor area, plus 4 spaces for each service bay.
Shopping center	1 space for each 400 sf of floor area	1 space for each 200 sf of floor area

Notes:

- (1) Recreational vehicle parking spaces may also be required. See Section 18.36.040.D (Recreational vehicle (RV) parking spaces).

**TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Service Uses	Vehicle Spaces Required	
	Minimum	Maximum
Banks and financial services	1 space for each 300 sf of floor area	1 space for each 150 sf of floor area
Child day care		
Large family day care home	2 spaces; may include spaces provided to fulfill residential parking requirements and on-street parking so long as it abuts the site.	4 spaces; may include spaces provided to fulfill residential parking requirements and on-street parking so long as it abuts the site.
Child/adult day care center	1 space for each employee, plus 1 space for each 10 children.	1 space for each employee, plus 1 space for each 5 children.
Equipment rental	1 space for each 400 sf of floor area; none required for outdoor storage and rental area; provided, sufficient area is provided within the yard to accommodate all customer vehicles entirely on-site.	1 space for each 200 sf of floor area; none required for outdoor storage and rental area; provided, sufficient area is provided within the yard to accommodate all customer vehicles entirely on-site.
Freight terminal	1 space for each 1,000 sf of lot area, plus 1 space for each commercial vehicle.	-
Laundry - Dry cleaning pick-up facilities and Laundromats	1 space for each 400 sf of floor area.	1 space for each 250 sf of floor area.
Lodging	1 space for each unit, plus 1 space for the manager or owner and required spaces for accessory uses.	1.5 spaces for each unit, plus 2 spaces for the manager or owner and required spaces for accessory uses.
Medical Marijuana Dispensary	1 space for each 500 sf of floor space. (Ord. 851 §2, 2005)	1 space for each 250 sf of floor space. (Ord. 851 §2, 2005)
Medical services		
Clinic, laboratory, urgent care, doctor office	1 space for each 300 sf of floor area	1 space for each 200 sf of floor area
Extended care	1 space for each 5 beds or patients the facility is licensed to accommodate.	1 space for each 2 beds or patients the facility is licensed to accommodate.
Hospitals	2 spaces for each bed,	4 spaces for each bed

**TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Service Uses (Continued)	Vehicle Spaces Required	
	Minimum	Maximum
Mortuaries and funeral homes	1 space for each 300 sf of floor area within the facility or 1 space for each 4 seats in the sanctuary, whichever would yield more spaces.	1 space for each 200 sf of floor area within the facility or 1 space for each 3 seats in the sanctuary, whichever would yield more spaces.

Land Use Type: Service Uses (Continued)	Vehicle Spaces Required	
	Minimum	Maximum
Offices	1 space for each 400 sf of floor area.	1 space for each 200 sf of floor area.
Personal services and personal services - restricted		
All personal service uses except the following	1 space for each 350 sf of floor area	1 space for each 200 sf of floor area
Barber/beauty shops	2 spaces for each barber or beautician	3 spaces for each barber or beautician
Storage		
Cold storage facilities or ice plants	1 space for each 500 sf of floor area.	1 space for each 250 sf of floor area.
Outdoor storage	1 space for each 3,000 sf of lot area.	1 space for each 1,500 sf of lot area.
Personal storage facilities (mini-storage)	4 spaces for the manager's office.	8 spaces for the manager's office.
Warehousing	1 space for each 1,000 sf of floor area.	1 space for each 500 sf of floor area.
Vehicle services (major and minor repair)	4 spaces for each service or wash bay	8 spaces for each service or wash bay
Veterinary clinics, animal hospitals, boarding, or kennels	1 space for each 400 sf of floor area.	1 space for each 250 sf of floor area.
Boarding or kennels separate from other veterinary facilities	1 space per employee, plus 2 spaces.	2 spaces per employee, plus 2 spaces.

**18.36.050 - Disabled Parking Requirements**

**Number of spaces required.** Parking for the disabled shall be provided on site in compliance with California Building Code Standards.

Parking spaces required for the disabled shall count toward compliance with the number of off-street parking spaces required by this Chapter.

**18.36.060 - Bicycle Parking**

Each multi-family project of five or more units and nonresidential land use shall provide bicycle parking in compliance with this Section.

**A. Number of bicycle spaces required.**

**1. Multi-family project.** A multi-family project of five or more units shall provide bicycle parking spaces equal to a minimum of 10 percent of the required vehicle spaces, unless separate secured garage space is provided for each unit. The bicycle spaces shall be distributed throughout the project. A minimum number of two bicycle parking spaces shall be provided.

**2. Nonresidential project.** A nonresidential project (e.g., retail, office, etc.) shall provide bicycle parking spaces equal to a minimum of ten percent of the required vehicle spaces, distributed to serve customers and employees of the project. A minimum number of two bicycle parking spaces shall be provided.

**B. Bicycle parking design and devices.** Each bicycle parking space shall include a stationary parking device to adequately secure the bicycle, shall be a minimum of two feet in width and six feet in length, with a minimum of seven feet of overhead clearance, and shall be conveniently located and generally within proximity to the main entrance of a structure.

**18.36.070 - Motorcycle Parking**

A parking lot with 50 or more vehicle parking spaces shall provide motorcycle parking spaces conveniently located near the main entrance to the primary structure and accessed by the same access aisles that serve the vehicle parking spaces in the parking lot.

**A. Number of spaces required.** A minimum of one motorcycle parking space shall be provided for each 50 vehicle spaces or fraction thereof.

**B. Space dimensions.** Motorcycle spaces shall have minimum dimensions of four feet by seven feet.

#### **18.36.080 - Reduction of Parking Requirements**

**A. Shared on-site parking.**

1. Where two or more adjacent uses have distinct and differing peak parking usage periods (e.g., a theater and a bank), a reduction in the required number of parking spaces may be allowed through Minor Use Permit approval granted in compliance with Section 18.71.060.

2. Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use served for the duration of the use.

**B. Reduction of required parking.** The Director may reduce the number of parking spaces required by Section 18.36.040 (Number of Parking Spaces Required), through the granting of a Minor Use Permit in compliance with Section 18.71.060, based on quantitative information provided by the applicant that documents the need for fewer spaces (e.g., sales receipts, documentation of customer frequency, information on parking standards required for the proposed land use by other cities, etc.). Parking requirements may be reduced, by the Review Authority, where the project facilitates bicycle use by providing bicycle storage, lockers, changing rooms and showers and/or bicycles for employee use.

**C. Central Business District (CBD) Special Parking Combining Zone.** The following parking requirements shall apply to areas within the CBD shown on the CBD Special Parking Combining Zone Map, below. An applicant may either comply with the parking requirements identified in Section 18.36.040 (Number of Parking Spaces Required) above, meet the alternative CBD parking requirements identified in Subsection C.2., or pay the parking in-lieu fee identified in Subsection C.3.

**1. Exemptions from the off-street parking requirements.** The following uses located within the CBD Special Parking Combining Zone are exempt from the off-street parking requirements identified in this Chapter:

- a. Replacement of an existing use with a new use determined to be similar by the Director.
- b. On the ground floor, any intensification of a commercial use except for bars, cocktail lounges, restaurants, and taverns.
- c. Any use with hours of operation exclusively after 5:00 p.m.
- d. Residential dwelling units located above ground floor commercial uses.

**2. Number of parking spaces required for uses in the CBD Special Parking Combining Zone.**

- a. Off-street parking for uses in the CBD Special Parking Combining Zone shall comply with the requirements in Table 3-8.
- b. A land use not specifically listed by Table 3-8 shall provide parking as required by the Director. The Director shall use the requirements in Table 3-8 as a guide in determining the appropriate number of off-street parking spaces required for the use.
- c. In any case where Table 3-8 expresses a parking requirement based on floor area in square feet (for example: 1 space for each 400 sf of floor area), the floor area shall be construed to mean gross interior floor area.

d. A single use with accessory components shall provide parking for each component. For example, a hotel with a gift shop shall provide the parking spaces required by Table 3-8 for a hotel (e.g., the guest rooms), and for the gift shop.

e. If a fractional number is obtained in calculations performed in compliance with this Subsection, one additional parking space shall be required for a fractional unit of 0.50 or above, and no additional space shall be required for a fractional unit of less than 0.50.

**TABLE 3-8 - PARKING REQUIREMENTS IN THE CBD BY LAND USE**

Land Use Type:	Vehicle Spaces Required
Bars, cocktail lounges, restaurants, and taverns	1 space for each eight seats or 1 space for each 400 sf of floor area, whichever would yield more spaces.
Lodging	
Bed and breakfast inns Hotels or motels	1 space for each unit, plus 1 space for the manager or owner.
Residential dwelling units	1 space for each dwelling unit.
Retail commercial and office uses	1 space for each 600 sf of floor area.

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**Figure 3-7 - CBD Special Parking Combining Zone**

**3. Parking in-lieu fee.** Parking requirements in the CBD Special Parking Combining Zone may be waived at the discretion of the approval authority, if the owner of the subject property pays a parking in-lieu fee to the City in compliance with this Subparagraph.

a. In lieu of providing the off-street parking spaces required by this Subsection, these requirements may be satisfied by the payment to the City of an in-lieu parking fee established by the Council and identified in the City’s Fee Schedule for both the use of existing structures and for new structures for each required off-street parking space which is not provided.

b. Parking in-lieu fees may be authorized in the CBD Special Parking Combining Zone for changes of use or projects for which provision of sufficient parking on site is not possible. Parking in-lieu fees are discouraged for changes of use or new development that can accommodate required parking on site. The funds shall be deposited with the City in a special fund and shall be used and expended for the purpose of acquiring and developing off-street parking facilities located insofar as reasonable in the general vicinity of the structures for which in-lieu payments were made as well as for meeting parking needs through strategies to reduce parking demand or to improve access to parking.

**D. Parking reduction for small recycling collection facilities.**

1. A reduction in vehicle parking spaces as provided in Table 3-9 may be allowed within an established nonresidential parking facility to accommodate a small recycling collection facility, when developed in compliance with Section 18.42.150 (Recycling Facilities).

**TABLE 3-9 - PARKING REDUCTION FOR RECYCLING**

<b>Number of Available Vehicle Parking Spaces</b>	<b>Maximum Reduction (in vehicle spaces)</b>
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

2. A maximum five-space reduction shall be allowed when not in conflict with parking needs of the host nonresidential use.

**18.36.090 - Parking Design and Development Standards**

Required parking areas shall be designed, constructed, and properly maintained in compliance with the following requirements. Except where noted, the Director may modify the requirements of this Section through Minor Use Permit approval (Section 18.71.060).

**A. Location of parking.** Parking areas shall be located as follows:

1. **Residential.** Residential parking shall be located on the same parcel as the uses served. Temporary (overnight) parking is allowed within required setback areas only on a paved driveway.
2. **Nonresidential.** Nonresidential parking shall be located on the same parcel as the uses served or within 300 feet of the parcel if shared parking or public parking facilities are used to meet parking requirements.
  - a. Nonresidential parking shall not be located within a required front setback.
  - b. Parking may be located within a required side or rear setback; provided that it is separated from the side or rear property line by a minimum five-foot wide landscaped area.
  - c. Parking between the primary structure and the fronting street should be avoided.
3. **Within the Downtown.** Parking within the Downtown area identified by Subsection 18.36.080.C, Figure 3-7 (CBD Special Parking Combining Zone), shall not be located between a primary building and the fronting street.

**B. Access to parking.** Access to parking areas shall be provided as follows for all parking areas other than garages for individual dwelling units.

1. Parking areas shall provide suitable maneuvering area so that vehicles enter from and exit to a public street in a forward direction only.
  - a. Parking lots shall be designed to prevent access at any point other than at designated access drives.
  - b. Single- and multi-family dwelling units are exempt from this requirement, unless specifically required by conditions of a discretionary permit.
  - c. This requirement does not apply to alleys, unless so specified in a specific zoning district.
2. A nonresidential development that provides 50 or more parking spaces shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20

feet from the street right-of-way, to provide a queuing or stacking area for vehicles entering and exiting the parking area. See Figure 3-8.

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3. A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles within nonresidential developments.
4. The design of parking lots on adjacent parcels may be required to provide for joint use and access, with cross parking easements, to limit access points to public rights-of-way, and encourage motorists to park once to complete multiple tasks.
5. The design of parking lots shall provide for safe pedestrian access, via sidewalks, to and from parked cars, to the street and to the primary entrance of the associated development.
6. Curb cuts for purposes of providing street access to on-site parking spaces on primary commercial streets (see definitions) shall be permitted only by Conditional Use Permit.
7. Curb cuts to provide street access to on-site parking spaces on non-primary commercial and residential streets shall be permitted only where a project site meets at least one of the following conditions:
  - a. The site has no adjacent side or rear alley having a minimum right-of-way of fifteen feet;
  - b. The topography or configuration of this site or placement of buildings on the site precludes reasonable alley access to a sufficient number of parking spaces;
  - c. The average slope of the parcel is at least five percent; or
  - d. The Director, Public Works determines that a curb cut is appropriate due to traffic, circulation or safety concerns.

**C. Access to adjacent sites.**

**1. Nonresidential developments.**

- a. Applicants for nonresidential developments are encouraged to provide on-site vehicle access to parking areas on adjacent nonresidential properties to provide for convenience, safety, and efficient circulation.
- b. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved by the Director, guaranteeing the continued availability of the shared access between the properties.

**2. Residential developments.** Shared pedestrian access between adjacent residential developments is also strongly encouraged.

**D. Parking stall and lot dimensions.**

**1. Minimum parking space and driveway dimensions.** Each parking stall, driveway, and other parking lot features shall comply with the minimum dimension requirements in Table 3-10, and as illustrated in Figures 3-8 and 3-9. Future adjustments to stall dimensions shall be based on the standards listed in the latest version of the Urban Land Institute's Dimensions of Parking.

**TABLE 3-10 - MINIMUM PARKING SPACE CONFIGURATION**

Minimum Uni-Stall Requirements	
Width	Length
9 ft	18 ft

Angle of Parking (in degrees)	Space Width (in feet)	Curb Length (per vehicle)	Space Depth (from curb)	Driveway Width (in feet)
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Parallel	9 ft	23 ft 0 in	9 ft 0 in	12 ft
45	9 ft	12 ft 9 in	19 ft 2 in	14 ft
60	9 ft	10 ft 5 in	20 ft 2 in	19 ft
90	9 ft	9 ft 0 in	18 ft 0 in	23 ft

2. **Space width abutting a fence or wall.** When the length of a parking space abuts a fence or wall, the required width of the parking space shall be increased by at least one foot.
3. **Space length for perpendicular parking abutting a planter.** The front two feet of the required length of a parking space may overhang the planter.
4. **Compact parking spaces prohibited.** Compact parking spaces (a space smaller in size than that required by this Chapter) shall not be allowed. The Director may not modify this prohibition, except to accommodate the planting of trees within a parking lot.

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**Figure 3-9 - Parking Space Dimensions**

- E. **Tandem parking.** Use of tandem parking (when one space is located directly behind another) shall not be allowed, except for single-family dwellings and duplex units, and only when both spaces are assigned to the same dwelling unit. The Director may grant approval of tandem parking for nonresidential and other multifamily developments through a Use Permit if the applicant demonstrates that the tandem parking is achieved for vehicles owned by residents within a single unit or employees of a single commercial use.
- F. **Landscaping.** Landscaping shall be provided in compliance with Section 18.34 (Landscaping Standards).
- G. **Lighting.** Lighting shall be provided in compliance with Section 18.30.070 (Outdoor Lighting).
- H. **Striping and identification.**
  1. Parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface.
  2. The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.
  3. The re-striping of any parking space or lot other than to maintain existing striping shall require the prior approval of a re-striping plan by the Director, Public Works.

## **I. Surfacing, wheel stops, stormwater management & landscaping**

1. All parking spaces and maneuvering areas shall be surfaced with paving, asphalt, concrete pavement, or comparable material as determined by the Director, Public Works. Permeable paving, permeable asphalt or permeable concrete pavement is preferred, and projects which use permeable paving materials will receive a proportional discount, based on the proportion of site coverage, on the City drainage fee. (Recommended maximum slopes for alternative paving surfaces are 5% for porous asphalt, 6% for porous concrete, and 10% for interlocking pavers.)
2. Required parking areas in the RR, RS, or RL zoning districts may be surfaced with gravel, pavers, or other all-weather surface as determined to be appropriate by the Director of Public Works. However all gravel parking lots shall include a 20 foot long paved driveway, to minimize the introduction of gravel onto the public right of way.
3. All parking and maneuvering areas shall be designed for on-site stormwater infiltration and treatment where feasible. Stormwater management techniques shall include one or more of the following techniques or their equivalent as determined by the City Engineer:
  - a) Permeable paving over at least 12" of gravel;
  - b) Site design so that stormwater flows into landscaped strips, islands and/or rain gardens with a soil depth of at least 24;"
  - c) Stormwater bioretention swales, rain-gardens, or other open water infiltration and conveyance system with a reservoir volume equal to the surface area of the impermeable surfaces times a depth of 6 inches;
  - d) Rainboxes; and/or
  - e) Equivalent stormwater retention or infiltration technique as determined by the Director of Public Works.
4. Where stormwater infiltration is infeasible, due to site limitations or use type, parking areas shall be graded so that all surface water flows off site into drainage features to the satisfaction of the Director, Public Works.
5. All grading plans relating to the parking facilities shall be reviewed and approved by the Director, Public Works before any work can commence.
6. Individual wheel stops, of at least six inches in height and width, shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. Continuous concrete curbing is discouraged in parking lots. If continuous concrete curbing is installed it shall include curb cuts so that stormwater can flow into bioretention swales, islands, tree filter boxes, gravel wetlands or other LID stormwater techniques.

### **18.36.100 - Driveways and Site Access**

Each driveway providing site access from a street, alley, or other public right-of-way shall be designed, constructed, and properly maintained in compliance with the following. The Director may modify the requirements of this Section through Minor Use Permit approval (Section 18.71.060).

#### **A. Number of driveways.**

1. **Single-family dwellings and duplexes.** A single-family dwelling or duplex shall be allowed one driveway from the adjacent alley if feasible except that:
  - a. A driveway from the Street may be allowed if no alley provides access, or

- b. A circular driveway may be allowed on a parcel with 200 feet or more of street frontage without alley access.

**2. Multi-family and nonresidential projects.**

- a. A multi-family or nonresidential development project on a parcel of two acres or less shall be limited to a maximum of two driveways, unless the Director, Public Works determines that more than two driveways are required to accommodate the traffic for the project.

- b. Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized.

**3. Shared driveways.** The review authority may require development on smaller parcels to be planned with access along one side property line, and consolidated with the access driveway on the adjacent parcel, where practical, to limit the total number of access points on a street segment, and minimize conflicts with traffic flow.

**4. Driveways and sidewalks.** Driveways shall connect to alleys instead of streets, when possible, in order to minimize the point of conflicts between motor vehicles and pedestrians walking on sidewalks. For this reason, the size of driveways and the number of driveways which cross sidewalks shall be kept to a minimum.

**B. Distance from street corners.** Each driveway shall be separated from the nearest street intersection as follows, except where the Director, Public Works allows less separation:

1. A minimum of 150 feet from the nearest intersection, as measured from the centerline of the driveway to the centerline of the nearest travel lane of the intersecting street; and
2. For parcels with frontages less than 150 feet, the minimum distance shall be 100 feet.

**C. Driveway spacing.** Driveways shall be separated along a street frontage as follows.

**1. Single-family and duplex residential developments.** Driveways shall be separated by at least six feet, unless a shared, single driveway is approved by the Director, Public Works. The six-foot separation shall not include the transition or wing sections on each side of the driveway.

**2. Multi-family and nonresidential developments.** Where two or more driveways serve the same or adjacent multi-family or nonresidential development, the centerline of the driveways shall be separated by a minimum of 50 feet. The Director, Public Works may approve exceptions to this standard.

**D. Driveway dimensions.**

**1. Single-family dwelling.** Each single-family dwelling shall be provided a driveway with a minimum width of 10 feet and a maximum of 23 feet, preferably from an alley. If the driveway connects a garage to an alley, it shall have a minimum length of 10 feet. If the driveway connects to a street, it shall have a minimum length of 23 feet from the back of the sidewalk, or the edge of the right-of-way where there is no sidewalk.

**2. Multi-family and nonresidential development.**

- a. A driveway for a multi-family or nonresidential development which connects to a parking lot of nine or more spaces, shall have a minimum paved width of 11 feet for a one-way driveway and 22 feet for a two-way driveway.

- b. A driveway for a multi-family or nonresidential development which connects to a parking lot of eight or fewer spaces shall have a paved width of 10 feet unless additional width is necessary to ensure public safety.

c. If the City anticipates the parking lot will generate higher than normal turnover of vehicles (such as generated by a take-out restaurant) or larger than normal vehicles (such as generated by a warehouse) then the City may require additional width for driveways.

**3. Minimum paved length.** Where unpaved driveways are otherwise allowed by this Development Code or the review authority, each driveway shall be paved with concrete or asphalt for a minimum length of 20 feet from the public right-of-way.

**E. Clearance from obstructions.**

1. The nearest edge of a driveway curb cut shall be at least three feet from the nearest property line, the centerline of a fire hydrant, light standard, traffic signal, utility pole, or other similar facility.
2. Street trees shall be a minimum of 10 feet from the driveway access, measured at the trunk.
3. A driveway shall have an overhead clearance of 14 feet in height except within a parking structure, which may be reduced to seven feet, six inches.

**F. Traffic safety visibility areas.** Structures or landscaping over 42 inches in height shall not be allowed within a traffic safety visibility area, with the exception of trees with the canopy trimmed to a minimum of 6 feet in height. See Section 18.30.060.E.

**G. Surfacing.**

1. Within the multi-family and nonresidential zoning districts, driveways shall be paved and permanently maintained with permeable or impermeable paving, asphalt, concrete, or approved paving units. Projects that utilize permeable surfaces will receive a proportional discount on their drainage fees based on the total site coverage.
2. Within other zoning districts (e.g., RR, RS, and RL), driveways may be constructed with the use of other all-weather surfacing as determined to be appropriate by the Director, Public Works, where it is first determined that a surface other than asphalt or concrete is consistent with the driveways of similar properties in the vicinity, and that the alternate surface will not impair accessibility for emergency vehicles.
3. A driveway with a slope of 15 percent or more shall be paved with permeable or impermeable asphalt or concrete in all cases

**18.36.110 - Loading Space Requirements**

Off-street loading spaces shall be provided as required by this Section. The Director may modify these requirements through Minor Use Permit approval (Section 18.71.060), where the Director first determines that the operating, shipping, and delivery characteristics of the use do not require the number or type of loading spaces required by this Section.

**A. Number of loading spaces required.** Nonresidential uses shall provide off-street loading spaces in compliance with Table 3-11. Requirements for uses not listed shall be determined by the Director based upon the requirements for comparable uses.

**TABLE 3-11 - REQUIRED OFF-STREET LOADING SPACES**

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
Industrial, manufacturing, research and development, institutional, and service uses	5,000 to 10,000 sf.	1
	110,001 + sf.	1 for each additional 10,000 sf plus

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
		additional as required by Director.
Office uses	5,000 to 25,000 sf.	1
	25,001 + sf.	1 for each additional 25,000 sf plus additional as required by Director.
Retail commercial and other allowed nonresidential uses	5,000 to 10,000 sf.	1
	10,001 + sf	1 for each additional 10,000 sf plus additional as required by Director.

**B. Standards for off-street loading areas.** Off-street loading areas shall be provided in compliance with the following.

1. **Dimensions.** Loading spaces shall be a minimum of 12 feet in width, 40 feet in length, with 14 feet of vertical clearance.
2. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety; lighting shall also comply with the requirements of Section 18.30.070 (Outdoor Lighting).
3. **Location.** Loading spaces shall be:
  - a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;
  - b. Situated to ensure that the loading facility is screened from adjacent streets;
  - c. Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front setback, adjacent public right-of-way, or other on-site traffic circulation areas;
  - d. Situated to ensure that all vehicular maneuvers occur on-site. The loading areas shall allow vehicles to enter from and exit to a public street in a forward motion only; and
  - e. Situated to avoid adverse impacts upon neighboring residential properties and located no closer than 100 feet from a residential zoning district unless adequately screened, and authorized through Design Review approval in compliance with Section 18.71.050.
4. **Loading ramps.** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances.
5. **Screening.** Loading areas shall be screened from abutting parcels and streets with a combination of dense landscaping and solid masonry walls with a minimum height of six feet.
6. **Striping.**
  - a. Loading spaces shall be striped, and identified for loading only.
  - b. The striping and “loading only” notations shall be continuously maintained in a clear and visible manner in compliance with the approved plans.
7. **Surfacing.**
  - a. All loading areas shall be surfaced with permeable paving, asphalt, concrete pavement, or comparable material as determined by the Director, Public Works and shall be graded to dispose of all surface water to the satisfaction of the Director, Public Works.

- b. All grading plans relating to the loading facilities shall be reviewed and approved by the Director, Public Works before any work can commence.

## Chapter 18.38

### SIGNS

Sections:

- 18.38.010 Purpose
- 18.38.020 Applicability
- 18.38.030 Sign Permit Requirements
- 18.38.040 Exemptions from Sign Permit Requirements
- 18.38.050 Prohibited Signs
- 18.38.060 General Requirements for All Signs
- 18.38.070 Zoning District Sign Standards
- 18.38.080 Standards for Specific Sign Types
- 18.38.090 Nonconforming Signs
- 18.38.100 Public Nuisance, Abatement, and Violation
- 18.38.110 Judicial Review
- 18.38.120 Partial Invalidation

#### **18.38.010 - 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 are to:

- A. Avoid traffic safety hazards to motorists, bicyclists, 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;
- D. Safeguard and protect the public health, safety, and general welfare; and
- E. Advance community design standards and safety standards as set forth in the Community Design and Safety Elements of the General Plan.

#### **18.38.020 - Applicability**

- A. **Signs regulated.** The requirements of this Chapter shall apply to all signs in all zoning districts.
- 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.
- C. **Definitions.** Definitions of the specialized terms and phrases used in this Chapter may be found in Article 10 (Glossary) under "Sign."

#### **18.38.030 - Sign Permit Requirements**

- A. **Sign permit required.**
  - 1. **Approval required.** No sign shall be constructed, installed, or modified, unless a sign permit is first obtained in compliance with this Section, or the sign is allowed without a sign permit by Section 18.38.040 (Exemptions from Sign Permit Requirements).
  - 2. **Compliance with standards required.** No sign permit shall be approved for an existing or proposed sign unless the sign is in compliance with all applicable requirements of this Chapter.

3. **Building Permit required.** A Building Permit may also be required for sign construction/installation.
4. **Temporary signs.** Temporary signs shall comply with Sections 18.38.040.C (Temporary signs), and Section 18.38.080 (Standards for Specific Sign Types).

**B. Review authority.**

1. **Director.** The Director shall review all sign permit applications and approve only those that comply with the findings required in Subsection D. (Findings for approval). The Director may also refer a sign permit application to the Commission for review and decision, either for the individual sign permit, or as part of a development project that is otherwise subject to design review. Commission review of a sign permit referred by the Director shall require no additional fee.
2. **Conditions of approval.** The review authority may require conditions of approval that are deemed reasonable and necessary to achieve the purpose, intent, and objectives of this Chapter to the extent such conditions relate to the shape, location, height, size and materials of the sign; and/or the shape, design, placement, color, style, and quantity of text, illumination, reflected light and logos of a sign.
3. **Approval criteria.** The approval or non-approval of an application for a sign permit shall be guided by the criteria set forth in this Chapter. If the review authority finds that a proposed sign substantially complies with the standards of this Chapter, the review authority shall approve the sign.
4. **Appeal.** A decision of the Director or Commission in compliance with this Chapter may be appealed in compliance with Chapter 18.92 (Appeals).

**C. Sign permit procedures.**

1. **Application requirements.** An application for a sign permit shall be prepared, filed, and processed in compliance with Chapter 18.70 (Permit Application Filing and Processing).
2. **Application contents.** Each application shall include all fees required by the City's Fee Schedule, and all of the following:
  - a. Plans for the sign, drawn to scale, showing the proposed location of the sign in relation to other signs on the site and adjacent properties, structures, and uses;
  - b. A complete color scheme for the sign, and design drawing of the sign;
  - c. Sufficient other details of the proposed sign to show that it complies with the provisions of this Chapter;
  - d. Written permission from the property owner for the placement of the proposed signs on the site;
  - e. Computation of the total sign area, the area of each individual sign, the height of each sign, and the total number of existing and proposed signs on the site;
  - f. An accurate indication on the site plan of the proposed location of each present and future sign of any type, whether requiring a permit or not;
  - g. If a sign permit application is filed for a site where signs exist, the application shall include a schedule for bringing into conformance within five years of the application date, all signs not conforming with the requirements of this Chapter as of the date of application; and
  - h. Other information as required by the Department.

- D. Findings for approval.** The approval of a sign permit shall require that the review authority first make all the following findings, as applicable.

1. The proposed signs do not exceed the standards of Sections 18.38.070 (Zoning District Sign Standards) and 18.38.080 (Standards for Specific Sign Types), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
2. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign;
3. That a flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over natural boundaries, and/or cover architectural features shall be discouraged;
4. The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties;
5. The placement and size of the sign will not impair pedestrian or vehicular safety;
6. The design, height, location, and size 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; and
7. The proposed signs are in substantial conformance with the design criteria in Subsection 18.38.060.E (Design criteria for signs) and the Citywide Design Guidelines for signs.

**E. Expiration and extension of sign permit approval.**

1. Approval of a sign permit shall expire 12 months from the date of approval unless the sign has been installed, or a different expiration date is stipulated at the time of approval. Before the expiration of a sign permit, the applicant may apply to the Department for an extension of an additional 12 months from the original date of expiration.
2. The expiration date of the sign permit shall be automatically extended to concur with the expiration date of the companion Building Permit or other applicable permits for the project.

**18.38.040 - Exemptions from Sign Permit Requirements**

The following signs are allowed without sign permit approval, provided that they comply with Section 18.38.060 (General Requirements for All Signs), and any required Building Permit is obtained.

**A. Nonstructural modifications and maintenance.**

1. Modifications to sign copy on conforming signs, or changes to the face or copy of conforming changeable copy signs;
2. The normal maintenance of conforming signs, except as identified in Subsection 18.38.060.I (Maintenance of signs).

**B. Identification signs.** Street identification, and house identification signs required to assist emergency responders in finding specific properties and not exceeding two square feet.

**C. Temporary signs.** The following temporary signs are allowed without a sign permit.

1. Signs posted on private property for for the sale, lease or rental of the property.
  - a. **Commercial, industrial, and other non-residential zoning districts.** Signs posted on private property for the sale, lease or rental of the property within commercial, industrial, and other non-residential zoning districts shall be no more than 16 square feet, with a maximum height for freestanding signs of six feet.

**b. Residential zoning districts.** Signs posted on private property for the sale, lease or rental of the property in residential zoning districts shall not be illuminated, shall not exceed one sign per property, and shall be no more than four square feet in area, including riders.

2. Off-site directional signs not more than four square feet in area, including riders, may be located on private property for the sale, lease or rental of a property, provided that they do not obstruct or impede pedestrian or vehicular traffic, and are not secured to prevent removal. No such sign shall be permitted within a public right-of-way.

3. Signs on property undergoing construction or remodeling may be allowed in all zoning districts in compliance with the following standards:

a. The number, type, placement, and size of signs shall comply with the sign requirements of Section 18.38.070 (Zoning District Sign Standards) for the applicable zoning district.

b. The signs shall be removed prior to final building inspection or the issuance of a Certificate of Occupancy.

4. Signs are allowed 90 days prior to an election and five days after an election so long as the sign is in compliance with the following requirements:

a. In Commercial and Industrial zoning districts, each temporary sign and the total temporary signage on a parcel shall not exceed 32 square feet in area.

b. In Residential districts, no temporary sign shall exceed four square feet in area.

c. No temporary sign shall be located in a public right-of-way.

**D. Governmental signs.** Signs installed by the City, County, or a Federal or State governmental agency, because of their responsibilities for the protection and promotion of public health, safety, and general welfare, including the following signs:

1. Emergency and warning signs necessary for public safety or civil defense;

2. Traffic signs erected and maintained by an authorized public agency;

3. Legal notices, licenses, permits, and other signs required to be displayed by law;

4. Signs showing the location of public facilities (e.g., public telephones, restrooms, and underground utilities); and

5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to promote and protect public health, safety, and general welfare.

**E. Miscellaneous signs.**

1. Address numbers not exceeding 12 inches in height required to assist emergency responders in finding specific properties.

2. Official flags. Flags of national, State, or local governments, or nationally recognized religious, fraternal, or public service agencies; provided, the length of the flag shall not exceed one-fourth the height of the flag pole, and the flag is not used for commercial advertising.

3. Symbols, pictures, patterns, and illumination approved as architectural ornamentation or decoration by the review authority.

4. Signs erected and maintained by a historical agency or non-profit and located on a historical building, including names and dates of buildings and date of construction so long as none of these exceed four square feet.
5. Service station price signs required by State law.
6. Signs or displays located entirely inside of a building.
6. Small, temporary signs, otherwise in conformance with size, number, and duration requirements of this chapter that address non-commercial issues.
7. Banners and flags of 12 square feet or less, without commercial messages that do not interfere with pedestrian access or vehicular traffic within the public right of way (sidewalk and or street).
8. Signs advertising non-profit events that are less than 100 SF and located on private property with the permission of the property owner. Non-profit event signs shall not be displayed for a period of more than 30 days and shall be removed immediately after the event occurs. The advertised non-profit events must be located within the City of Fort Bragg.

**18.38.050 - Prohibited Signs**

All signs not expressly allowed by this Chapter shall be prohibited. Examples of prohibited signs include the following:

- A. Abandoned signs;
- B. Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs, or signs that emit a varying intensity of light or color;
- C. Balloons and other inflatable devices;
- D. Billboards;
- E. Flags which include commercial messages logos or images, are distracting to drivers, and/or are larger than 30 SF, except as specifically allowed by Subparagraph 18.38.040.E.2. (Official flags);
- F. Moving signs, except signs that are stationary but contain moving parts;
- G. Obscene signs;
- H. Off-premises signs, except as allowed by Subparagraph 18.38.040.C.2. (Offsite directional signs);
- I. Pennants and streamers, except in conjunction with an athletic event, carnival, circus, or fair, or as allowed in Subsection 18.38.040.C. (Temporary signs);
- J. Pole signs and other freestanding signs over 14 feet in height;
- K. Roof signs;
- L. 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; and signs that due to color or motion act as a distraction and safety hazard to drivers;
- M. Signs in the form or shape of a directional arrow, or otherwise displaying a directional arrow, except as may be approved by the review authority for safety, convenience and control of vehicular and pedestrian traffic within the premises of the subject use;

- N. Signs attached to or suspended from a boat, float, vehicle, or other movable objects 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;
- O. Signs burned, cut, or otherwise marked on or otherwise affixed to a hillside or tree;
- P. Signs with reflective material;
- Q. Signs in residential zoning districts, except as specifically allowed in this Chapter; and
- R. Temporary and portable signs, except as specifically allowed by Subsection 18.38.040.C. (Temporary signs).
- S. Signs in the public right-of-way except for the following:
  - 1. Public signs erected by or on behalf of a governmental agency to convey public information, identify public property, post legal notices, or direct or regulate pedestrian or vehicular traffic;
  - 2. Bus stop signs installed by a public transit company;
  - 3. Informational signs of a public utility regarding its lines, pipes, poles, or other facilities. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized work within the public right-of-way; or
  - 4. Temporary signs held by individuals that display non-commercial messages of less than ten square feet.
- T. Any sign installed or placed within the public right-of-way other than in compliance with this Section shall be forfeited to the public and be subject to confiscation

In addition to other remedies identified in Chapter 18.98 (Enforcement and Penalties), the City shall have the right to recover from the owner, or person placing the sign, the full costs for sign removal and disposal.

#### **18.38.060 - General Requirements for All Signs**

The following rules shall govern the computation of sign area:

- A. **Sign area measurement.** Sign area measurement to determine compliance with the sign area limitations of this Chapter shall occur as follows.
  - 1. **Surface area.** The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, emblem, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight perimeter lines. See Figure 3-10.  

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**Figure 3-10 - Sign Area Measurement**
  - 2. **Sign structure.** Supporting bracing or framework that is clearly incidental to the display itself shall not be computed as sign area.  

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  - 3. **Multi-faced signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.
  - 4. **Three-dimensional objects.** The area of a sign consisting of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall be measured as their maximum projection upon a vertical plane. See Figure 3-11.

**5. Time and/or temperature device.** 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. Sign height measurement.** The height of a sign shall be computed as the vertical distance from the lowest point of the base of the sign at normal grade, to the top of the highest attached component of the sign. See Figure 3-11. Normal grade shall be construed to be the lower of either the:

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1. Existing grade before construction; or
2. Newly established grade after construction, exclusive of any berming, filling, mounding, or excavating solely for the purpose of locating the sign.

**C. Sign height limitations.**

**1. Maximum height for freestanding signs.** A freestanding sign shall not exceed a height of six feet above normal grade in the residential and PF zoning districts. Freestanding signs shall be limited to 14 feet above normal grade in all other districts.

**2. Maximum height for signs on structures.** The top of a sign mounted on a structure shall not extend higher than the lesser of:

- a. The window sills of the second floor;
- b. The top of the wall to which the sign is attached, in the case of a one-story structure; or
- c. 20 feet above normal grade.

**D. Sign location requirements.** Each sign shall be located in compliance with the following requirements, and all other applicable provisions of this Chapter.

1. Each sign shall be located on the same site as the subject of the sign, except as otherwise allowed by this Chapter.
2. No sign shall project over public property, or the public right-of-way, except where the City has granted an encroachment permit in addition to a sign permit.
3. No sign shall be placed so as to interfere with the operation of a door, window, or fire escape.

**E. 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 other structures on the site. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the structure 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 ensure public safety, 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) shall be representative of the type and scale of materials used on the primary onsite structure and on other onsite signs.
- 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 structure's wall(s).

**4. Street address.** The review authority may require that a sign include the street address of the site, where it determines that public safety and emergency vehicle response would be more effectively served than if the street address were displayed solely on one or more structures on the site.

**F. 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, 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 40 percent of the background area in commercial districts or 60 percent in residential districts.
5. Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant center.

**G. Sign lighting.** Sign lighting shall be designed to minimize light and glare on surrounding rights-of-way and properties.

1. 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.
2. The light illuminating a sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of residential properties.
3. Sign illumination shall not blink, flash, flutter, or change light intensity, brightness, or color.
4. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
5. Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians or operators of motor vehicles.

6. Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used so as to expose the face of the bulb or lamp to a public right-of-way or adjacent property.
7. Light sources shall utilize hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency.
8. Permanently installed illuminated panels, visible tubing, and strings of lights outlining all or a portion of a structure, 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 for the purpose of area calculation.

**H. Maintenance of signs.**

1. Each sign and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times.
2. Any repair to a sign shall be of equal or better in quality of materials and design as the original sign.
3. A sign that is not properly maintained and is dilapidated shall be deemed a public nuisance, and may be abated in compliance with the Municipal Code.
4. When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed.
5. Unpainted areas shall be painted to match the adjacent portion of the structure or the sign support structure.

**18.38.070 - Zoning District Sign Standards**

Each sign shall comply with the sign type, area, height, and other restrictions provided by this Section, except as otherwise expressly provided in Section 18.38.080 (Standards for Specific Sign Types).

**A. Residential and PF zoning districts.** Each sign in a residential or PF zoning district shall comply with the following requirements.

**TABLE 3-11 - SIGN STANDARDS RESIDENTIAL AND PUBLIC FACILITY ZONING DISTRICTS**

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
Wall or freestanding	Wall signs: below edge of roof; Freestanding: 6 ft	1 of either allowed sign type per street frontage	12 sf maximum each; 24 sf total for all signs

**B. Commercial and industrial zoning districts.** Each sign in the commercial and industrial zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts) shall comply with the requirements in Table 3-12, in addition to the provisions of Section 18.38.080 (Standards for Specific Sign Types), as applicable.

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**Figure 3-13 - Examples of sign types**

**TABLE 3-12 - SIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL ZONES**

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area
Ground-mounted and Ground-floor Signs			
Awning (18.38.080.B.)	Below roof (1)	<b>Single tenant site or structure:</b> 3 of any combination of allowed sign types per primary structure frontage. 1 of any allowed sign type per secondary frontage.  <b>Site or structure with two or more tenants:</b> two of any allowed sign per business frontage.	<b>Maximum sign area per parcel.</b> The total sign area on a parcel shall comply with the following requirements. 1. 2 sf for each 3 linear ft of primary building frontage. 2. 0.5 additional sf for each linear foot of secondary building frontage. 3. Each tenant is allowed a total sign area of at least 25 sf regardless of frontage length. 4. The total sign area per tenant shall not exceed 100 sf.  <b>Maximum sign area per building frontage.</b> The total area of all signs on a single structure frontage shall not exceed the total linear feet of that frontage.  <b>Site with 4 or more tenants:</b> is allowed an additional freestanding identification sign of 0.25 sf for each linear ft of total primary structure frontage, up to 100 sf maximum.
Freestanding (18.38.080.C.)	14 ft		
Projecting, Wall (18.38.080.E., 18.38.080.G.)	Below roof (1)		
Suspended (18.28.080.G.)	Below eave/canopy; at least 8 ft above a walking surface		
Temporary/ Portable	See Sections 18.38.080.A and 18.38.080.F		
Window	See Section 18.38.080.H		
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.
Window	See Section 18.38.080.H		
Indoor Signs, and Outdoor Signs Not Visible from a Street			
Awning, Freestanding, Projecting, Suspended, Wall, Window	Below roof (1)	See Section 18.38.080, as applicable	

Notes:

- (1) At least one 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.

**18.38.080 - Standards for Specific Sign Types**

Proposed signs shall comply with the following standards applicable to the specific sign type. Each sign type listed in this Section shall be included in the calculation of the total sign area allowed on a parcel by Section 18.38.070 (Zoning District Sign Standards), unless this Section explicitly provides otherwise. Each sign shall also comply with the sign area, height, and other requirements of Section 18.38.060, and all other applicable provisions of this Chapter. Any non-commercial message may be substituted for the copy on any commercial sign allowed by this Chapter.

**A. A-board and other portable sidewalk signs.** Each business may display one A-board or other portable sign in compliance with the following standards.

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- 1. Limitation on location.** An A-board or other portable sign shall be allowed only on private property.

**2. Sign size.** Each sign shall not exceed a width of 2 feet 6 inches. Sign height shall be limited to four feet. Sign height shall be measured perpendicular from the sidewalk surface to the highest point of the A-board sign.

**4. Sign placement.** A portable sidewalk sign shall be placed only on private property within the boundaries of the applicable business's street frontage, and shall be positioned so that it will not:

- a. Obstruct required ADA sidewalk clearance;
- b. Impede any line of sight for motorists at vehicular public right-of-way intersections, as recommended by the Director, Public Works; or
- c. Interfere with people exiting and entering parked cars.

**5. Design and construction standards.** The review authority shall approve an A-frame sign only if it first determines that the design and appearance of the sign, including any graphics and/or text, will reflect attractive, professional design, and that the sign will be durable and stable when in place.

**6. Stabilization.** The sign shall be stabilized to withstand wind gusts or shall be removed during windy conditions.

**7. Daily removal.** The sign shall be removed at the close of business each day.

**9. 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 18.38.070 (Zoning District Sign Standards).

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1. Signs on awnings are limited to ground level or second story occupancies only.
2. Awnings shall not be internally illuminated. Direct exterior lighting may be allowed. Translucent awning materials are prohibited.

**C. Freestanding signs.** The following standards apply to freestanding signs in all zoning districts where allowed by Section 18.38.070 (Zoning District Sign Standards).

1. Multiple signs shall be separated by a minimum of 75 feet to ensure adequate visibility for all signs. The review authority may waive this requirement where the locations of existing signs on adjacent properties would make the 75-foot separation impractical.

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2. 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 review authority.
3. 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 in height. Street address numbers not exceeding six inches in height shall not be included in calculations of allowed sign area.

**D. Murals.** A mural placed on the wall of a structure may be allowed in any commercial or industrial zoning district subject to Administrative Design Review, and as follows.

1. A mural without text visible from a public right-of-way may be approved in addition to (not counted as part of) the sign area allowed by Section 18.38.070 (Zoning District Sign Standards); a mural with text shall comply with the sign area limitations applicable to the site.
2. Murals that illustrate the local setting, natural environment, 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 structure architecture, and that the mural will serve to enhance the aesthetics of the City.

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**E. Projecting signs.** The following standards apply to projecting signs in all zoning districts where allowed by Section 18.38.070 (Zoning District Sign Standards).

1. The maximum projection of a sign from a structure wall shall not exceed eight feet or more than two-thirds of the width of the public sidewalk below. Any projection over a public right-of way shall require an Encroachment Permit.
2. The top of a projecting sign shall not exceed the lesser of 14 feet, eave height, parapet height, or sill height of a second floor window. No portion of the sign shall project above the eave line of a sloped roof or the top of the parapet on a flat roof.
3. A projecting sign shall maintain a minimum clearance of eight feet 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. See Figure 3-19.

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5. Each sign shall be graphically designed for pedestrians, with a maximum area of nine square feet on each sign face, regardless of the length of the building frontage. Within the CBD zoning district, no sign face shall exceed a maximum area of 12.5 square feet.
6. Sign supports shall be well-designed and compatible with the design of the sign.

**F. Temporary signs & banners.** Temporary signs other than A-boards are allowed subject to the following requirements. A-board signs are instead subject to the requirements of Subsection A.

1. Temporary signs on private property, except as identified in Section 18.38.040.C, shall comply with the following requirements.
  - a. **Time limits.** The use of a temporary sign may be allowed only for a licensed business for a period not to exceed 30 days per year. A temporary sign permit may be issued for up to 30 days. A business is only allowed three temporary sign permits per year. This is in addition to the 30 days allowed for a business grand opening temporary sign. Signs advertising a particular event shall be removed within 10 days after the event.
  - b. The application for a temporary sign permit shall include the dates proposed by the applicant for scheduled banner use.
  - c. Temporary signs may be authorized by the Director, upon submittal of a sign application, plan for removal, and the fees required by the City's Fee Schedule.

**d. Maximum sign area.** In a residential zoning district, the combined area of temporary signs shall not exceed three square feet. In a commercial or industrial zoning district, the combined area of temporary signs shall not exceed that permitted for permanent signage in the district in which the sign will be placed.

**e. Maximum number of signs.** No more than one temporary sign shall be erected on a premise at a time.

**f. Sign placement.** Temporary signs shall be subject to the same placement and height restrictions as permanent signs for the applicable zoning district, except for inflated and tethered signs.

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**g. Inflatable or tethered signs.** Inflatable or tethered signs are permitted for special events and may be installed for a period not to exceed five consecutive days, no more than two times per year. These signs may exceed the maximum sign area and sign height standards for the applicable zoning district.

**G. Wall signs.** The following standards apply to wall signs in all zoning districts where allowed by Section 18.38.070 (Zoning District Sign Standards).

1. A wall sign may be located on any primary or secondary structure frontage.
2. The area of the largest wall sign shall not exceed seven percent of the area of the building facade on which the sign is mounted or painted, including the area of windows, doors, and recesses.
3. A wall sign shall not project more than 12 inches from the surface to which it is attached.

**H. Window signs.** The following standards apply to temporary and permanent window signs where allowed by Section 18.38.070 (Zoning District Sign Standards).

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1. **Maximum sign area.** Permanent and temporary window signs shall not occupy more than 20 percent of the total window area.
2. **Sign location.** Signs shall be allowed only on windows located on the ground level and second story of a structure frontage.
3. **Sign materials.** Neon and LCD signs with blinking lights, changing letters, or lighted moving graphics are discouraged. .

#### **18.38.090 - 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 Development Code.

**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 30 days; or

5. Re-established after damage or destruction to 50 percent or more of the value of the sign, or its components, as determined by the Building Official.

Any interruption in the use of a nonconforming sign that continues for 60 days or more shall be deemed to be an abandonment of the sign. Subsequent use shall comply with the regulations of this Chapter. Non-occupation or non-operation of the building or business advertised shall be deemed an interruption of the use of the sign.

**B. Exceptions.** An administrative exception to the requirements of Subsection A. may be granted by the Commission, provided that the Commission shall make the following findings:

1. The new proposed sign is significantly more conforming in height and/or area than the existing sign; and
2. By approving the new sign, the exception will eliminate the existing nonconforming sign.

**C. Maintenance and changes.** Sign copy and face changes, nonstructural modifications, and nonstructural maintenance (e.g., painting, rust removal) are allowed without a sign permit up to a maximum of 25 percent of the existing total area of the sign. Face changes not including copy, and any nonstructural modifications exceeding 25 percent of the existing total area of the sign, and any structural changes shall comply with all applicable standards of this Chapter.

#### **18.38.100 - Violations, Enforcement, Abatement**

**A. Signs on vacated buildings.** Signs on premises that have been vacated for 60 days or more, and signs on multi-tenant buildings advertising a business that has been vacated for 60 days or more shall be immediately removed by the owner after the expiration of that period. The Director may issue a muni code violation and/or a notice to remove signs and sign standards after the expiration of the 60 day period in conformance with section 18.98.100 of this development code.

**B. Violation, abatement, penalties.** Any sign within the city that fails to comply with the requirements of this Chapter, other applicable State statute or City ordinance, or for which a permit has not been obtained in compliance with this Chapter, shall be subject to abatement through civil legal proceedings or as an infraction punishable by a fine as set forth in Chapter 18.98 (Enforcement and Penalties).

#### **18.38.110 - Judicial Review**

Any permit issued or denied in compliance with this Chapter shall be subject to expedited judicial review to the extent provided by the time limits identified in Code of Civil Procedure Section 1094.6 et seq.

#### **18.38.120 - Partial Invalidation**

This Chapter and its various parts are hereby declared to be severable. Should any Section of this Chapter be declared by a court to be unconstitutional or invalid, that decision shall not affect the validity of the Chapter as a whole, or any portion of the Chapter, other than the Section declared to be unconstitutional or invalid.

## Article 4

### Standards for Specific Land Uses

#### Chapter 18.40 ADULT ORIENTED BUSINESS REGULATIONS

- 18.40.010 Intent and Purpose
- 18.40.020 Definitions
- 18.40.030 Prohibited Areas and Minimum Proximity Requirements
- 18.40.040 Adult-Oriented Business Permit Required
- 18.40.050 Application Requirements
- 18.40.060 Investigation and Action on Application
- 18.40.070 Judicial Review of Decision to Grant, Deny, or Revoke
- 18.40.080 Permit Expiration
- 18.40.100 Findings
- 18.40.110 Registration of New Employees
- 18.40.120 Adult-Oriented Business Development Standards
- 18.40.130 Display of Permit
- 18.40.140 Persons Under 18 Prohibited
- 18.40.150 Transfer of Adult-Oriented Business Regulatory Permits
- 18.40.160 Permit Revocation
- 18.40.170 Violations
- 18.40.180 Applicability to Other Regulations
- 18.40.190 Conduct Constituting a Public Nuisance
- 18.40.200 Inspections

#### Chapter 18.42 STANDARDS FOR SPECIFIC LAND USES

- 18.42.010 Purpose and Applicability
- 18.42.020 Accessory Retail and Service Uses
- 18.42.030 Agricultural Accessory Structures
- 18.42.040 Animal Keeping
- 18.42.050 Bed and Breakfast Inns (B&Bs)
- 18.42.060 Child Day Care Facilities
- 18.42.070 Drive-Through Facilities
- 18.42.080 Home Occupations
- 18.42.090 Live/Work Units
- 18.42.095 Medical Marijuana Dispensaries
- 18.42.100 Mixed Use Projects
- 18.42.110 Mobile/Manufactured Homes and Mobile Home Parks
- 18.42.120 Multi-Family Projects
- 18.42.130 Outdoor Displays and Sales
- 18.42.140 Outdoor Storage
- 18.42.145 Pipelines and Transmission Lines
- 18.42.150 Recycling Facilities
- 18.42.160 Residential Accessory Uses and Structures
- 18.42.165 Restaurants
- 18.42.170 Second Units
- 18.42.180 Service Stations

#### Chapter 18.44 TELECOMMUNICATIONS FACILITIES

- 18.44.010 Purpose
- 18.44.020 Definitions
- 18.44.030 Applicability
- 18.44.040 Permit Requirements
- 18.44.050 Limitations on Location
- 18.44.060 Facility Design and Development Standards

- 18.44.070 Operation and Maintenance Standards
- 18.44.080 Discontinuance and Site Restoration

## Chapter 18.40

### ADULT ORIENTED BUSINESS REGULATIONS

Sections:

- 18.40.010 Intent and Purpose
- 18.40.020 Definitions
- 18.40.030 Prohibited Areas and Minimum Proximity Requirements
- 18.40.040 Adult-Oriented Business Permit Required
- 18.40.050 Application Requirements
- 18.40.060 Investigation and Action on Application
- 18.40.070 Judicial Review of Decision to Grant, Deny, or Revoke
- 18.40.080 Permit Expiration
- 18.40.100 Findings
- 18.40.110 Registration of New Employees
- 18.40.120 Adult-Oriented Business Development Standards
- 18.40.130 Display of Permit
- 18.40.140 Persons Under 18 Prohibited
- 18.40.150 Transfer of Adult-Oriented Business Regulatory Permits
- 18.40.160 Permit Revocation
- 18.40.170 Violations
- 18.40.180 Applicability to Other Regulations
- 18.40.190 Conduct Constituting a Public Nuisance
- 18.40.200 Inspections

#### **18.40.010 - Intent and Purpose**

**A. Intent.** It is the intent of this Chapter to provide special design guidelines, standards, and development regulations to regulate the time, place, and manner of the operation of Adult-Oriented Businesses in order to minimize the negative secondary effects associated with these businesses including, but not limited to, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses, including religious facilities, parks, playgrounds, schools, and residentially zoned districts or uses. The Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere.

**B. Purpose.** It is, therefore, the purpose of this Chapter to:

1. Establish reasonable and uniform regulations to prevent the concentration of Adult-Oriented Businesses or their close proximity to incompatible uses, while allowing the location of Adult-Oriented Businesses in certain areas; and
2. Regulate Adult-Oriented Businesses in order to promote the health, safety, and general welfare of the citizens of the City.

**C. Restriction on content and access not intended.** The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

#### **18.40.020 - Definitions**

Definitions of the technical terms and phrases used in this Chapter are under “Adult Oriented Business” in Article 10 (Glossary).

**18.40.030 - Prohibited Areas and Minimum Proximity Requirements**

**A. IH (Heavy Industrial) and IL (Light Industrial).** Subject to the limitations set forth in this Chapter, Adult-Oriented Businesses may be established in the IH and IL zoning districts.

**B. Specified distance separation requirements.** Notwithstanding the above, no Adult-Oriented Business shall be established or located within certain distances of certain specified land uses or zoning districts as set forth below. No Adult-Oriented Business shall be established or located:

1. Within a 300-foot radius from any existing residential zoning district or use. The distance between a proposed Adult-Oriented Business use and a residential zoning district or use shall be measured from the nearest exterior walls of the facilities housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line included within a residential zoning district or property in current residential use, along a straight line extended between the two points; or
2. Within 500 feet of any other Adult-Oriented Business as defined in this Chapter which is located either inside or outside the jurisdiction of the City of Fort Bragg. The distance between the two Adult-Oriented Business uses shall be measured between the nearest exterior walls of the facilities housing the Adult-Oriented Business use and proposed Adult-Oriented Business use along a straight line extended between the two uses; or
3. Within 500 feet from any existing park, playground, religious facility, or school use or property zoned Open Space (OS) or Public Facilities (PF). The distance between a proposed Adult-Oriented Business use and park, playground, religious facility, or school use or property zoned Open Space (OS) or Public Facilities (PF), shall be measured from the nearest exterior wall of the facility housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line where the park, playground, religious facility, or school use is located, or property zoned Open Space (OS) or Public Facilities (PF) along a straight line extended between the two points.

**C. Separation requirements also apply to specified uses or districts outside of the City.** The above distance limitations shall also apply to residential districts or uses and parks, playgrounds, schools, and church uses or property so designated in the General Plan Land Use Element of an adjacent jurisdiction

**18.40.040 - Adult-Oriented Business Permit Required**

**A. Adult-Oriented Business Permit and Business License required.** It shall be unlawful for any person to engage in, conduct, establish, carry on, or to permit to be engaged in, conducted, established, or carried on, in or upon any premises in the City of Fort Bragg, the operation of an Adult-Oriented Business unless the person first obtains and continues to maintain in full force and effect both an Adult-Oriented Business Permit and a Business License from the City of Fort Bragg.

**B. Not allowed by right.** No Adult-Oriented Business may be established within the City of Fort Bragg by right. All persons wishing to establish an Adult-Oriented Business within the City shall first apply for and receive an Adult-Oriented Business Permit in compliance with this Chapter.

**C. Applicant to supply sufficient evidence.** It is the burden of the applicant for an Adult-Oriented Business Permit to supply sufficient evidence to justify the grant of an Adult-Oriented Business Permit.

**18.40.050 - Application Requirements**

**A. Application submittal.** Any person desiring to operate or establish an Adult-Oriented Business within the City of Fort Bragg shall file with the Department an Adult-Oriented Business Permit application on a standard application form supplied by the Department.

**B. Required information.** All applications shall include the following information:

1. If the applicant is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least 18 years of age.

2. If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names and current addresses of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any.
  3. If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names, addresses, and capacity of all officers and directors, the name of the registered corporate agent and the address of the registered office for service of process.
  4. The notarized signature of the property owner and proof of ownership.
  5. A deposit or fee as set forth by the City's Fee Schedule.
  6. Signed statement by the applicant verifying that applicant intends to and will comply with all of the adult-oriented business development standards of this Chapter.
  7. A description of the Adult-Oriented Business for which the permit is requested and the proposed address where the Adult-Oriented Business will operate, plus the names and addresses of all the owners and lessors of the Adult-Oriented Business site.
  8. The address to which notice of action on the application is to be mailed.
  9. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the Adult-Oriented Business. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
  10. A straight-line drawing depicting the building and the portion thereof to be occupied by the Adult-Oriented Business, and:
    - a. The property line of any residential zoning district or use within 300 hundred feet of the nearest exterior wall of the Adult-Oriented Business;
    - b. The property line of any other Adult-Oriented Business within 500 feet of the nearest exterior wall of the Adult-Oriented Business for which a Business Permit is requested; and
    - c. The property lines of any church, school, park, or playground within 500 feet of the nearest exterior wall of the Adult-Oriented Business.
  11. A diagram of the off-street parking areas and premises entries of the Adult-Oriented Business showing the location of the lighting system required by this Chapter.
- C. Signature of applicant required.** If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a 10 percent or greater interest in the business entity shall sign the application.
- D. Fictitious name, if applicable.** If the applicant intends to operate the Adult-Oriented Business under a name other than that of the applicant, the applicant shall file the fictitious name of the Adult-Oriented Business and show proof of registration of the fictitious name.
- E. CEQA compliance.** All applicants for an Adult-Oriented Business Permit shall also fill out the City's environmental review package/initial study checklist for purposes of complying with the California Environmental Quality Act (CEQA).
- F. Other permits or licenses.** The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining an Adult-Oriented Business Permit.

**18.40.060 - Investigation and Action on Application**

The processing, review, and decision by the City on an Adult-Oriented Business Permit shall be the same as required for a Use Permit by Chapter 18.70 (Permit Application Filing and Processing), Section 18.71.060 (Use Permit and Minor Use Permit), and Chapters 18.72 (Environmental Impact Assessment and Mitigation Monitoring), and 18.76 (Permit Implementation, Time Limits, and Extensions), except as provided by Section 18.40.080 (Permit Expiration). Decisions of the Commission on an Adult-Oriented Business Permit may be appealed to the Council in compliance with Chapter 18.92 (Appeals).

**18.40.070 - Judicial Review of Decision to Grant, Deny, or Revoke**

**A. Court challenge.** The time for court challenge to a decision by the Council to grant, deny, or revoke an Adult-Oriented Business Permit is governed by California Code of Civil Procedure Section 1094.6.

**B. Transmittal of decision to applicant.** Notice of the Council's decision and its findings shall be mailed to the applicant and shall include citation to California Code of Civil Procedure Section 1094.6.

**C. Prompt judicial review.** The Petitioner may seek prompt judicial review of the Council's action in compliance with California Code of Civil Procedure Section 1094.8.

**18.40.080 - Permit Expiration**

Any Adult-Oriented Business Permit approved in compliance with this Chapter shall become null and void unless the proposed use is established within 180 days of the date from the approval. As to facilities that are a reuse of existing facilities, the Adult-Oriented Business Permit shall become null and void unless the proposed use is established within 180 days from the date of approval, unless before the expiration date the permittee demonstrates to the satisfaction of the Commission that the applicant has a good faith intent to presently commence the proposed use. The extensions shall not exceed a total of two 180-day extensions.

**18.40.100 - Findings**

**A. Required findings.** The Commission or Council shall approve or conditionally approve an application for an Adult-Oriented Business Permit where the information submitted by the applicant or other relevant evidence substantiates all of the following findings:

1. The applicant is over the age of 18 years;
2. The required application fee has been paid;
3. The proposed use complies with the development and design requirements of the underlying zoning district in which it is located and with the applicable development standards of this Chapter;
4. The proposed site is not located within a 300-foot radius from any existing residential zoning district or use. The distance between a proposed Adult-Oriented Business use and a residential zoning district or use shall be measured from the nearest exterior wall of the facility housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line included within a residential zoning district or property in current residential use, along a straight line extended between the two points;
5. That the proposed site is not located within 500 feet of any other Adult-Oriented Business as defined in this Chapter which is located either inside or outside the jurisdiction of the City of Fort Bragg. The distance between the two Adult-Oriented Business uses shall be measured between the nearest exterior walls of the facilities housing the Adult-Oriented Business use and proposed Adult-Oriented Business use along a straight line extended between the two uses;
6. The proposed site is not located within 500 feet from any existing park, playground, religious facility, or school use or property zoned Open Space (OS) or Public Facilities (PF). The distance between a proposed Adult-Oriented Business use and park, playground, religious facility, or school use or property zoned Open Space (OS) or Public Facilities (PF), shall be measured from the nearest exterior walls of the facilities housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line where the park, playground, religious facility, or school use or property zoned Open Space (OS) or Public Facilities (PF) is located, along a straight line extended between the two points;

7. The proposed site is not located within 300 feet of a residential zoning district or use or within 500 feet of a park, playground, religious facility, or school use located in or on property so designated in the General Plan Land Use Element of an adjacent jurisdiction; and

8. Neither the applicant, if an individual, or any of the officers or general partners, if a corporation or partnership, have been found guilty or pleaded nolo contendere within the past four years of a misdemeanor or a felony classified by the State as a sex or sex-related offense.

**B. Conditions imposed on the permit.** Any conditions imposed upon the permit shall be in keeping with the objective development standards of this Chapter and the underlying zoning district in which the property is located.

**18.40.110 - Registration of New Employees**

**A. Employee registration required.** As a further condition of approval of every Adult-Oriented Business Permit issued in compliance with this Chapter, every owner or operator of an Adult-Oriented Business shall register every employee with the Police Department within five business days of the commencement of the employee's period of employment at the Adult-Oriented Business.

**B. Color photographs and other information required.** Each Employee shall be required to provide two recent color passport-quality photographs and, at the discretion of the Police Chief, shall allow himself or herself to be fingerprinted by the Police Department for purposes of identification. In addition, each new employee shall provide the following information in a form provided by the Police Department:

1. Name, current resident address, and telephone number;
2. Date of birth;
3. Social Security number;
4. Height, weight, color of eyes and hair; and
5. Stage name, if applicable, and other aliases used within the previous two years.

**C. Current employee register required.** Each owner or operator of an Adult-Oriented Business shall maintain a current register of the names of all employees currently employed by the Adult-Oriented Business, and shall disclose the registration for inspection by any Police Officer for the purposes of determining compliance with the requirements of this Section.

**D. Failure to comply.** Failure to register each new employee within five days of the commencement of employment or to maintain a current register of the names of all employees shall be deemed a violation of the conditions of the Adult-Oriented Business Permit and may be considered grounds for suspension or revocation of the permit.

**18.40.120 - Adult-Oriented Business Development Standards**

**A. Unlawful hours of operation.** It shall be unlawful for any operator or employee of an Adult-Oriented Business to allow the adult business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 10:00 p.m. and 10:00 a.m. of the following day.

**B. Observation of activities or materials outside prohibited.** No Adult-Oriented Business shall be operated in any manner that permits the observation of any material or activities depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any location outside the building or area of the establishment. This provision shall apply to any display, decoration, sign, show window, or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

**C. Outdoor lighting level required.** All off-street parking areas and other exterior areas of the Adult-Oriented Business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light evenly distributed at ground level. The

required lighting level is established in order to provide sufficient illumination of the parking areas, walkways, and outdoor areas serving the Adult-Oriented Business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

**D. All areas shall be readily accessible.** The operator of an Adult-Oriented Business shall not permit any doors on the premises to be locked during business hours and, in addition, the operator shall be responsible to see that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any law enforcement official.

**E. Posting of California Penal Code Section 314 required.** The Adult Oriented Business shall post in plain view inside the front portion of the business, a sign, in two inch print which shall reference California Penal Code Section 314 which shall read as follows:

1. Every person who willfully and lewdly either: (1) exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or (2) procures, counsels, or assists any person so as to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view or the view of any number of persons, which is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor.
2. Upon the second and each subsequent conviction under Subparagraph 1. above, or upon a first conviction under Subparagraph 1. above after a previous conviction under [California Penal Code] Section 288, every person so convicted is guilty of a felony, and is punishable by imprisonment in State prison. California Penal Code Section 314.

**F. Open to view by management.** All indoor areas of the Adult-Oriented Business within which patrons are permitted, except restrooms and customer changing rooms, if any, shall be open to view by the management at all times.

**G. Additional "Adult Arcade" provisions.** Any adult-oriented business which is also an "Adult Arcade" shall comply with the following additional provisions:

1. The interior of the premises shall be configured so that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms and customer changing rooms. Restrooms and customer changing rooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured so that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Subparagraph shall be direct line of sight from the manager's station.
2. The view area specified in Subparagraph 1. above shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times. No patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
3. No viewing room or changing room may be occupied by more than one person at any one time.
4. The walls or partitions between viewing rooms or booths, changing rooms, restrooms, and stalls or spaces contained therein shall be maintained in good repair at all times, with no holes between any two of the rooms that would allow viewing from one booth or room into another or that would allow physical contact of any kind between the occupants of any two of the booths or rooms.
5. Customers, patrons, or visitors who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing, shall not be allowed to stand idly by in the vicinity of any video booths, or to remain in the common area of the business, other than the restrooms. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.

6. The floors, seats, walls, and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen, or saliva in any of the booths shall be evidence of improper maintenance and inadequate sanitary controls; instances of these conditions may justify suspension or revocation of the Adult-Oriented Business permit.

**H. Indoor lighting level required.** All interior areas of the Adult-Oriented Business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:

Location	Minimum Illumination Level (foot-candles)
Adult arcades	10
Bookstores and other retail establishments	20
Modeling studios	20
Motels/Hotels	20 in public areas
Theaters and cabarets	5, except that a minimum of 1.25 shall be required during performances

**I. Separate restrooms required.** The Adult-Oriented Business shall provide and maintain separate restrooms for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using a restroom for females, and female patrons and employees shall be prohibited from using a restroom for males, except to carry out duties of repair, maintenance, and cleaning of the restroom facilities. The restrooms shall be free from any Adult-Oriented Material. Restrooms shall not contain television monitors or other motion picture or video projection, recording, or reproduction equipment. The foregoing provisions of this Subparagraph shall not apply to an Adult-Oriented Business that deals exclusively with sale or rental of sexually oriented material or merchandise that is not used or consumed on the premises and which does not provide restroom facilities to its patrons or the general public.

**J. Additional requirements for live entertainment.** The following additional requirements shall pertain to Adult-Oriented Businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities, except for businesses regulated by the Alcoholic Beverage Control Commission:

1. No employee, owner, operator, responsible managing employee, manager, or permittee of an Adult-Oriented Business providing live entertainment shall allow any person below the age of 18 years upon the premises or within the confines of the business if no alcoholic beverage is served, or under the age of 21 if alcoholic beverages are served.
2. No entertainer shall dance with or otherwise be within four feet of a patron while performing for compensation or while on the Adult-Oriented Business's premises. This four-foot separation shall be marked by a railing or other physical barrier designed to obstruct any contact between the entertainer and the patron(s).
3. No owner, operator, responsible managing employee, manager, or permittee shall permit or allow at licensed premises any patron to approach within four feet of an entertainer, or permit or allow an entertainer to approach within four feet of a patron.
4. All employees, other than entertainers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers their specified anatomical areas.
5. The Adult-Oriented Business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.
6. The Adult-Oriented Business shall provide an entrance/exit for entertainers which is separate from the entrance/exit used by patrons.

7. The Adult-Oriented Business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If a separate access is not physically feasible, the Adult-Oriented Business shall provide a minimum three-foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence, or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.

8. No entertainer, either before, during, or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during, or after performances by the entertainer. This Subparagraph shall only apply to physical contact on the premises of the Adult-Oriented Business.

9. No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit any pay or gratuity from any patron.

**K. Security guards required.** Adult-Oriented Businesses shall employ security guards in order to maintain the public peace and safety, consistent with the following standards:

1. Adult-Oriented Businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall be on duty.

2. All Adult-Oriented Businesses shall have a responsible person who shall be at least 18 years of age and shall be on the premises to act as manager at all times during which the business is open. The individual designated as the on-site manager shall be registered with the Police Chief by the owner to receive all complaints and be responsible for all violations taking place on the premises.

3. All Adult-Oriented Businesses shall provide a security system that visually records and monitors the exterior premises of the property including all parking lot areas, or in the alternative, uniformed security guards to patrol and monitor the exterior premises of the property, including the parking lot areas during all business hours. A sign indicating compliance with this provision shall be posted on the premises. The sign shall not exceed two by three feet and shall at a minimum be one foot by one and a half feet.

4. Security guards shall be uniformed in a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of State law. No security guard required in compliance with this Subparagraph shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

**L. X-rated movies or videos.** X-rated movies or videos shall be restricted to persons over 18 years of age. If an establishment that is not otherwise prohibited from providing access to persons under 18 years of age sells, rents, or displays videos or other motion picture media that have been rated "X" or rated "NC-17" by the motion picture rating industry ("MPAA"), or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, the videos shall be located in a specific section of the establishment where persons under the age of 18 shall be prohibited. All access to sexually oriented material or merchandise shall be restricted to persons over 18 years of age.

**M. Disposal in locked garbage receptacles only.** Any and all sexually oriented materials or sexually oriented merchandise discarded by an Adult-Oriented Business shall be fully contained within a locked garbage receptacle at all times so that minors are not exposed to sexually oriented materials or sexually oriented merchandise.

The foregoing applicable requirements of this Section shall be deemed conditions of Adult-Oriented Business permit approvals, and failure to comply with every requirement shall be grounds for revocation of the permit issued in compliance with these regulations.

**18.40.130 - Display of Permit**

Each Adult-Oriented Business shall display at all times during business hours the Adult-Oriented Business permit issued in compliance with the provisions of this Chapter for an Adult-Oriented Business in a conspicuous place so that the same may be readily seen by all persons entering the Adult-Oriented Business.

**18.40.140 - Persons Under 18 Prohibited**

It shall be unlawful for any permittee, operator, or other person in charge of any Adult-Oriented Business to employ, or provide any service for which it requires an Adult-Oriented Business permit, to any person who is not at least 18 years of age.

**18.40.150 - Transfer of Adult-Oriented Business Regulatory Permits**

**A. Only at approved address.** A permittee shall not operate an Adult-Oriented Business under the authority of an Adult-Oriented Business permit at any place other than the address of the Adult-Oriented Business stated in the application for the Adult-Oriented Permit.

**B. No transfer without permit amendment.** A permittee shall not transfer ownership or control of an Adult-Oriented Business or transfer an Adult-Oriented Business permit to another person unless and until the transferee obtains an amendment to the permit from the Commission stating that the transferee is now the permittee. The amendment may be obtained only if the transferee files an application with the Commission in compliance with Sections 18.40.040 (Adult-Oriented Business Permit Required) and 18.40.050 (Application Requirements), above, accompanies the application with a transfer fee as set forth in the City's Fee Schedule, and the Commission determines in compliance with Sections 18.40.060-100 that the transferee would be entitled to the issuance of an original Adult-Oriented Business permit. The transfer fee shall be paid in lieu of the filing fee required by Section 18.40.050.

**C. No transfer when subject to suspension or revocation.** No Adult-Oriented Business permit may be transferred when the permittee has been notified that the Adult-Oriented Business Permit has been or may be suspended or revoked.

**D. No transfer in violation of this Section.** Any attempt to transfer an Adult-Oriented Business permit either directly or indirectly in violation of this Section is hereby declared void, and the Adult-Oriented Business permit shall be deemed revoked.

**18.40.160 - Permit Revocation**

**A. Findings required for revocation.** Any Adult-Oriented Business permit issued in compliance with the provisions of this Chapter may be revoked by the City on the basis of any of the following:

1. The business or activity has been conducted in a manner which violates one or more of the conditions imposed upon the issuance of the permit or which fails to conform to the plans and procedures described in the application, or which violates the occupant load limits for the building in which the use is located set by the Fire Marshal;
2. The permittee has misrepresented a material fact in the application for permit or in any report required to be filed with the City or has not answered each question in the application truthfully;
3. The permittee has failed to obtain or maintain all required City, County, and State licenses and permits;
4. The permit is being used to conduct an activity different from that for which it was issued;
5. The building or structure in which the Adult-Oriented Business is conducted is hazardous to the health or safety of the employees or patrons of the business or of the general public under the standards set forth in the Uniform Building, Uniform Plumbing, or Uniform Fire Code;
6. The permitted business creates sound levels which violate the Noise Ordinance of the City;
7. The permittee, if an individual, or any of the officers or general partners, if a corporation or partnership, is found guilty or pleaded nolo contendere to a misdemeanor or felony classified by the State as a sex or sex-related offense during the period of the Adult-Oriented Business's operation;

8. The permittee, employee, agent, partner, director, stockholder, or manager of an Adult-Oriented Business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the Adult-Oriented Business:
  - a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation;
  - b. Use of the Adult-Oriented Business site as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur;
  - c. Any conduct constituting a criminal offence which requires registration under Section 290 of the California Penal Code;
  - d. The occurrence of acts of lewdness, assignation, or prostitution including any conduct constituting violations of California Penal Code Sections 315, 316, 318, or 647(b);
  - e. Any act constituting a violation of provisions of the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including, but not limited to, Sections 311 through 313.4; or
  - f. Any conduct prohibited by this Chapter.
9. Failure to abide by any action previously imposed by an appropriate City official; and
10. The use for which the approval was granted has ceased to exist or has been suspended for 180 days or more.

**B. Notice and public hearing required.** Written notice of hearing on the proposed permit revocation, together with written notification of the specific grounds of complaint against the permittee, shall be personally delivered or sent by certified mail to the permittee at least 10 days before the hearing.

1. The Commission shall hold a public hearing on the proposed revocation of the permit.
2. Notice of the public hearing shall be given in compliance with California Government Code Section 65091, as the same may be amended from time to time.
3. In reaching a decision on the proposed revocation, the Commission shall not be bound by the formal rules of evidence. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

**C. Commission action.** The Commission shall revoke, not revoke, or not revoke but add additional conditions to, the permittee's Adult-Oriented Business permit. Any additional conditions imposed upon the permit shall be in keeping with the objective development standards of this Chapter and the underlying zoning district in which the property is located.

**D. Transmittal of Commission decision.** The Commission's decision shall be in writing, and shall be hand delivered or mailed to the applicant and mailed to all property owners within 300 feet of the use.

**E. Decision within 30 days.** The Commission shall make its final decision within 30 days of the public hearing.

**F. Appeal of Commission decision.** Any interested person may appeal the decision of the Commission to the Council in writing within 10 days after the Commission's written decision. In addition, within 10 days after the Commission's written decision, any member of the Council shall have the authority to direct that the Council review the decision of the Commission on the grounds that the individual council member believes that the matter should be decided by the Council.

**G. De novo public hearing.** Consideration of an appeal of the Commission's decision shall be at a de novo public hearing which shall be noticed in the same manner as the public hearing of the Commission and shall occur within 30 days of the filing of the appeal or initiation of review by the Council. In reaching its decision, the Council

shall not be bound by the formal rules of evidence. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

**H. Council action on appeal.** The Council action on the appeal of the Commission's decision shall be by a majority vote of the quorum, and upon the conclusion of the public hearing, the Council shall revoke, not revoke, or not revoke but add additional conditions to, the permittee's Adult-Oriented Business permit. Any additional conditions imposed upon the permit shall be in keeping with the objective development standards of this Chapter and the underlying zoning district in which the property is located. The Council's decision shall be final and conclusive.

**I. No new permit within 12 months after revocation.** In the event a permit is revoked pursuant to this Chapter, another adult use development permit to operate an adult business shall not be granted to the permittee within 12 months after the date of the revocation.

**18.40.170 - Violations**

Any violation of this Chapter shall constitute a public nuisance and any person who violates any section of this Chapter shall be guilty of a misdemeanor and is subject to a fine and/or imprisonment in compliance with the limits set forth in California Government Code section 36901, as it may be amended from time to time, or any other legal remedy available to the City including but not limited to all enforcement options under Municipal Code 6.12.

**18.40.180 - Applicability to Other Regulations**

The provisions of this Chapter are not intended to provide exclusive regulation of the Adult-Oriented Business uses. These uses shall comply with any and all applicable regulations imposed in other articles of this Development Code, other City ordinances, and State and Federal law.

**18.40.190 - Conduct Constituting a Public Nuisance**

The conduct of any business within the City in violation of any of the terms of this Chapter is hereby found and declared to be a public nuisance, and the City Attorney or the District Attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal, and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to other courts as may have jurisdiction to grant relief that will abate or remove the Adult-Oriented Business and restrain and enjoin any person from conducting, operating, or maintaining an Adult-Oriented Business contrary to the provisions of this Chapter.

**18.40.200 - Inspections**

An applicant or permittee shall permit representatives of the Police Department, Health Department, Planning Department, or other City Departments or Agencies to inspect the premises of an Adult-Oriented Business for the purpose of ensuring compliance with the law and the development standards applicable to Adult-Oriented Businesses, at any time it is occupied or opened for business. A person who operates an Adult-Oriented Business or his or her agent or employee is in violation of the provisions of this Section if he/she refuses to permit the lawful inspection of the premises at any time it is occupied or open for business.

## Chapter 18.42

### STANDARDS FOR SPECIFIC LAND USES

Sections:

- 18.42.010 Purpose and Applicability
- 18.42.020 Accessory Retail and Service Uses
- 18.42.030 Agricultural Accessory Structures
- 18.42.040 Animal Keeping
- 18.42.050 Bed and Breakfast Inns (B&Bs)
- 18.42.060 Child Day Care Facilities
- 18.42.070 Drive-Through Facilities
- 18.42.080 Home Occupations
- 18.42.090 Live/Work Units
- 18.42.095 Medical Marijuana Dispensary
- 18.42.100 Mixed Use Projects
- 18.42.110 Mobile Homes and Mobile Home Parks
- 18.42.120 Multi-Family Projects
- 18.42.130 Outdoor Displays and Sales
- 18.42.140 Outdoor Storage
- 18.42.145 Pipelines and Transmission Lines
- 18.42.150 Recycling Facilities
- 18.42.160 Residential Accessory Uses and Structures
- 18.42.165 Restaurants
- 18.42.170 Second Units
- 18.42.180 Service Stations

#### **18.42.010 - Purpose and Applicability**

**A. Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Article 2 (Zoning Districts and Allowable Land Uses) within individual or multiple zoning districts, and for activities that require special standards to ensure their compatibility with site features, and existing uses and structures in the site vicinity.

**B. Applicability.** The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Development Code.

- 1. Where allowed.** The uses that are subject to the standards in this Chapter shall be located only where allowed by Article 2 (Zoning Districts and Allowable Land Uses).
- 2. Planning permit requirements.** The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by Article 2, except where a planning permit requirement is established by this Chapter for a specific use.
- 3. Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in Articles 2 (Zoning Districts and Allowable Land Uses), 3 (Site Planning and Project Design Standards), 5 (Resource Management), and Article 6 (Site Development Regulations).
  - a. The applicability of the standards in this Chapter to the specific land uses listed is determined by Chapter 18.20 (Development and Land Use Approval Requirements).
  - b. In the event of any conflict between the requirements of this Chapter and those of Articles 2 or 3, the requirements of this Chapter shall control.

**18.42.020 - Accessory Retail and Service Uses**

This Section provides standards for specific retail sales and service uses, including restaurants, pharmacies, and the sale of retail merchandise, that are accessory to a primary commercial, industrial, or institutional use, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

**A. General standard.** External evidence of any accessory retail or service use shall be subordinate to the primary use of the site (e.g., signs, windows with merchandise visible from adjoining streets, etc. shall be limited and subordinate). Additionally access to any space used for the accessory retail or service shall be accessed through the primary use entrance.

**B. IL (Light Industrial) zoning district.** Accessory retail service uses within the IL zoning district shall be limited to businesses that the review authority determines will manufacture, refine, repair, finish, or store their products or services on-site, will provide adequate parking and street access, and will not generate significant customer traffic.

**C. Review and approval requirements.** Accessory retail and service uses may require Design Review in compliance with Section 18.71.050. Accessory Retail and service uses require a Minor Use Permit in compliance with Table 2-10 in Section 18.24.030. In order to approve an accessory retail or service use, the review authority shall first find that there will be no adverse effects on adjacent existing or potential residential uses from excessive traffic, noise or other effects of the accessory use.

**18.42.030 - Agricultural Accessory Structures**

The following standards apply to agricultural accessory structures, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

**A. Timing of installation.** An agricultural accessory structure shall only be constructed concurrent with or after the construction of an approved primary structure on the same site, unless:

1. The site is one acre or larger, and the proposed structure is a barn, or other structure used for confining animals and/or housing farm equipment or supplies, or is a noncommercial greenhouse; or
2. Construction in advance of a primary structure is authorized through Minor Use Permit approval.

**B. Setback requirements.** An agricultural accessory structure shall comply with the setback requirements of the applicable zoning district, except where Section 18.42.040 (Animal Keeping) establishes a greater setback requirement for an animal keeping structure.

**18.42.040 - Animal Keeping**

Animal keeping within the City shall comply with requirements of this Section, and shall occur only where allowed by Article 2 (Zoning Districts and Allowable Land Uses) and this Section. The provisions of this Section are intended to assist in ensuring that animal keeping does not create adverse impacts on adjacent properties by reason of bright lights, dust, insect infestations, noise, odor, or visual blight.

**A. Pre-existing uses.** Any legally established animal keeping use that became nonconforming upon adoption of this Section shall be permitted to continue subject to Chapter 18.90 (Nonconforming Uses, Structures, and Parcels).

**B. Allowable animal keeping activities and permit requirements.**

1. **Activities and permit requirements.** Animal keeping, including related animal husbandry activities (breeding, judging, etc.) is allowed only in compliance with the limitations on use and permit requirements in Table 4-1, and the animal keeping standards in Subsection C. The keeping of imported animals may require approval by the U.S. Department of Agriculture Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game, and/or the California Department of Food and Agriculture, and the Mendocino County Agricultural Commissioner, in addition to any City approval required by this Section.

**Table 4-1 - ALLOWABLE ANIMAL-KEEPING AND PERMIT REQUIREMENTS**

Type of Animal	Permit Requirement by Zoning District		
	RR & RS	RL & RM	RH, RVH
Beekeeping	P	P*	MUP
Fowl, poultry, aviary (except roosters)	P	P	MUP
Hogs and swine	P	-	-
Two or fewer horses and cows	MUP	-	-
Household pets	P	P	P
Roosters	MUP	-	-
Other large animals (defined in Table 4-2)	P	MUP	-
Other small animals (defined in Table 4-2)	P	P	P

**Key to permit requirements:**

P	Permitted animal keeping, no City approval required for the animal keeping activity, provided that it complies with the standards in Subsections C. through F.
P*	Beekeeping, as a permitted use, is limited to one hive per parcel. A Use Permit is required for more than one hive per parcel in residential and commercial zoning districts.
MUP	Minor Use Permit approval required in compliance with Section 18.71.060.
-	Type of animal or activity not allowed.

**2. Minor Use Permit review.** Where Table 4-1 requires a Minor Use Permit for keeping a specified animal type, the purpose of the discretionary review shall include evaluation of how the proposed animals will be housed and/or confined, and whether the location, size, and design of the area on the site for animal keeping will be adequate to allow compliance with the other standards of this Section without unreasonable effort on the part of the animal manager. In approving a Minor Use Permit in compliance with this Section, the review authority may limit the maximum number of animals allowed on the site as appropriate to the characteristics of the site, the surrounding land uses, and the species of animals proposed.

**C. Animal keeping standards.** All animal keeping shall comply with the standards in Table 4-2, where allowed by Subsection B., Table 4-1, except that more animals may be allowed by Minor Use Permit.

**Table 4-2 - ANIMAL-KEEPING STANDARDS**

Type of Animal or Facility	Maximum Number of Animals per Site (1)	Minimum Lot Area (2)	Minimum Setbacks (3)	
			From Side/Rear Property Lines	From Streets and Dwellings
Dogs and cats	5 animals total on a site less than 1 acre; 5 of each species on a site	None required	None required	None required

Type of Animal or Facility	Maximum Number of Animals per Site (1)	Minimum Lot Area (2)	Minimum Setbacks (3)	
			From Side/Rear Property Lines	From Streets and Dwellings
	of 1 acre or more			
Fowl, poultry, aviary	6 for parcels less than 10,000 SF; 12 per acre for larger parcels	6,000 SF	10 ft	25 ft
Hogs and swine	1 per acre	2 acres	50 ft	100 ft
Horses and cows	2 per acre	1 acre	25 ft	25 ft
Other small animals - Including chinchillas, rabbits, non-poisonous reptiles, rodents, and other non-poisonous small animals.	6 animals total on a site less than 10,000 SF; 20 animals per acre for larger sites, where allowed by Table 4-1.	None	10 ft	25 ft
Other large animals - Emus, goats, llamas, miniature horses and donkeys, ostriches, pot belly pigs, sheep, and similar sized animals.	4 per acre	1 acre	25 ft	25 ft

Notes:

- (1) Offspring allowed in addition to maximum number until market-ready.
- (2) Minimum lot area required for the keeping of animals.
- (3) Minimum setbacks from all property lines for barns, shelters, pens, coops, cages, and other areas and structures where animals are kept in concentrated confinement; but not including areas continuously maintained as pasture. Animals shall not be kept in any required front yard setback except in pasture areas.

**D. Maintenance and operational standards.** All animal keeping shall comply with all of the following maintenance and operational standards.

- 1. Odor and vector control.** All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Manure shall also not be allowed to accumulate. Each site shall be maintained in a neat and sanitary manner.
- 2. Containment.** All animals shall be effectively contained on the site, and shall not be allowed to run free off the parcel or in a public right-of-way.
- 3. Waterway protection.** The keeping of horses, cattle, hogs or other large animals within 50 feet of any waterway shall first require Director approval of a good housekeeping plan to protect the waterway from the polluting effects of runoff from the animal keeping area. The plan shall provide for regular manure removal, the maintenance of pasture vegetation to minimize the exposure and potential erosion of bare soil, site grading to direct runoff to detention and settling areas rather than the waterway, and/or other measures approved by the Director.
- 4. Erosion and sedimentation control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel or other waterway. In the event sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement.
- 5. Noise control.** Animal keeping shall comply with the Municipal Code Chapter 9.44.

**E. Animal husbandry project exception.** The keeping or raising of a calf, horse, goat, sheep, hog, chickens, rabbits, birds or other animals (excluding roosters) as a 4-H or Future Farmers of America (FFA) project shall comply with the following requirements.

- 1. Minimum site area.** A minimum of one acre of site area shall be required for the keeping of horses, cows, or other large animals.
- 2. Setback requirements.** The project animals shall be confined in a pen or fenced area that is located no closer than 25 feet to any dwelling other than on the project site; except that a hog or swine shall not be located closer than 100 feet from any dwelling other than on the project site.
- 3. Maximum number of animals.** The number of animals shall comply with the limitations in Subsection C.
- 4. Maintenance.** The animal keeping shall comply with all standards in Subsection D.

**F. Kennels and animal boarding.** Each kennel and other small animal boarding facility shall comply with the following standards.

- 1. Minimum site area.** An animal boarding facility may be approved only on a parcel of 2 acres or larger.
- 2. Enclosure within building.** All animal boarding (sleeping and night-time confinement) shall occur within an entirely enclosed building.
- 3. Noise control.** The building used for animal boarding shall be insulated, or otherwise constructed and maintained so that no noise from animals within the building is audible to an average person at the property line of the site.
- 4. Management.** A manager of the facility shall be present on the site at all times.

#### **18.42.050 - Bed and Breakfast Inns (B&Bs)**

This Section establishes standards for the development and operation of Bed and Breakfast Inns (B&B), where allowed by Article 2 (Zoning Districts and Allowable Land Uses). The intent of these provisions is to ensure the compatibility between the B&B and nearby residential uses.

**A. Limitation on services provided.** Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. Additional services and special events may be allowed only as specifically provided by the Use Permit approval for the facility, where the review authority determines that the type and frequency of the approved services and events will not adversely affect the residential character of the neighborhood, or allow for a use more intensive than typically associated with a B&B within the City.

**B. Off-street parking.** Off-street parking shall be provided at a ratio of one space for each guest room, plus two spaces for the on-site owner/manager of the B&B. Parking shall not be located in the required front and side setbacks; and any night lighting for the parking area shall be limited to the minimum number of fixtures and illumination levels necessary for safety, and shall comply with Section 18.30.070 (Outdoor Lighting).

**C. Signs.** See Chapter 18.38.

#### **18.42.060 - Child Day Care Facilities**

**A. Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) child day care facilities shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.

**B. Definitions.** Definitions of the child day care facilities regulated by this Section are in Article 10 (Glossary) under “Day Care.”

**C. Standards for large family day care homes.** As required by State law, a Minor Use Permit for a large family day care home shall be approved if it complies with the following standards.

**1. Location requirements.** In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 200 feet of an existing large family day care home, or child day care center. In no case shall a residential property be directly abutted by a large family day care center on two or more sides.

**2. Parking, drop-off area.**

a. At least two off-street parking spaces shall be provided exclusively for dropping off and picking up children. The driveway may be used to provide the off-street parking required by Section 18.36.040 (Number of Parking Spaces Required) for a single-family dwelling, if the parking will not obstruct any required drop-off and pick up areas nor block any sidewalks or other public access. Alternative parking and drop-off arrangements may be required by the review authority based on traffic and pedestrian safety considerations.

b. A home located on a street with a speed limit of 30 miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g., circular driveway).

**3. Outdoor activity areas.**

a. Any side or rear setback areas intended for day care use shall be enclosed with a fence or wall to separate the children from neighboring properties.

b. Outdoor recreation equipment over eight feet in height shall not be located within a required side setback, and shall be set back a minimum of five feet from a rear property line.

**4. Noise.** Noise generated from the large family day care home shall not exceed the standards in Municipal Code Chapter 9.44.

**5. Additional standards.** Each large family day care home shall comply with applicable building and fire codes, and standards adopted by the State and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).

**D. Standards for child day care centers.**

**1. Fencing.** Design Review shall be required for any proposed fencing.

**2. Parking and loading.**

a. Off-street parking shall be provided as required through the Minor Use Permit process, but shall be a minimum of one space per employee on the largest shift, plus one space for each 10 children authorized by the State license. An exception to these off-street parking requirements may be granted if the facility complies with the following criteria:

i) The exception shall be granted only for uses in an existing building, and shall not be granted for any expansion of gross floor area or new construction;

ii) Off-street parking shall be provided on the site in the maximum amount feasible;

iii) The exception shall only be granted in a situation where the City Engineer has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians;

- iv) Each Minor Use Permit that grants an off-street parking exception shall be reviewed annually, and if it is found that the use of on-street parking spaces by the facility is creating a nuisance, the City may initiate proceedings to revoke the Minor Use Permit.
- b. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.
3. **Noise.** Potential noise sources shall be identified during the Minor Use Permit process, and noise attenuation and sound dampening shall be addressed.

#### **18.42.070 - Drive-Through Facilities**

This Section establishes standards for the development and operation of drive-through facilities for very limited types of retail or service activities (e.g., ATMs, banks, or pharmacies) where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

##### **A. General standards.**

1. **Design objectives.** Drive-through facilities shall only be permitted if the design and operation avoids congestion, excessive pavement, litter, and noise.
2. **Limitation on location.** A drive-through facility shall only be located to the rear of a building. A drive-through facility shall be located within the CBD zone only if the review authority determines that the facility is ancillary to a use that is primarily pedestrian oriented.

##### **B. On-site circulation standards.** A drive-through facility shall be provided internal circulation and traffic control as follows.

1. **Aisle design.**
  - a. The entrance/exit of any drive aisle shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.
  - b. Drive aisles shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.
2. **Stacking area.** A clearly identified area shall be provided for vehicles waiting for drive-up or drive-through service that is physically separated from other on-site traffic circulation.
  - a. The stacking area shall accommodate a minimum of three cars for each drive-up or drive-through window in addition to the vehicle receiving service.
  - b. The stacking area shall be located at and before the service window (e.g., pharmacy, teller, etc.).
  - c. Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.
  - d. Stacking areas adjacent and parallel to streets or public rights-of-way shall be prohibited.
3. **Walkways.** An on-site pedestrian walkway shall not intersect a drive-through aisle.
4. **Exceptions.** The review authority may approve alternatives to the requirements of Subsections B.1 through B.3 where it first finds that the alternate design will, given the characteristics of the site, be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.

##### **C. Signs.** Each entrance to, and exit from, a drive-through aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs. Signage shall also be provided to indicate whether the drive-through facility is open or closed.

**18.42.080 - Home Occupations**

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). For home occupations located in single-family residences within commercial zoning districts, the Director may waive or modify the standards below to allow: 1) uses that are permitted by-right within the commercial zoning district as a home occupation; and 2) home occupation operating standards 18.42.080(C) and (D).

**A. Business License required.** A home occupation shall require a City Business License.

**B. Limitations on use.** The following are examples of business activities that may be approved as home occupations, and uses that are prohibited as home occupations.

**1. Uses allowed as home occupations.** The following and other uses determined by the Director to be similar may be approved by the Director in compliance with this Section.

- a. Art and craft work (ceramics, painting, photography, sculpture, etc.);
- b. Tailors, sewing, etc.; and
- c. Office-only uses, including an office for an architect, attorney, consultant, counselor, insurance agent, planner, tutor, writer, etc., and electronic commerce.

**2. Uses prohibited as home occupations.** The following are examples of business activities that are not incidental to or compatible with residential activities, and are, therefore, prohibited as home occupations:

- a. Adult entertainment activities/businesses;
- b. Animal hospitals and boarding facilities;
- c. Automotive and other vehicle repair and service (body or mechanical), painting, storage, or upholstery, or the repair, reconditioning, servicing, or manufacture of any internal combustion or diesel engines, or of any motor vehicle, including automobiles, boats, motorcycles, or trucks;
- d. Contractor's and other storage yards;
- e. Dismantling, junk, or scrap yards;
- f. Fitness/health facilities (except that one-on-one personal trainers may be allowed);
- g. Medical clinics, laboratories, or doctor's offices;
- h. Personal services as defined in Article 10 (Glossary), except that licensed massage therapy and physical therapy may be allowed as home occupations in compliance with this Section;
- i. On-site sales, except that mail order businesses may be allowed where there is no stock-in-trade on the site;
- j. Uses which require explosives or highly combustible or toxic materials;
- k. Welding and machine shop operations;
- l. Wood cutting businesses; or
- m. Other uses the Director determines to be similar to those listed above.

**C. Operating standards.** Home occupations shall comply with all of the following operating standards.

- 1. Accessory use.** The home occupation shall be clearly secondary to the full-time use of the property as a residence.
  - 2. Location of home occupation activities.**
    - a. RR zoning district.** Allowed home occupation activities may be conducted within an approved accessory structure in the RR zoning district, provided that two covered parking spaces are continually maintained.
    - b. Other zones.** All home occupation activities shall be confined completely to one room within the primary dwelling, which shall not occupy more than 25 percent of the gross floor area of the ground floor. Garages or other enclosed accessory structures may be used for home occupation purposes only if required off-street parking spaces are continually maintained. Horticulture activities may be conducted outdoors, but only within the rear one-third of the site.
  - 3. Visibility.** The use shall not require any exterior modification to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public right-of-way, or from neighboring residential properties.
  - 4. Signs.** There shall be no advertising signs, other than one name plate, not exceeding one square foot in area, and only if attached flush to a wall of the structure.
  - 5. Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.
  - 6. Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.
  - 7. Outdoor display or storage.** There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
  - 8. Employees.** A home occupation shall have no on-site employees other than full-time residents of the dwelling.
  - 9. Client/customer visits.** The home occupation shall be operated so as to not require more than eight vehicle trips per day of clients, customers, visitors, and/or service visits to the residence. On-site presence of clients or customers shall be limited to one client or family at a time, and only between the hours of 9:00 a.m. and 8:00 p.m.
  - 10. Motor vehicles.** There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles, and/or one pickup truck, van, or similar vehicle not exceeding 1.5 ton carrying capacity. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups. The Commission may authorize other types and/or additional vehicles with Use Permit approval.
  - 11. Utility service modifications.** No utility service to the dwelling shall be modified solely to accommodate a home occupation, other than as required for normal residential use.
- D. Home working operations.** Small-scale commercial wood and metal working may be authorized by Minor Use Permit as a home occupation, provided that the review authority may require conditions of approval limiting hours of operation, noise levels, and/or any other aspect of the operation, to ensure compatibility with on-site and adjacent residential uses.

**18.42.090 - Live/Work Units**

**A. Purpose.** This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Article 2 (Zoning Districts and Allowable Land Uses). A live/work unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. The standards of this Section do not apply to mixed use projects, which are instead subject to Section 18.42.100 (Mixed Use Projects).

**B. Application requirements.** In addition to the information and materials required for a Use Permit application by this Development Code, the review authority may require a Use Permit application for a live/work unit to include a Phase I Environmental Assessment for the site, including an expanded site investigation to determine whether lead based paint and asbestos hazards are present in an existing structure proposed for conversion to live/work. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk to the residents. If the Phase I assessment shows potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to the Department in order to determine if remediation may be required.

**C. Limitations on use.** The nonresidential component of a live/work project shall only be a use allowed within the applicable zoning district. A live/work unit shall not be established or used in conjunction with any of the following activities:

1. Adult businesses;
2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
3. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential of exposure to dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes within the residential (living) portion of the live/work unit.

**D. Residential density.** Live/work units shall not exceed a maximum density of 15 units per acre.

**E. Occupancy requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.

**F. Design standards.**

1. **Floor area requirements.** No more than 40 percent of the floor area shall be reserved for living space as defined under "Live/Work Unit" in Article 10 (Glossary). All remaining floor area shall be reserved and regularly used for working space.
2. **Separation and access.** Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
3. **Facilities for commercial or industrial activities, location.** A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.
4. **Integration of living and working space.** The living and work space of the Live/work unit shall be combined within one integrated structure. The living space of a live/work unit shall be accessed only by means of an interior connection from the work space, and shall have no exterior access except as required by the Building Code.
5. **Mixed occupancy structures.** If a structure contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and

proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.

**G. Operating requirements.**

**1. Sale or rental of portions of unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.

**2. Notice to occupants.** The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zoning district.

**3. On-premises sales.** On-premises sales of goods is limited to those produced within the live/work unit, provided the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.  
**4. Nonresident employees.** Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the Use Permit. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to Use Permit approval, based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Uniform Building Code (UBC) requirements.

**5. Client and customer visits.** Client and customer visits to live/work units are allowed subject to any applicable conditions of the Use Permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially-zoned areas.

**H. Changes in use.** After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through Use Permit approval. No live/work unit shall be changed to exclusively residential use in any structure where residential use is not allowed, where two or more residential units already exist, or where the conversion would produce more than two attached residential units.

**I. Required findings.** The approval of a Use Permit for a live/work unit shall require that the review authority first make all of the following findings, in addition to those findings required for Use Permit approval by Section 18.71.060 (Use Permit and Minor Use Permit):

1. The proposed use of each live/work unit is a bona fide commercial or industrial activity consistent with Subsection C. (Limitations on use);
2. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed;
3. The structure containing live/work units and each live/work unit within the structure has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and
4. Any changes proposed to the exterior appearance of the structure will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses.

**18.42.095 - Medical Marijuana Dispensaries**

Medical Marijuana Dispensaries, as defined in Section 18.100.020, shall be allowed per the requirements of Fort Bragg Municipal Code Chapter 9.30. (Ord. 851 §3, 2005.)

**18.42.100 - Mixed Use Projects**

This Section provides standards for the design of mixed use projects, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). A mixed use project combines residential and nonresidential uses on the same site, with

the residential units typically located above the nonresidential uses (vertical mixed use). Residential units may be also allowed at ground level behind street-fronting nonresidential uses (horizontal mixed use) only under the limited circumstances specified by this Section.

- A. Design considerations.** A mixed use project shall be designed to achieve the following objectives.
1. The design shall provide for internal compatibility between the residential and non-residential uses on the site.
  2. Potential glare, noise, odors, traffic, and other potential nuisance conditions for residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.
  3. The design shall take into consideration existing and potential future uses on adjacent properties and shall include specific design features to minimize potential impacts.
  4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.
  5. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.
  6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signage.
- B. Mix of uses.** A mixed use project may combine residential uses with any other use allowed in the applicable zoning district where allowed by Article 2 (Zoning Districts and Allowable Land Uses); provided, that where a mixed use project is proposed with a use that is required to have Minor Use Permit or Use Permit approval in the applicable zoning district, the entire mixed use project shall be subject to that permit requirement.
- C. Maximum density.** The residential component of a mixed use project shall comply with the density requirements of the applicable General Plan designation and zoning district.
- D. Site layout and project design standards.** Each proposed mixed use project shall comply with the property development standards of the applicable zoning district and the following requirements.
1. **Location of units.** Residential units shall not occupy ground floor street frontage on the primary street frontage. Residential units are allowed on the first floor of alleys and secondary street frontages. The ground floor street frontage space within a mixed use building shall be reserved for commercial uses, except for a lobby or other feature providing access to the residential units.
  2. **Parking.** In order to encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed use projects in compliance with Section 18.36.080 (Reduction of Parking Requirements).
  3. **Loading areas.** Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.
  4. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.
- E. Performance standards.**
1. **Lighting.** Lighting for commercial uses shall be appropriately shielded to limit impacts on the residential units.

2. **Noise.** Each residential unit shall be designed and constructed to minimize nonresidential project noise levels, in compliance with the City's Noise Ordinance. Night-time commercial uses shall minimize noise levels, in compliance with the City's Noise Ordinance.

**18.42.110 - Mobile/Manufactured Homes and Mobile Home Parks**

This Section provides requirements and development standards for the use of mobile homes and manufactured homes as single-family dwellings outside of mobile home parks, and for mobile home parks, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

**A. Mobile home outside of a mobile home park.**

1. **Site requirements.** The site, and the placement of the mobile home on the site, shall comply with all zoning, subdivision, and development standards applicable to a conventional single-family dwelling on the same parcel.
2. **Mobile home design and construction standards.** A mobile home outside of a mobile home park shall comply with the following design and construction standards.
  - a. The exterior siding, trim, and roof shall be of the same materials and treatment found in conventionally built residential structures in the surrounding area, and shall appear the same as the exterior materials on any garage or other accessory structure on the same site.
  - b. The roof shall have eave and gable overhangs of not less than 12 inches measured from the vertical side of the mobile home, and the roof pitch shall be no less than 3:12.
  - c. The mobile home shall be placed on a foundation system, subject to the approval of the Building Official.
  - d. The mobile home is certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 4401 et seq.), and has been constructed after January 1, 1989.

**B. Mobile home park standards.** The site for the mobile home park shall comply with the following requirements.

1. **Planning and design objectives.** The City intends that each mobile home park be designed and landscaped to be compatible with adjacent residential and other uses. These standards are intended to provide a means of achieving an environment of stable, desirable character not out of harmony with the surrounding area.
2. **Permit requirements.** A mobile home park shall require Design Review in compliance with Section 18.71.050, in addition to the Use Permit approval required by Section 18.21.030 (Residential Zoning District Allowable Land Uses and Permit Requirements).
3. **Allowable uses.** Use Permit approval for a mobile home park may authorize the following uses in addition to individual mobile homes.
  - a. Accessory uses, limited to awnings, portable, demountable or permanent carports, fences or windbreakers, garages, porches, and storage cabinets.
  - b. A golf course, lake, park, playground, riding and hiking trails, equestrian facilities, other similar recreational structures and facilities, clubhouses, community centers, laundries, and similar uses; provided that all of these are not allowed on the individual mobile home lots within the mobile home park.
  - c. Public utility and public service uses and structures.
4. **Standards.** This Section identifies standards for mobile home park development, recognizing the dual need for moderately priced housing, and standards that will adequately protect residents of the parks and the City as a whole.

- a. Phased development.** Development may be in phases, so long as each phase complies with the minimum standards of this Section, and no mobile home is occupied in any phase until at least 10 mobile home lots are developed and improved on a minimum of two acres, and authorized by a permit for occupancy in compliance with Health and Safety Code Section 18505.
- b. Density.** The Commission shall determine the allowable density for each mobile home park, based on the following criteria:
- i) The provision of the space necessary for compliance with this Section;
  - ii) Individual mobile home lots shall be a minimum of 2,400 square feet; and
  - iii) In no case shall the density of a mobile home park exceed the maximum density of the General Plan and zoning district designation for the subject site.
- c. Building lines.** Each structure and mobile home shall have a minimum setback of 15 feet from all exterior property lines; and a minimum setback of 20 feet from the right-of-way of any street adjoining the mobile home park. The resulting setback area shall be landscaped and continually maintained, in compliance with Chapter 18.34 (Landscaping Standards).
- d. Parking.** Parking shall be provided in compliance with Chapter 18.36 (Parking and Loading).
- e. Utilities.** All utility distribution facilities (including cable television, communication and electric lines and boxes) within a mobile home park shall be placed underground. The developer is responsible for complying with the requirements of this Subparagraph, and shall make the necessary arrangements with the utility companies for the installation of the required facilities.
- f. Tenant storage.** A minimum of one 75 cubic foot storage cabinet shall be provided on each mobile home site. Adequate solid waste and recyclable materials storage enclosures shall be provided in compliance with Section 18.30.110.
- g. Accessory uses.** Accessory uses are those that are incidental to the planned residential use, exist for the sole purpose of service to the residents, are customarily found in multi-family developments, and do not alter the character of the residential use.
- i) Any structure used for an accessory use shall meet all requirements for a primary structure.
  - ii) Allowable accessory uses include a management facility, laundry facility, swimming facilities, recreation room, recreational vehicle storage areas, vending machines, and other uses that, in the opinion of the Commission, are of a similar nature.
  - iii) A mobile home park may contain accessory retail and service uses for park residents as authorized by Use Permit approval, and in compliance with Section 18.42.020 (Accessory Retail and Service Uses).
- h. Travel trailers.** An occupied travel trailer, camper, motor coach, motor home, trailer coach, or any similar vehicle not certified under the National Mobile Home Construction Safety Standards Act of 1974 (42 USC Section 4401 et seq.) shall not be allowed within a mobile home park. Unoccupied trailers and other recreational vehicles may be stored in an approved on-site storage area where authorized by Use Permit.
- i. Fencing.** A solid masonry wall, fence, or other decorative landscape screening of the maximum height allowed by this Development Code shall be installed as required by the review authority as part of the Use Permit approval for the mobile home park.
- j. Landscaping.** Landscaping shall be provided in compliance with Chapter 18.34 (Landscaping Standards).

- k. Signs.** A mobile home park may be allowed one externally illuminated identification sign not exceeding six feet in height or 24 square feet in area. The sign shall be integrated into the mobile home park landscaping, at a location specified in the Use Permit approval.
- l. Skirting.** Skirting shall be provided along all sides of each mobile home.
- m. Internal streets.** Internal street design shall comply with City street standards except where superseded by a standard required by State law.

**18.42.120 - Multi-Family Projects**

New or remodeled multi-family projects shall comply with the standards of this Section, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). For the purposes of this Section, the term “remodeled” means the reconstruction or remodeling of at least 50 percent of the gross floor area of the original structure.

- A. Accessory structures.** Accessory structures and uses (e.g., bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.
- B. Building facades adjacent to streets.** A multi-family project of three or more dwelling units shall be designed so that at least 75 percent of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.
- C. Front setback pavement.** No more than 40 percent of the front setback area shall be paved for walkways, driveways, and/or other hardcover pavement.
- D. Parking location.** Off-street parking for a multi-family structure of three or more units shall be located so that it is not visible from the street fronting the parcel.
  - 1. Front setback.** A garage shall be set back from the front property line at least 10 feet further than the facade of the dwelling, to reduce visual impact from the street.
  - 2. Side setback.** When a maintenance easement is granted by the owner of the adjacent parcel to the approval of the Director, a garage may be built to the side property line on that side, but shall be located at least eight feet from the other side property line. Otherwise, a garage shall be set back a minimum of five feet from each side property line.
  - 3. Rear setback.** A garage shall be set back a minimum of five feet from a rear property line.
  - 4. Facade width, parking orientation.** The front facade of a garage shall not exceed a width of 25 feet. Tandem parking is allowed.
- E. Open space.** Each multi-family residential project shall include permanently maintained outdoor open space for each dwelling unit (private space), and for all residents (common space), except where the review authority determines that existing public park or other usable public open space is within convenient walking distance, or that the residential units are part of a mixed use project and/or located in a commercial zoning district.
  - 1. Area required.** Private and common open space shall be provided as required by Table 4-3.

**TABLE 4-3 - MULTI-FAMILY PROJECT OPEN SPACE REQUIREMENTS**

Project Size	Minimum Common Open Space Required	Minimum Private Open Space Required
3 or 4 units	200 sf	100 sf for each unit
5 to 10 units	500 sf	150 sf for each unit with patios

Project Size	Minimum Common Open Space Required	Minimum Private Open Space Required
11 and more units	100 sf per unit	100 sf for each unit with balconies

**2. Configuration of open space.** Required open space areas shall be designed and located as follows. Landscaping shall comply with the requirements of Chapter 18.34 (Landscaping Standards).

**a. Common open space.** All required open space shall be: easily accessible; continuous, usable site elements; separated from parking areas; safe and secure. Each common open space area shall have a minimum dimension of 12 feet for three and four unit projects, and 20 feet for projects with five or more units.

**b. Private open space.** Private open space shall be at the same elevation as, and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of eight feet; except that the review authority may authorize different minimum dimensions for upper-floor balconies where the private open space is provided as a balcony or upper floor court.

The review authority may allow required open space to be in different locations and/or with different dimensions where it determines that the alternative approach will provide open space of equivalent utility and aesthetic quality.

**3. Maintenance and control of common open space.** Required common open space shall be controlled and permanently maintained by the Home Owners Association (HOA). Provisions for control and maintenance shall be included in property covenants of all common interest developments.

**F. Outdoor lighting.** Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with 18.30.070 (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least one foot candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks. Lighting fixtures/lamps shall be the most energy efficient available. All proposed lighting shall be shown on the required landscape plan.

**G. Storage.** A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with no dimension less than 30 inches.

**H. Universal Design.** For projects of more than ten units, one unit shall be designed according to the principles of universal design to ensure handicapped accessibility of the unit.

**I. Television antennas.** Exterior television antennas, other than satellite dishes less than 39 inches in diameter, are not allowed, except for a single common, central antenna, with underground cable service to each dwelling unit. This restriction shall be included in any property covenants of a common interest development.

**J. Window orientation.** Where one or more windows are proposed 10 feet or less from a side lot line, or 10 feet from another residential structure on the same site, Design Review shall ensure, to the extent feasible, that the windows are located and/or screened to provide privacy for residents of both structures.

**18.42.130 - Outdoor Displays and Sales**

**A. Applicability.** The provisions of this Section apply to temporary and permanent facilities for outdoor display, sales (e.g., garden supply sales, news and flower stands, and similar uses where merchandise is displayed for sale), and outdoor eating areas, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

**B. Temporary outdoor displays and sales.** See Section 18.71.030 (Limited Term Permit).

**C. Permanent outdoor displays and sales.** The permanent outdoor display and sale of merchandise is allowed subject to the following standards.

1. The outdoor display of merchandise shall not exceed a height of six feet above finished grade, unless a greater height is allowed through Minor Use Permit approval.

2. Outdoor display and sales areas shall not encroach into required setback areas or the public right-of-way. In zoning districts where no setback area is required, the outdoor sales area shall be set back a minimum of 10 feet from adjoining property lines unless otherwise allowed through Minor Use Permit approval.
3. Displayed merchandise shall occupy a fixed, specifically approved, location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, required parking spaces, or pedestrian walkways. A display shall not obstruct intersection visibility or otherwise create hazards for pedestrian or vehicle traffic.
4. The outdoor display and sales area shall be directly related to a business occupying a permanent structure on the subject parcel.
5. The Director may require that outdoor sales and activity areas other than vehicle sales lots, produce stands, and nursery product sales be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.
6. Additional signs shall not be provided for the outdoor display and sales area beyond those normally allowed for the primary use.

**D. News and flower stands.** See Municipal Code Section 10.20.150 for Mobile Vending Unit regulations.

**E. Outdoor dining areas.**

1. An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on the same site; provided the outdoor eating area shall also comply with the parking requirements of Section 18.36.040 (Number of Parking Spaces Required) for restaurants.
2. Signs shall comply with Chapter 18.38.

**18.42.140 - Outdoor Storage**

An outdoor storage or work area shall comply with the following requirements, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- A. Enclosure and screening required.** Outdoor storage areas shall be entirely enclosed by a solid wall or fence as approved by the review authority with a minimum height of six feet and a maximum height of eight feet.
- B. Maximum height of stored materials.** The materials within the storage area shall not be higher than the fence, except where authorized by the Use Permit for the storage area.
- C. Landscaped setback.** In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zoning district, and the set back area shall be landscaped to the approval of the Director, and in compliance with Chapter 18.34 (Landscaping Standards).

**18.42.145 - Pipelines and Transmission Lines**

Pipelines and transmission lines shall comply with the following requirements, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- A. Local service facilities.** Lines and facilities for local utility service are permitted in all zones.
- B. Electric transmission lines.** The location of proposed electric transmission lines shall be reviewed by the Commission and approved by the Council prior to right-of-way acquisition.

**18.42.150 - Recycling Facilities**

This Section establishes standards and procedures for the siting and operation of commercial recycling facilities, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

- B. Small collection facilities.** A small collection facility shall comply with the following standards.

- 1. Location requirements.** A small collection facility shall:
    - a. Not be located within 50 feet of any parcel zoned or occupied for residential use; and
    - b. Be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.
  - 2. Maximum size.** A small collection facility shall not occupy more than 350 square feet..
  - 3. Appearance of facility.** Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.
  - 4. Operating standards for small collection facilities.** Small collection facilities shall:
    - a. Not use power-driven processing equipment, except for reverse vending machines;
    - b. Accept only glass, metal, or plastic containers, paper, and reusable items;
    - c. Use containers that are constructed with durable waterproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule; and
    - d. Be screened where determined by the review authority to be necessary because of excessive visibility.
  - 5. Signs.** Non-illuminated signs may be provided as follows:
    - a. Identification signs are allowed with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;
    - b. Additional directional signs, consistent with Chapter 18.38 (Signs), may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.
  - 6. Parking requirements.**
    - a. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the primary use. One additional space shall be provided for the attendant, if needed.
    - b. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking study, determined to be acceptable by the Director, shows that existing capacity is not fully utilized during the time the recycling facility would be on the site.
- C. Large collection facilities.** A collection facility that is larger than 350 square feet, or on a separate parcel not accessory to a primary use, shall comply with the following standards.
- 1. Location requirements.** The facility shall not abut a parcel zoned for residential use.
  - 2. Container location.** Any containers provided for “after hours” donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials.
  - 3. Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.

4. **Setbacks, landscaping.** Structure setbacks and landscaping shall be provided as required for the applicable zoning district.
5. **Outdoor storage.** Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.
6. **Operating standards.**
  - a. The site shall be maintained clean, sanitary, and free of litter and any other trash or rubbish, shall be cleaned of loose debris on a daily basis, and shall be maintained free from rodents and other disease vectors.
  - b. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

**D. Processing facilities.** Processing facilities shall comply with the following standards.

1. **Location requirements.** The facility shall not abut a parcel zoned or occupied for residential use.
2. **Limitation on activities.** Allowed activities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials. The facility shall not bale, compact, or shred ferrous metals, other than beverage and food containers. Outbound truck shipments from the site shall not exceed an average of two each day.
3. **Maximum size.** The facility shall not exceed 45,000 square feet of floor or ground area.
4. **Container location.** Containers provided for “after hours” donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials.
5. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
6. **Outdoor storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.
7. **Operating standards.** Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

**18.42.160 - Residential Accessory Uses and Structures**

This Section provides standards for residential accessory uses and structures, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). These requirements do not apply to residential second units, which are instead regulated by Section 18.42.170 (Second Units).

- A. Limitation on number.** Only one residential accessory structure shall be allowed on any parcel in addition to a detached garage, except in the RR and RS zoning districts, and except where a site is two times or more the minimum lot area required for a new parcel in the applicable zoning district.
- B. Relationship to primary use.** An accessory use and/or structure shall be incidental to the primary residential use of the site, and shall not alter the character of the primary use.
- C. Timing of installation.** A residential accessory structure shall only be constructed concurrent with or after the construction of the primary structure on the same site, unless:
  1. The site is within the RR zoning district, is one acre or larger, and the proposed structure is a garage; or

2. Construction in advance of a primary structure is authorized through Minor Use Permit approval.

**D. Attached structures.** An accessory structure attached to the primary structure shall comply with all zoning district requirements applicable to the primary structure, including height limits, site coverage, and setbacks; and shall also comply with any applicable requirements of Subsection F.

**E. Detached structures.** An accessory structure that is detached from the primary structure shall comply with the following standards, except where Subsection F. establishes a different requirement for a specific type of accessory structure.

1. **Setbacks.**

- a. **Front setback.** An accessory structure shall not be located within a required front setback.
- b. **Side and rear setbacks.** An accessory structure not exceeding 10 feet in height shall maintain side and rear setbacks of at least five feet. An accessory structure with a height greater than 10 feet shall comply with the setback requirements of the applicable zoning district.
- c. **Separation between structures.** An accessory structure shall maintain at least a five-foot separation from other accessory structures and the primary dwelling unit.
- d. **Double-frontage lot.** An accessory structure shall not occupy the front half of a parcel, or either front quarter of a double-frontage lot.
- e. **Garage accessible from an alley.** Where an accessory garage is accessible to vehicles from an alley, it shall be located not less than 25 feet from the opposite side of the alley.

2. **Height limit.** The height of an accessory structure other than a detached garage shall not exceed 12 feet, except where a greater height is authorized through Minor Use Permit approval. The height limit of a detached garage including any accessory uses, structures, and additions built into or on the detached garage shall not exceed 16 feet, except where a greater height is authorized through Minor Use Permit approval.

3. **Coverage and size limitations.** Where permitted, the aggregate coverage of accessory structures in required side and rear setbacks shall not exceed 500 square feet. The maximum site coverage for all structures on a parcel shall comply with the requirements of the applicable zoning district.

**F. Standards for specific accessory uses and structures.** The following requirements apply to the specific types of accessory structures listed, in addition to the requirements of Subsection A., as applicable.

1. **Antennas.** Antennas shall comply with the requirements of Chapter 18.44 (Telecommunications Facilities).

2. **Garages.** A garage for a single-family dwelling shall comply with the following requirements. A garage for a multi-family project shall comply with the requirements of Section 18.42.120 (Multi-Family Projects). This limitation does not apply to double lots.

- a. **Limitation on number.** A single parcel shall have only one attached or detached garage, except that this limitation shall not apply in the RR and RS zoning districts, or to a site that is two times or more the minimum lot area required for a new parcel in the applicable zoning district
- b. **Front setback.** Garages shall comply with the garage front setback requirements of the applicable zoning district.
- c. **Side setbacks.** When a maintenance easement is granted by the owner of the adjacent parcel to the approval of the Director, a detached or attached garage may be built to the side property line on that side. Otherwise, a garage shall be set back a minimum of five feet from side property lines.



**A. Operating standards.** Restaurants shall comply with the following operating standards.

- 1. Installation and maintenance of grease trap/interceptor.** Grease interceptor installation and maintenance must comply with the City's Food Service Establishment Wastewater Discharge Permit and the City's Municipal Code section regarding Fats, Oil and Grease Control.
- 2. Washing of restaurant floor mats, exhaust filters.** Restaurant floor mats and exhaust filters shall be washed in a sink or wash area that drains to the sanitary sewer, or collected wastewater from such washing shall be discharged to the sanitary sewer.

**18.42.170 - Second Units – Accessory Dwelling Unit (ADU)**

This Section establishes standards for residential second units, also known as an Accessory Dwelling Unit (ADU), where allowed by Article 2 (Zoning Districts and Allowable Land Uses). The standards set forth in this Section are intended to be consistent with Government Code Section 65852.2 and to the extent that any such standards are determined by the review authority or a court of competent jurisdiction to be inconsistent with Government Code Section 65852.2, such standards shall not apply to residential second units. An application for a second unit that complies with the standards of this Section shall be approved ministerially. "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

**A. Limitation on location.** An ADU is allowed on any parcel that is zoned for residential development and has one primary residence. An ADU shall be exempted from the calculation of the maximum allowable density for the lot on which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designation for the lot. .

**B. Limitation on number of units.** No more than one ADU shall be approved on a single parcel.

**C. Minimum site area.** A parcel proposed for an ADU must be of adequate size to meet the lot coverage requirements of the applicable zoning district after development of the second unit.

**D. Relationship to primary use.**

- 1. Size, style.** An accessory dwelling unit may be incidental and subordinate to the primary single-family residential use of the site in terms of size and location. It can be: 1) a remodeled portion of a primary dwelling unit; 2) attached to a primary dwelling unit; 3) one of the units of a duplex; or 3) a detached unit. An accessory dwelling unit may also be an efficiency unit (Section 17958.1 of Health and Safety Code) or a manufactured home (Section 18007 of the Health and Safety Code).
- 2. Timing of construction.** An accessory dwelling unit may be constructed simultaneously with, or after the primary dwelling. In addition, an existing dwelling that complies with the standards for second units in Subsection E. may be considered a second unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.

**E. Second unit standards.** A second unit shall comply with the following standards.

- 1. Height limit.** A detached accessory dwelling unit shall be limited to 18 feet and one story. A second unit located over a garage may be allowed with a maximum height of 25 feet with Minor Use Permit approval. An attached accessory dwelling unit shall comply with the height limit in the zoning district.
- 2. Setbacks.** An accessory dwelling unit shall comply with the setback requirements of the applicable zoning district, unless the second unit is located in a nonconforming structure as defined by Section 18.90.020. No second unit may be permitted above a garage unless the unit complies with the setback standards of the applicable zoning district.
- 3. Maximum floor area.**
  - a. The floor area of an accessory dwelling unit shall not exceed 960 square feet.

**4. Separate entrance required.** An attached accessory dwelling unit shall have an entrance separate from the entrance to the primary dwelling.

**5. Window placement.** An accessory dwelling unit that is placed 20 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit. An accessory dwelling unit that is two stories or located over a garage shall not have windows or balconies that directly face a neighboring yard. This limitation applies only to side yards, not to windows facing alleys.

**F. Off-street parking requirements.** At least one off-street paved parking space is preferred for an accessory dwelling unit in addition to the parking required for the primary dwelling by Chapter 18.36 (Parking and Loading). If provided, the parking space shall comply with the location and design requirements of Chapter 18.36; however, an off-street parking space is not required for the ADU.**18.42.180 - Service Stations**  
This Section establishes standards for the development and operation of motor vehicle service stations (not including card lock facilities), where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

**A. Permit and application requirements.** A service station shall require Design Review in compliance with Section 18.71.050, in addition to the planning permit required by Article 2. Each application for a new or remodeled service station shall include a photometric plan identifying all proposed light sources and their illumination levels, to assist in evaluating compliance with the outdoor lighting requirements of Subsection D.5 and Section 18.30.070 (Outdoor Lighting). The City may require an applicant to pay the cost for a lighting consultant engaged by the City to evaluate photometric plans and recommend alternatives to proposed lighting.

**B. Limitations on location.**

**1. Prohibited locations.** A service station site shall not abut a residential zoning district or residential use.

**2. Separation between stations.** A service station shall not be closer than 500 feet to another service station except when both are at the same street intersection. The distance shall be measured in a straight line from the nearest property line of the sites for each service station. No more than two service stations shall be located at the same street intersection.

**C. Site requirements.** A site proposed for a new service station shall

be located on an arterial street (Main Street and Highway 20) on a site with a minimum of 150 feet of frontage.

The Commission may grant an exception to this requirement for a service station within a retail complex site if the Commission determines that the exception improves traffic circulation or reduces traffic. Approval of the exception shall also require that the Commission ensure that the service station is effectively integrated into the architecture and design of the overall retail complex.

**D. Site planning standards.** The layout of a service station site and its site features shall comply with the following standards.

**1. Site access and driveways.**

a. Curb cuts for service station driveways shall be separated by a minimum of 30 feet from edge-to-edge.

b. A driveway shall not be located closer than 50 feet to the end of a curb corner nor closer than 25 feet to an interior property line.

c. The width of a driveway shall not exceed 25 feet, measured at the sidewalk.

d. Each pump island shall be provided a stacking area that can accommodate a minimum of three waiting vehicles.

**2. Setback requirements.**

- a. Pump islands shall be located a minimum of 15 feet from any property line to the nearest edge of the pump island.
- b. A canopy or roof structure over a pump island shall be a minimum of 10 feet from any property line.

**3. Pavement.** A service station site shall be paved with a permanent surface of concrete or asphalt material and shall contain drainage facilities in compliance with all Federal, State, and local laws, rules, and regulations. Any unpaved portion of the site shall be landscaped and separated from the paved area by curbs or other barrier approved as part of the Design Review for the site.

**4. Landscaping.** Landscaping, consisting of trees, ground cover, shrubs, vines, and/or other plant materials approved by the review authority shall be installed, permanently maintained and, if necessary, replaced, in compliance with the following standards, and the requirements of Chapter 18.34 (Landscaping Standards).

- a. A minimum of 15 percent of the entire site shall be landscaped.
- b. Boundary landscaping is required along all property lines abutting streets, except for driveways.
- c. Landscaped areas shall have a minimum width of eight feet, and shall be separated from abutting vehicular areas by a wall or curbing at least six inches higher than the abutting pavement.
- d. A corner site shall be provided a planter area of at least 200 square feet at the street corner, except where a building is located at the corner.
- e. Additional landscaping may be required by the Commission to screen the service station from adjacent properties.
- f. All landscaping on the site shall be placed and maintained to provide safe sight distances for pedestrians and drivers.

**5. Lighting.** Exterior lights, including canopy, perimeter, and flood shall be stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with Section 18.30.070 (Outdoor Lighting). Lighting fixtures/lamps shall be the most energy efficient available, including fluorescent, compact fluorescent, low pressure sodium, high pressure sodium, or other lighting technology that is of equal or greater energy efficiency.

**6. Signs and banners.** Signs, banners, and promotional flags shall comply with Chapter 18.38 (Signs).

**7. Solid waste and recyclables storage.** The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements. Outdoor solid waste and recyclable storage areas shall be screened by a solid masonry wall with a height of six feet, or as approved by the review authority. The wall design, materials, and colors shall be compatible with the primary structures on the site, as determined by the review authority.

**E. Building design standards.** Each new service station shall comply with the following standards.

- 1. Architectural character.** Subject to the requirements of Design Review, service station architecture shall fit with the existing or intended character of the surrounding area as determined by the review authority.
- 2. Bay orientation.** Service bay openings shall not face a public street.
- 3. Restrooms.** Each service station shall maintain one or more restrooms available for use by the general public without charge. Restroom entrances shall be screened from the view of the public right-of-way.

**F. Facility operating standards.**

- 1. Restriction on outdoor activities.** Outdoor activities on a service station site shall be limited to fueling, replenishing air, water, oil and similar fluids, and the replacement of minor parts (e.g., lamp bulbs, wiper blades, and other similar items) requiring only the use of small hand tools while a vehicle is being serviced at the pump island. Where minor auto repair is permitted by Article 2, all repair activities shall occur entirely within an enclosed structure.
- 2. Display.** There shall be no outdoor display of equipment or merchandise, except as allowed in compliance with Subsection G.1 (Outdoor storage).
- 3. Vehicle parking.** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the purpose of sale.

**G. Appurtenant uses.** The following appurtenant uses are prohibited unless specifically allowed as part of Use Permit approval.

- 1. Outdoor storage.** One or more outdoor storage and display cabinets or enclosures other than the primary structure may be approved by the review authority, provided that their combined total area shall not exceed 50 square feet. The construction and finish of storage and display cabinets shall be compatible with the primary structures on the site, as determined by the review authority. Outdoor storage and display cabinets may be used only for the display and sale of brake fluid, gasoline additives, oil, transmission fluid, windshield wipers and fluid, and other similar merchandise. The outdoor storage of tires shall be prohibited. No outdoor vending machines are allowed.
- 2. Tow truck operations.** Where tow truck operations are approved as part of a service station by the review authority, no abandoned, disabled, junked, wrecked, or otherwise non-operational motor vehicles shall remain on site for more than five days, and shall be stored entirely within an enclosed structure.
- 3. Convenience sales - Parking.** Where allowed, the sale of beer and wine, other drinks, food, and/or other merchandise shall be provided off-street parking in compliance with Chapter 18.36 (Parking and Loading).
- 4. Prohibited uses.** The following uses are prohibited.
  - a. The rental, sale, or storage of garden supplies, tools, trailers, travel trailers, vehicles, and other similar materials and merchandise, except the short term storage of vehicles allowed in compliance with Subsection G. 2. (Tow truck operations), above.

**H. Removal of tanks upon cessation or change of use.** If, for any reason, a service station ceases to sell gasoline for more than 115 out of 120 days, all gasoline pumps and signs shall be removed from the site and all gasoline storage tanks shall be removed or treated in compliance with Federal and State regulations, subject to the approval of the Fire Department.

#### **18.42.190 - Vacation Rental Units**

- A. Purpose.** This section provides requirements and standards for the operation of Vacation Rental Units. These standards are intended to ensure that Vacation Rental Units are compatible with and do not adversely impact residential or commercial uses.
- B. Applicability.** The provisions of this section shall apply to all Vacation Rental Units. This section does not apply to legally established Hotel/Motel or Bed and Breakfast uses, which are regulated separately.
- C. Application Requirements.** In addition to the information and materials required for a Minor Use Permit application by this Development Code, the review authority may require additional information to ensure compliance with this section.
- D. Limitations on use.**
  - 1. Location.**

- a. Vacation Rental Units shall be located only within the Central Business District (CBD), and shall be limited only to second or third floors above a commercial use.
- b. Vacation Rental Units shall only be permitted within a legal dwelling unit, as defined in 18.100.020(D).

**2. Operating Standards.**

- a. The maximum quantity of Vacation Rental Units shall be determined by Council resolution. Permit application shall be reviewed and approved on a first-come first-served basis. The City shall maintain a waiting list for new permits, once all authorized permits are awarded.
- b. The maximum quantity of Vacation Rental Units allowable per property shall be determined by Council resolution.
- c. The maximum occupancy permitted for a Vacation Rental Unit shall be limited to two persons per bedroom, plus one person (not including children under age 12). The maximum occupancy shall be stated as an approval condition of a permit authorizing a Vacation Rental Unit.
- d. The maximum number of vehicles permitted for guests of a Vacation Rental Unit shall equal the number of bedrooms in the unit. The maximum number of vehicles shall be stated as a condition of the Vacation Rental Unit permit.
- e. All advertisement listings for Vacation Rental Units shall include the following:
  - i) City of Fort Bragg business license number and Minor Use Permit number;
  - ii) Maximum permitted occupancy, as stated on the approved permit; and
  - iii) Maximum vehicles permitted, as stated on the approved permit.
- f. Vacation Rental Units shall have a property manager who is available 24 hours per day, 7 days per week during all times that the property is rented or used on a transient basis. Operation of a Vacation Rental Unit without a property manager shall be considered a violation of this Section. The name and contact information of the property manager shall be provided to any interested party upon request.
- g. A permit authorizing a Vacation Rental Unit shall be revoked under any of the following conditions:
  - i) The City processes three or more code enforcement cases against the property within a two year period;
  - ii) The Vacation Rental Unit is found to be non-compliant with any portion of the zoning ordinance or the terms of the permit approving the use;
  - iii) Failure to maintain a business license for the use;
  - iv) Abandonment of the use for a period of 12 months or more (demonstrated by a lack of payment of Transient Occupancy Taxes); or
  - v) Any instance of Transient Occupancy Tax fraud or Transient Occupancy Tax delinquency of more than three months.
- h. A permit for a Vacation Rental Unit shall transfer with the sale of the property, provided the new owner complies with all permit conditions and the provisions of this zoning ordinance.

## Chapter 18.44

### TELECOMMUNICATIONS FACILITIES

Sections:

- 18.44.010 Purpose
- 18.44.020 Definitions
- 18.44.030 Applicability
- 18.44.040 Permit Requirements
- 18.44.050 Limitations on Location
- 18.44.060 Facility Design and Development Standards
- 18.44.070 Operation and Maintenance Standards
- 18.44.080 Discontinuance and Site Restoration

#### **18.44.010 - Purpose**

This Chapter establishes development standards consistent with Federal law to: regulate the placement and design of communication facilities so as to preserve the unique visual character of the City, promote the aesthetic appearance of the City, and to ensure public safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of communication facilities; and to provide the community with full coverage (no service gaps) by the cell phone and telecommunication providers that require cell tower facilities within the City.

#### **18.44.020 - Definitions**

The technical terms and phrases used in this Chapter are defined in Article 10 (Glossary) under “Telecommunications Facility.”

#### **18.44.030 - Applicability**

The location, permit requirements, and other provisions of this Chapter shall apply to all communications facilities within the City, except the following, which are exempt from this Chapter. All communication facilities shall also comply with all applicable requirements of State and Federal law.

- A. Replacement or modification of previously permitted facilities or equipment determined by the Director to be of a minor nature that does not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment at the site.
- B. An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement, that is designed:
  - 1. To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996 Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or
  - 2. For subscribing to a multipoint distribution service.
- C. A satellite earth station (SES) antenna of two meters (78.74 inches) or less in diameter or diagonal measurement, located in a commercial or industrial zoning district, that is designed to transmit or receive radio communications by satellite or terrestrial communications antenna. These antennas may require a Building Permit and approval of the placement by the Director to ensure maximum safety is maintained. In order to avoid tripping hazards and the creation of an attractive nuisance, these antennas shall be placed whenever possible, on the top of buildings as far from the edge of rooftops as possible.

#### **18.44.040 - Permit Requirements**

**A. Use Permit or Minor Use Permit.** Use Permit approval is required for all communication facilities subject to this Chapter, except for the following, which shall require Minor Use Permit approval. The Director shall ensure through the Minor Use Permit approval that each of the following facilities complies with all applicable requirements of this Chapter. The Director may also choose to defer action and refer any of the following facilities to the Commission for consideration as a Use Permit application.

1. An antenna that is installed, placed, and maintained under the roofline of an existing structure, or above, behind, and below an existing approved roof screen and does not extend above the highest point of the structure, or is camouflaged within an existing structure so as not to be visible from a public right-of-way or other property.
2. A communication facility in which the antenna is mounted on a mast less than 10 feet high, is not located on a historic structure, and is not visible from a public right-of-way.
3. An amateur and/or citizens band antenna operated by a person holding a license issued by the FCC in compliance with 47 C.F.R. Part 97, and used solely in connection with that license, and which shall be subject to the “minimum practicable regulation to accomplish the local authority’s legitimate purpose,” in keeping with the order of the FCC known as “PRB-1,” FCC 85-506, released September 19, 1985; provided that there shall be no more than one antenna support structure on a single parcel and that the antenna structure complies with the height limits of the applicable zoning district.

**B. Application requirements.** In addition to the information required for Use Permit or Minor Use Permit application by Chapter 18.70 (Permit Application Filing and Processing) the application for a communication facility shall include:

1. An analysis of the proposed facility in combination with existing adjacent facilities that illustrates that the facility complies with State and Federal health requirements and standards pertaining to electromagnetic and/or radio frequency radiation; and
2. A report, as required by the Police Department, to evaluate the potential for interference (e.g., HF, UHF, VHF, 800 MHz). The applicant shall be responsible for paying any costs incurred by the City, including the costs of retaining consultants, to review and analyze the report.

**C. Master Use Permit.** A service provider who intends to establish multiple wireless Telecommunications Facilities within the City is encouraged to apply for the approval of all facilities under a Master Use Permit. Under this approach, all proposed facilities may be acted upon by the City as a single application, ensuring feasibility of long range company projections.

**D. Communications consultant may be required.** In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be requested to determine the engineering or screening requirements of establishing a specific wireless communications facility. This service will be provided at the applicant’s expense.

**E. Required findings for approval.** The approval of a Use Permit or Minor Use Permit for a communication facility shall require that the review authority first make the following findings, in addition to those required for Use Permit approval by Section 18.71.060 (Use Permit and Minor Use Permit):

1. The communication facility complies with all applicable requirements of this Chapter; and
2. The communication facility will not adversely impact the character and aesthetics of any public right-of-way.

#### **18.44.050 - Limitations on Location**

**A. Zoning district priorities.** A communication facility that requires a Use Permit shall be approved or located only within the PF (Public Facility) zoning district; except that the review authority may approve a facility within a commercial or industrial district if it first determines that the applicant has demonstrated that all PF zoning district options are infeasible, and/or there is no site within a PF district where the communication facility would provide adequate coverage.

**B. Co-location required.** A new communication facility shall be co-located with existing facilities and with other planned new facilities whenever feasible, and whenever determined by the review authority to be aesthetically desirable. A service provider shall co-locate a new communication facility with non-communications facilities (e.g.,

light standards, water tanks, and other utility structures) where the review authority determines that this co-location will minimize the overall visual impact.

1. A service provider shall exhaust all reasonable measures to co-locate their communications facilities on existing towers or with or within existing ancillary support equipment facilities before applying for a new communication facility site.
2. Each service provider shall provide the City with evidence that they have contacted all other potential providers who have, or who are reasonably likely to be installing facilities within the vicinity of the proposed facility and have offered to participate in a joint installation project on reasonable terms.
3. In order to facilitate co-location, Use Permit conditions of approval for a new facility shall require each service provider to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site where determined by the review authority to be feasible and aesthetically desirable.

**C. City-owned property.** A communication facility shall not adversely affect the public health, peace, safety or welfare. In order to best benefit the citizens of Fort Bragg from this necessary community impact, the Commission shall always consider City-owned sites as the highest priority for the location of communication facilities.

#### **18.44.060 - Facility Design and Development Standards**

Each proposed communication facility shall comply with the following standards; except that any standard may be modified or waived by the review authority upon a determination that effective signal reception and transmission will not occur if the facility complies with these standards.

#### **A. Facility placement.**

##### **1. Standards for all facilities.**

- a. A roof-mounted antenna on a structure that complies with applicable height limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of 10 feet, whichever is greater.
- b. A ground-mounted communication facility (including towers and antennas) shall be located as far as possible from all property boundaries, and set back from the property line at a ratio of 1.5 horizontal feet for every one foot of height, where feasible.
- c. A tower or antenna shall be set back from any site boundary or public right-of-way by a minimum of 25 feet. No part of any tower shall extend into a required front setback or beyond a property line of the site.
- d. Communication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way) or on a screened roof top area. A ground-mounted facility that is located within a front or side setback or within a public right-of-way shall be underground so that the facility will not detract from the image or appearance of the City.

**2. Facilities within commercial and industrial districts.** Within an industrial zoning district, a minimum distance of 500 feet shall be provided between towers, and there shall be no more than two towers on a single Assessor's parcel or developed site, unless the towers are located on a public facility as described in A.1, above.

#### **B. Height limitations.**

1. All ground mounted communication equipment, antennas, poles, or towers shall be of a minimum functional height.
2. The height of a tower located on the ground shall not exceed 60 feet in the PF zoning district and 40 feet in a commercial or industrial zoning district. The review authority may grant an exception to allow towers of up

to 80 feet where the review authority determines that the increased height is necessary for adequate coverage, and the tower will co-locate service providers.

3. The height of a communications facility located on a structure other than a dedicated support tower shall not exceed 20 feet above the highest point of the structure and shall at no time exceed the height allowed by the subject zoning district.

4. An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible from below against the sky.

**C. Colors and materials.** All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Director or shall be adequately secured to prevent graffiti.

**D. Screening, landscaping.** All ground mounted equipment, antennas, poles, or towers shall be sited to be screened by existing development, topography, or vegetation. Ground mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved. Additional new vegetation or other screening may be required by the Director or by the Commission. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.

**E. Additional screening and landscaping.** As part of project review, the Director, the Commission, or the Council (on appeal) may require additional screening and/or landscaping, undergrounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to public rights-of-way.

**F. Power lines.** All power lines to and within a communication facility site shall be underground.

**G. Backup power supplies.** A backup power supply (i.e., generator) shall be enclosed within a structure and operated in compliance with Section 18.44.060.D (Screening). In any zoning district, ancillary power supplies and fuel storage tanks to support backup power supplies shall require Use Permit approval.

#### **18.44.070 - Operation and Maintenance Standards**

**A. Contact and site information.** The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:

1. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
2. Name, address, and telephone number of a local contact person for emergencies;
3. Type of service provided; and
4. Identification signs, including emergency phone numbers of the utility provider, shall be posted at all communication facility sites.

**B. Facility maintenance.** All communication facilities and related equipment, including lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed by the service provider from any facility or equipment as soon as practicable, and in no instances more than 48 hours from the time of notification by the City.

**C. Landscaping maintenance.** All trees, foliage, and other landscaping elements on a communication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. Amendments or modifications to the landscape plan shall require approval by the Director. The Commission may also require a landscape maintenance agreement.

**D. Noise.** Each communication facility shall be operated so as to minimize the generation of noise that is audible from off the site. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.

**E. Site inspection required.** Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this Chapter.

**F. Exterior lighting.** Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal law or FCC rules. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Light fixtures shall be low wattage, hooded, and downward directed.

**18.44.080 - Discontinuance and Site Restoration**

All equipment associated with a communication facility shall be removed within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director. The service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days before site vacation. This removal requirement, and appropriate bonding requirements, shall be included in the terms of a lease for a facility on public property. A private lease for a facility located on private property is encouraged to include terms for equipment removal, since the property owner shall be ultimately responsible for removal of the equipment.

## **Article 7**

### **Planning Permit Procedures**

#### **Chapter 18.70 PERMIT APPLICATION FILING AND PROCESSING**

- 18.70.010 Purpose
- 18.70.020 Authority for Land Use and Zoning Decisions
- 18.70.030 Multiple Permit Applications
- 18.70.040 Application Preparation and Filing
- 18.70.050 Application Fees
- 18.70.060 Developer Indemnification
- 18.70.070 Initial Application Review
- 18.70.080 Project Evaluation and Staff Reports

#### **Chapter 18.71 PERMIT REVIEW AND DECISIONS**

- 18.71.010 Purpose of Chapter
- 18.71.020 Zoning Clearance
- 18.71.030 Limited Term Permit
- 18.71.050 Design Review
- 18.71.060 Use Permit and Minor Use Permit
- 18.71.070 Variance and Administrative Variance
- 18.71.080 Emergency Permit
- 18.71.090 Planned Development Permit

#### **Chapter 18.72 ENVIRONMENTAL IMPACT ASSESSMENT AND MITIGATION MONITORING**

- 18.72.010 Purpose of Chapter
- 18.72.020 Authority
- 18.72.030 Guiding Principles
- 18.72.040 Applicability
- 18.72.050 Exemptions from CEQA
- 18.72.060 Review Authority
- 18.72.070 Time Limits
- 18.72.080 Review and Determination Procedures
- 18.72.090 Negative Declarations (ND) & Mitigated Negative Declarations (MND)
- 18.72.100 Draft Environmental Impact Reports
- 18.72.110 Final Environmental Impact Reports
- 18.72.120 Standards of Adequacy
- 18.72.130 Findings
- 18.72.140 Notice of Determination and Disposition of EIR
- 18.72.150 Environmental Compliance and Monitoring Program
- 18.72.160 Fees and Deposits
- 18.72.170 Appeal

#### **Chapter 18.74 CULTURAL RESOURCE PROTECTION**

- 18.74.010 Purpose of Chapter
- 18.74.020 Applicability
- 18.74.030 Historic Landmark Designation
- 18.74.040 Certificate of Appropriateness - Requirements
- 18.74.050 Certificate of Appropriateness - Review and Approval
- 18.74.060 Certificate of Appropriateness - Proposed Demolition
- 18.74.070 Certificate of Appropriateness - Disaster Damage
- 18.74.080 Adaptive Reuse and Other Rehabilitation Incentives
- 18.74.090 Duty to Maintain and Repair
- 18.74.100 Unsafe or Dangerous Condition

**Chapter 18.76 PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS**

- 18.76.010 Purpose of Chapter
- 18.76.020 Effective Date of Permits
- 18.76.040 Applications Deemed Approved
- 18.76.050 Permits to Run with the Land
- 18.76.060 Performance Guarantees
- 18.76.070 Time Limits and Extensions
- 18.76.080 Changes to an Approved Project
- 18.76.090 Resubmittal
- 18.76.100 Covenants of Easements

**Chapter 18.78 SPECIFIC PLANS**

- 18.78.010 Purpose of Chapter
- 18.78.020 Applicability
- 18.78.030 Minimum Site Area
- 18.78.040 Initiation
- 18.78.050 Preparation and Content
- 18.78.060 Processing and Review
- 18.78.070 Adoption of Specific Plan
- 18.78.080 Implementation and Amendments

**Chapter 18.70**

**PERMIT APPLICATION FILING AND PROCESSING**

Sections:

- 18.70.010 Purpose
- 18.70.020 Authority for Land Use and Zoning Decisions
- 18.70.030 Multiple Permit Applications
- 18.70.040 Application Preparation and Filing
- 18.70.050 Application Fees
- 18.70.060 Developer Indemnification
- 18.70.070 Initial Application Review
- 18.70.080 Project Evaluation and Staff Reports

**18.70.010 - Purpose**

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the planning permit applications required by this Development Code.

**18.70.020 - Authority for Land Use and Zoning Decisions**

Table 7-1 (Review Authority) identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Development Code.

**18.70.030 - Multiple Permit Applications**

**A. Concurrent filing.** An applicant for a development project that requires the filing of more than one application (e.g., Tentative Map, Use Permit, etc.), shall file all related applications concurrently, together with all application fees required by Section 18.70.050 (Application Fees), unless these requirements are waived by the Director.

**B. Concurrent processing.** Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or disapproved by the highest Review Authority designated by this Development Code for any of the applications (e.g., a project for which applications for Zoning Map amendment and a Use Permit are filed shall have both applications decided by the Council, instead of the Commission acting upon the Use Permit as otherwise provided by Table 7-1).

**TABLE 7-1 - REVIEW AUTHORITY**

Type of Action	Applicable Code Section	Role of Review Authority (1)		
		Director	Planning Commission	City Council
Administrative and Legislative				
Cultural Heritage-Related Actions	18.74	Recommend	Recommend	Decision
Development Code Amendment	18.94	Recommend	Recommend	Decision
General Plan Amendment	18.94	Recommend	Recommend	Decision
Interpretation	18.12	Decision (2)	Appeal	Appeal
Specific Plans and Amendment	18.78	Recommend	Recommend	Decision
Zoning Map Amendment	18.94	Recommend	Recommend	Decision
Planning Permits				
Planning permits for which an EIR or EIS	18.71.050,	Recommend	Recommend	Decision

Type of Action	Applicable Code Section	Role of Review Authority (1)		
		Director	Planning Commission	City Council
has been prepared (3)	18.71.090, 18.71.060			
Administrative Variance	18.71.070	Decision (2)	Appeal	Appeal
Certificate of Appropriateness (COA)	18.74.050	Decision (2)	Decision	Appeal
Design Review	18.71.050	Decision (2)	Decision	Appeal
Limited Term Permit	18.71.030	Decision (2)	Appeal	Appeal
Minor Use Permit (MUP)	18.71.060	Decision (2)	Appeal	Appeal
Planned Development Permit	18.71.090	Recommend	Decision	Appeal
Sign Permit	18.38	Decision (2)	Appeal	Appeal
Use Permit (UP)	18.71.060	Recommend	Decision	Appeal
Variance	18.71.070	Recommend	Decision	Appeal
Zoning Clearance	18.71.020	Decision (2)	Appeal	Appeal

Notes:

- (1) "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "Decision" means that the Review Authority makes the final decision on the matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 18.92 (Appeals).
- (2) The Director may defer action and refer the request to the Commission, so that the Commission may instead make the decision.
- (3) The City Council will be the Review Authority (decision) for any planning permit that requires CEQA or NEPA review at the level of an EIR or EIS.

**18.70.040 - Application Preparation and Filing**

**A. Pre-application conference.** A prospective applicant is encouraged to request a pre-application conference with the Director before completing and filing a planning permit application. The purpose of this conference is to generally:

1. Provide the opportunity for an applicant to explain the project proposal to City staff who may review a subsequent application; and
2. Inform the applicant of City requirements as they apply to the proposed project based on information provided by the applicant;
3. Discuss the City's review process, possible project alternatives or modifications;
4. Identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project;
5. Indicate to the applicant the extent to which the project appears to comply with applicable City regulations, as the project is understood by staff.

Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or disapproval of the application or project by any City staff. Any failure by City staff to identify all required studies or all applicable requirements shall not constitute a waiver of those requirements.

**B. Application contents.** Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Director on a City application form, together with required fees and/or

deposits, and all other information and materials required by the City's list of required application contents, as identified in the Department handout for the specific type of application. Applicants are encouraged to contact the Director before submitting an application to verify which materials are necessary for application filing.

**C. Eligibility for filing.** An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner. With the Director's approval, a lessee with the exclusive right to use the property for a specified use may file an application related to that use.

**D. Rejection of application.** If the Director determines that an application cannot lawfully be approved by the City (e.g., a request for a Zoning Map amendment or Tentative Map could not be granted in the absence of a concurrent General Plan amendment application; or a Use Permit application proposes a use that is not allowable in the subject zoning district, etc.), the Director shall not accept the application for processing.

#### **18.70.050 - Application Fees**

**A. Fee schedule.** The Council shall establish a schedule of fees for the processing of the applications required by this Development Code, hereafter referred to as the City's Fee Schedule. The fee schedule is intended to allow recovery of all costs incurred by the City in processing permit applications to the maximum extent allowed by the law.

**B. Timing of payment.** No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid. Failure to timely pay supplemental requests for payment of required fees and/or deposits shall be a basis for denial or revocation of any permit or other requested entitlement, notwithstanding any other provisions of this Development Code.

**C. Refunds and withdrawals.** Application fees cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, no refund due to a disapproval shall be allowed. In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to date and the status of the application at the time of withdrawal.

#### **18.70.060 - Developer Indemnification**

**A. Applicant agreement.** At the time of submitting an application for a discretionary land use approval, the applicant shall agree as part of the application, to defend (with legal counsel of City's selection), indemnify, and hold harmless the City and its agents, attorneys, employees, and officers, from any action, claim, or proceeding brought against the City or its agents, employees, and officers to attack, set aside, void, or annul a discretionary land use approval of the City, which action is brought within the applicable statute of limitations. The required indemnification provided herein shall include damages awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with the action.

**B. City notification of applicant.** In the event that an action, claim, or proceeding referred to in Subsection A., above is brought, the City shall promptly notify the applicant of the existence of the action, claim, or proceeding and shall cooperate fully in the defense of the action, claim, or proceeding.

**C. City participation in defense.** Nothing in this Section shall prohibit the City from participating in the defense of any action, claim, or proceeding if the City elects to bear its own attorney's fees and costs and defends the action in good faith.

#### **18.70.070 - Initial Application Review**

**A. Review for completeness.** The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents (see Section 18.70.040.B - Application contents), and any additional written instructions provided to the applicant in any pre-application conference, and/or during the initial application review period.

**1. Notification of applicant.** As required by State law (Government Code Section 65943), within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided.

**2. Appeal of determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with Chapter 18.92 (Appeals).

**3. Time for submittal of additional information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by following Subparagraph (A.4).

**4. Expiration of application.**

a. If an applicant fails to provide the additional information specified in the Director's letter within 180 days following the date of the letter, the application shall expire and be deemed withdrawn, without any further action by the City.

b. The Director may grant one 90-day extension.

c. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated fees.

**5. Environmental information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Chapter 18.72 (Environmental Impact Assessment and Mitigation Monitoring).

**B. Referral of application.** At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

#### **18.70.080 - Project Evaluation and Staff Reports**

**A. Staff evaluation.** The Director shall review all discretionary applications filed in compliance with this Article to determine whether they comply and are consistent with the provisions of this Development Code, other applicable provisions of the Municipal Code, the General Plan, and any applicable specific plan.

**B. Staff report.** The Director shall provide a written recommendation to the Commission and/or Council (as applicable) as to whether the application should be approved, approved subject to conditions, or disapproved.

**C. Report distribution.** Each staff report shall be furnished to the applicant at the same time as it is provided to the Review Authority before action on the application.

## Chapter 18.71

### PERMIT REVIEW AND DECISIONS

Sections:

- 18.71.010 Purpose of Chapter
- 18.71.020 Zoning Clearance
- 18.71.030 Limited Term Permit
- 18.71.050 Design Review
- 18.71.060 Use Permit and Minor Use Permit
- 18.71.070 Variance and Administrative Variance
- 18.71.080 Emergency Permit
- 18.71.090 Planned Development Permit

#### 18.71.010 - Purpose of Chapter

- A. Permit review procedures.** This Chapter provides procedures for the final review, and approval or disapproval of the planning permit applications established by this Development Code.
- B. Subdivision review procedures.** Procedures and standards for the review and approval of subdivision maps are found in Article 8 (Subdivision Regulations and Procedures).
- C. Application filing and initial processing.** Where applicable, the procedures of this Chapter are carried out after those described in Chapter 18.70 (Permit Application Filing and Processing), for each application.

#### 18.71.020 - Zoning Clearance

- A. Purpose.** Zoning Clearance is the procedure used by the City to verify that a proposed land use or structure complies with the list of activities allowed in the applicable zoning district, and the development standards applicable to the use.
- B. Applicability.** Where Article 2 (Zoning Districts and Allowable Land Uses) or other provision of this Development Code requires a Zoning Clearance as a prerequisite to establishing a land use, the Zoning Clearance shall be required at the time of Department review of any building, grading, or other construction permit, or other authorization required by this Development Code for the proposed use.
- C. Review and approval.** The Director shall issue the Zoning Clearance after first determining that the request complies with all Development Code provisions applicable to the proposed use. An approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

#### 18.71.030 - Limited Term Permit

- A. Purpose.** This Section establishes procedures and standards for the granting of Limited Term Permits for short-term activities. Compliance with applicable standards ensures that the establishment, maintenance or operation of the short-term activity would not be detrimental to the public health, safety, and welfare of persons residing or working in the neighborhood of the proposed activity.
- B. Minor short-term activities.** A Limited Term Permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature.
- C. Limited Term Permit required.** Short-term activities shall not be established, operated, or conducted in any manner without the approval and maintenance of a valid Limited Term Permit.
- D. Review Authority.** Limited Term Permits may be reviewed and approved or disapproved administratively by the Director, in compliance with this Section.

**E. Exempt short-term activities.** The following short-term activities are allowed without the necessity of obtaining a Limited Term Permit. Short-term activities that do not fall within the following categories shall comply with Subsection F. (Allowed short-term activities).

- 1. Construction yards - On-site.** On-site contractors' construction yards for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.
- 2. Emergency facilities.** Emergency public health and safety needs/land use activities, as determined by the City Manager.
- 3. Events on sites approved for public assembly.** An event on the site of, or within, a golf course, religious facility, school, theater, meeting hall, or other similar facility designed and approved by the City for public assembly.
- 4. Fund-raising car washes.**
  - a. Car washes on property within a commercial, industrial, or institutional zoning district, limited to a maximum of two days per month for each sponsoring organization.
  - b. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
- 5. Garage sales.** Garage sales, not to exceed three per year and two consecutive days.
- 6. Public property or public right-of-way.** Construction and maintenance activities conducted on public property that are authorized by an encroachment permit.
- 7. Sidewalk sales.** Sidewalk sales conducted in the Central Business District.

**F. Allowed short-term activities.** A Limited Term Permit may authorize the following short-term activities within the specified time limits, but in no event for more than 12 months. Other short-term activities that do not fall within the categories defined below shall instead comply with the planning permit requirements and development standards that otherwise apply to the property.

- 1. Construction yards - Off-site.** Off-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.
- 2. Events.** Art and craft exhibits, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, open-air or drive-in theaters, outdoor entertainment/sporting events, religious revivals, rummage sales, second hand sales, swap meets, and other special events within a 12-month period for up to: 1) seven consecutive days, 2) four two-day weekends, 3) one-day event per week, or other similar event timing as determined by the Director., Events are allowed only on non-residentially zoned properties. These activities shall be referred to the Technical Advisory Committee (TAC) for a recommendation prior to action on the Limited Term Permit.
- 3. Location filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., for the time specified by the Director, but not to exceed 12 months. This activity shall be referred to the Technical Advisory Committee (TAC) for a recommendation prior to action on the Limited Term Permit.
- 4. Model homes.** A model home or model home complex may be authorized before the completion of subdivision improvements in compliance with the following standards.
  - a. The sales office and any off-street parking shall be converted back to residential use and/or removed before the issuance of the Final Occupancy Permit or within 14 days from the sale of the last parcel in the subdivision, whichever first occurs.

- b. The model home complex shall be used to sell only units within the subdivision within which the complex is located.
  - c. Model home permits will be finalized and the model homes will be allowed to be open to the public only after all subdivision improvements are completed and accepted by the City.
  - d. Model home sign permits will be issued only after all subdivision improvements are completed and accepted by the City.
  - e. The Review Authority may require other conditions of approval deemed necessary to protect the public health, safety, and general welfare of persons residing or working in the neighborhood.
- 5. Seasonal sales lots.** Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on non-residentially zoned properties, for up to 30 days. These activities shall be referred to the Technical Advisory Committee (TAC) for a recommendation prior to action on the Limited Term Permit.
- 6. Temporary occupancy during construction.**
- a. Major development projects.** Temporary structures and property may be used during the construction phase of an approved major development project (e.g., residential projects with five or more dwelling units or any commercial or industrial project). The structures or property may be used as offices or for the storage of equipment and/or tools, provided the temporary structures are located within the City.
  - b. Minor development projects.** An existing dwelling unit or a temporary structure and property may be used during the construction phase of an approved minor development project (e.g., residential projects with four or fewer dwelling units). The structure or property may be used as a temporary residence, an office, or for the storage of equipment and/or tools.
  - c. Appropriate conditions.** The permit shall contain reasonable and necessary conditions regarding the following matters:
    - i) Provisions for adequate ingress and egress.
    - ii) Provisions for the work to be performed on-site.
    - iii) Provisions for the storage of asphalt, concrete, and dirt at designated sites within the subject property; provided the applicant furnishes a schedule, acceptable to the Director, for the periodic disposal or recycling of these materials.
    - iv) Provisions designed to minimize potential conflicts between the work to be performed on-site and the ordinary business and uses conducted within the City.
  - d. Length of permit.** The permit may be approved for up to 12 months following the issuance of the companion Building Permit, or upon completion of the subject development project, whichever first occurs.
  - e. Extension of permit.** The permit may be extended by the Director if a written request for extension is submitted at least 14 days before expiration of the permit and reasonable reasons are provided by the applicant to justify the requested extension (e.g., the delay was caused by reasons beyond the control of the applicant). The permit may be extended for up to an additional 12 months.
  - f. Condition of site following completion.** All temporary structures and related improvements shall be completely removed from the subject site following expiration of the Limited Term Permit or within 30 days of completion of the development project, whichever first occurs.
- 7. Temporary real estate sales offices.** A temporary real estate sales office may be established within the area of an approved subdivision, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of 12 months from the date of approval.

**8. Temporary structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 12 months from the date of approval, as an accessory use or as the first phase of a development project.

**9. Temporary work trailers.** A trailer or mobile home may be used as a temporary work site for employees of a business, provided that:

- a. The use is authorized by a Building Permit for the trailer or mobile home, and the Building Permit for the permanent structure;
- b. The use is appropriate because:
  - i) The trailer or mobile home will be in place during construction or remodeling of a permanent commercial or manufacturing structure for a maximum of 12 months, or upon expiration of the Building Permit for the permanent structure, whichever first occurs; or
  - ii) The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained; and
- c. The trailer or mobile home is removed before final building inspection or the issuance of a Certificate of Occupancy for the permanent structure.

**10. Similar temporary activities.** A temporary activity that the Director determines is similar to the other activities listed in this Subsection, and compatible with the applicable zoning district and surrounding land uses.

**G. Development standards.** The Director shall establish the following standards based on the type of short-term activity, using the requirements of the applicable zoning district, and Articles 3 and 4 for guidance:

1. Access, floor areas, heights, landscaping, off-street parking, setbacks, signs, utilities, and other structure and property development improvements and features;
2. 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 Development Code; and
3. Limitation on the duration of an approved “temporary structure,” to a maximum of 12 months, so that it shall not become a permanent or long-term structure.

**H. Application filing and processing.** An application for a Limited Term Permit shall be filed and processed in compliance with Chapter 18.70 (Permit Application Filing and Processing). The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings and sketches, and data/materials identified in the Department handout for Limited Term Permits, and any applicable fees.

**I. Project review, notice, and hearing.**

1. **Director’s review.** Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code.
2. **No public notice or hearing required.** No public notice or hearing is required before the Director’s decision on a Limited Term Permit.

**J. Findings and decision.** A Limited Term Permit shall be approved by the Director only after the Director first finds that the requested short-term activity complies with applicable standards in this Section.

**K. Post approval procedures.** The procedures and requirements in Chapter 18.76 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Land Use and Development Code Administration), shall apply following a decision on a Limited Term Permit application.

**1. Condition of the site following short-term activity.** Each site occupied by a short-term activity shall be cleaned of debris, litter, or other evidence of the temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Development Code. Performance security may be required before initiation of the activity to ensure cleanup after the activity is finished.

**2. Performance security for temporary structures.** Before issuance of a Limited Term Permit the applicant shall provide performance security in a form and amount acceptable to the Director to guarantee removal of all temporary structures within 30 days following the expiration of the Limited Term Permit.

#### **18.71.050 - Design Review**

**A. Purpose.** Design Review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the small-town, coastal, historic, and rural character of the community.

**B. Applicability.** All new structures, any relocation, exterior addition(s), or changes of or to existing structures, and any other physical improvements shall be subject to Design Review, whether or not a Building Permit is required, unless exempt in compliance with Subsection B.3. (Improvements exempt from Design Review), below. Design Review shall be required in addition to all other planning permit or approval requirements of this Development Code and the Municipal Code.

#### **1. Improvements subject to Design Review by the Commission.**

a. The following improvements shall always require Design Review by the Commission:

- i) A project resulting in three or more residential dwelling units on a single parcel, including apartments, condominiums, townhouses, and other multi-family residential development projects.
- ii) All nonresidential development projects, including  
Commercial, office, and industrial structures or additions of more than 250 square feet;
- iii) The aesthetic impact of grading or filling of land.

b. The following improvements shall require Design Review by the Commission only if in conjunction with a development project:

- i) Removal of natural ground cover, trees, or vegetation.
- ii) Installation of a fence, wall, or retaining wall visible from a public right-of-way.
- iii) Landscaping including vegetation, irrigation systems, and low level lighting.
- iv) Signs included with plans for any project listed above.
- v) Exterior lighting.

**2. Improvements subject to Design Review by the Director.** The following improvements shall be subject to Design Review by the Director, when constructed as a stand-alone project [e.g. not constructed in conjunction with a development project, otherwise it is subject to review and approval by the Commission as required in 18.71.050(B)(1)]:

- a. The construction or rehabilitation/remodeling/addition of any detached accessory structure or garage that exceeds 16 feet in height;
- b. The construction of a commercial structure or addition of less than 250 square feet.
- c. Removal of natural ground cover, trees, or vegetation;
- f. Signs that do not require Commission review; or

- h. Other work determined by the Director to be substantially similar in scope to improvements subject to Design Review by the Director.

**3. Improvements exempt from Design Review.** The following improvements are exempt from Design Review:

- a. One single-family dwelling on a single parcel, a second unit on a single parcel, a duplex, and/or any related residential accessory structures of less than 16 feet in height;
- b. Structural improvements not visible from a public right-of-way;
- d. Installation of a fence, wall, or retaining wall;
- e. Landscaping including vegetation, irrigation systems, and low level lighting;
- g. Exterior lighting;
- c. Work determined by the Director to be minor or incidental within the intent and objectives of this Section; and
- d. Ordinary maintenance and repair of structures, landscaping, and fencing.

**C. Application filing and processing.** An application for Design Review shall be filed and processed in compliance with Chapter 18.70 (Permit Application Filing and Processing). The application shall be accompanied by the information and materials specified in the Department handout for Design Review, and the materials identified in Section D. (Requirements for submittal), below. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F. (Findings and decision), below.

**D. Requirements for submittal.** Each plan submitted for Design Review shall be drawn to scale with all dimensions shown.

**1. Site plans.** The site plan shall show the following proposed and existing physical improvements and features:

- a. All structures and other improvements on the subject parcel shall be shown demonstrating setback lines and the distance structures are from property lines.
- b. The plan shall show the location of all adjoining streets including pavement, curb, and sidewalk.
- c. On adjoining parcels the general location of primary and accessory structures, curb cuts, driveways and parking lots.

**2. Architectural elevations.**

- a. Elevations of all sides of new structures shall be shown.
- b. If the exterior of an existing structure is to be changed, all existing and proposed elevations of the structure shall be shown.
- c. Exterior materials and colors of all proposed and existing structures shall be indicated or generally described. Color and material samples shall be submitted.
- d. All mechanical equipment or similar features located above the roof shall be shown.

**3. Floor and roof plans.** Floor and roof plans for all structures shall be shown.

**4. Landscape plans.** A detailed landscape plan shall be submitted for the entire site, in compliance with Chapter 18.34 (Landscaping Standards).

**5. Sign plans.** A detailed sign plan shall be submitted for the entire site, in compliance with Chapter 18.38 (Signs).

**E. Project review, notice, and hearing.** Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code. Design Review permits heard by the Planning Commission shall require a public hearing before a decision on the application. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 18.96 (Public Hearings).

**F. Project review criteria.** The Review Authority shall evaluate each application to ensure that the project:

1. Complies with the purpose and requirements of this Section;
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. Provides efficient and safe public access, circulation, and parking;
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. Is consistent with the General Plan, any applicable specific plan; and
7. Complies and is consistent with the City's Design Guidelines.

**G. Findings and decision.** The Review Authority shall approve or disapprove an application for Design Review approval concurrently with the approval or disapproval of any other planning permit (e.g., Use Permit, Minor Use Permit, Variance or Administrative Variance, Zoning Clearance) required for the project, if the Design Review application is filed with the City at the same time. Design Review approval shall require that the Review Authority first find that the project, as proposed or with changes resulting from the review process and/or conditions of approval, complies with all applicable criteria identified in Subsection E. (Project review criteria), above.

1. An application for Design Review may be approved, conditionally approved, or disapproved.
2. The Director shall review construction drawings, final plans, and other similar documents for compliance with the approved Design Review, any conditions of approval, and any approved or required modifications to the approved plans.
3. A Design Review decision shall become effective upon the expiration of 10 days following the decision, unless an appeal is made in compliance with Chapter 18.92 (Appeals).

**H. Conditions of approval.** The Review Authority may require any reasonable and necessary conditions of approval to ensure that the project will comply with the findings required by Subsection F., above. The violation of any condition so imposed shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

**I. Expiration of Design Review approval.**

- 1. Time limit.** Design Review approval in compliance with this Section shall lapse and become void 12 months from the date of approval, unless before the expiration of the 12 months, a Building Permit is issued and construction is commenced and diligently pursued towards completion.
- 2. Exceptions.** The only exception to the above is Commission Design Review approval for a period not to exceed two years in a case where it is anticipated that the time for project development will exceed 12 months.
- 3. Extension of approval.** Design Review approval may be extended by the Director for an additional period of 12 months; provided no changes in conditions or requirements have occurred before the expiration of 12

months from the date of the original approval, and an application for an extension is filed with the Department at least 30 days before the date of expiration.

**J. Post approval procedures.** The procedures and requirements in Chapter 18.76 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Land Use and Development Code Administration), shall apply following the decision on an application for Design Review.

**18.71.060 - Use Permit and Minor Use Permit**

**A. Purpose.** A Use Permit or Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

**B. Applicability.** A Use Permit or Minor Use Permit is required to authorize proposed land uses identified by Article 2 (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a Use Permit or Minor Use Permit.

**C. Review Authority.**

**1. Use Permits.** Use Permits shall be approved or disapproved by the Commission.

**2. Minor Use Permits.** Minor Use Permits shall be approved or disapproved by the Director.

a. The Director may choose to refer any Minor Use Permit application to the Commission for hearing and decision.

b. A Minor Use Permit application shall only be issued if there is evidence that the project is eligible for a California Environmental Quality Act (CEQA) exemption in compliance with State law and Chapter 18.72 (Environmental Impact Assessment and Mitigation Monitoring). Projects that are otherwise eligible for a Minor Use Permit, but are not eligible for a CEQA exemption, shall be processed as a Use Permit.

**D. Application filing and processing.** An application for a Use Permit or Minor Use Permit shall be filed and processed in compliance with Chapter 18.70 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Use Permits, and the following information.

**1. Fiscal and economic analysis.** An application for a Big Box Retail project as defined in Article 10 (Glossary) shall include a fiscal and economic analysis.

**2. Traffic Study.** A traffic study shall be required for uses determined by the Director or Director of Public Works to be high trip generators.

a. The traffic study shall identify both cumulative and project-specific traffic impacts.

b. All traffic impacts shall be reduced, to the maximum extent feasible, through compliance with applicable development standards and/or conditions of approval.

It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F. (Findings and decision), below.

**E. Project review, notice, and hearing.** Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code.

**1. Use Permit.**

**a. Notice and hearing.** The Commission shall conduct a public hearing on an application for a Use Permit before a decision on the application. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 18.96 (Public Hearings).

**2. Minor Use Permit.** Before a decision on a Minor Use Permit, the public notice shall be provided in compliance with Chapter 18.96 (Public Hearings), and as follows.

**a. Public notice.** The notice shall state that the Director will decide whether to approve or disapprove the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

**b. Hearing.** When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 18.96, and the Director shall conduct the public hearing before a decision on the application in compliance with Chapter 18.96.

**F. Findings and decision.** An application for a Use Permit or Minor Use Permit may be approved subject to conditions, or disapproved by the Review Authority. The Review Authority shall approve a Use Permit or Minor Use Permit only after first finding all of the following:

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
5. The proposed use complies with any findings required by Section 18.22.030 (Commercial District Land Uses and Permit Requirements).

**G. Conditions of approval.** In approving a Use Permit or Minor Use Permit, the Review Authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Subsection F. (Findings and decision), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

**H. Post approval procedures.** The procedures and requirements in Chapter 18.76 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Land Use and Development Code Administration), shall apply following a decision on an application for a Use Permit or Minor Use Permit.

#### **18.71.070 - Variance and Administrative Variance**

**A. Purpose.** The Variance and Administrative Variance provide a process for City consideration of requests to waive or modify certain standards of this Development Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district.

**B. Applicability.** A Variance or Administrative Variance may be granted to waive or modify any requirement of this Development Code except: allowed land uses; residential density; specific prohibitions (for example, prohibited signs), or procedural requirements.

**C. Review Authority.**

1. **Variance.** A Variance application shall be reviewed, and approved or disapproved by the Commission.

**2. Administrative Variance.** An Administrative Variance application shall be reviewed, and approved or disapproved by the Director.

a. The Director may grant an Administrative Variance to reduce any of the following requirements of this Development Code up to a maximum of 25 percent:

- i) Distance between structures;
- ii) Parcel dimensions (not including area);
- iii) Setbacks;
- iv) On-site parking, loading, and landscaping;
- v) Sign regulations (other than prohibited signs);
- vi) Lot coverage; and/or
- vii) Floor area ratio.

b. The Director may choose to refer any Administrative Variance application to the Commission for hearing and decision.

**D. Application filing and processing.** An application for a Variance or Administrative Variance shall be filed and processed in compliance with Chapter 18.70 (Permit Application Filing and Processing). The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings and sketches, and data/materials identified in the Department handout for Variances or Administrative Variances. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F. (Findings and decision), below.

**E. Project review, notice, and hearing.** Each application shall be reviewed by the Director to ensure that the proposal complies with this Section, and all other applicable requirements of this Development Code.

**1. Variance.** The Commission shall conduct a public hearing on an application for a Variance before a decision. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 18.96 (Public Hearings).

**2. Administrative Variances.** Before a decision on an Administrative Variance, the City shall provide notice of a public hearing in compliance with Chapter 18.96 (Public Hearings).

**a. Initial notice.** The notice shall state that the Director will decide whether to approve or disapprove the Administrative Variance application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

**b. Notice and conduct of hearing.** When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 18.96 (Public Hearings), and the Director shall conduct the public hearing before a decision on the application in compliance with Chapter 18.96.

**F. Findings and decision.**

**1. General findings.** The Review Authority may approve a Variance or Administrative Variance only after first making all of the following findings.

a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;

- b. The approval of the Variance or Administrative Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
- c. The Variance or Administrative Variance is consistent with the General Plan and any applicable specific plan.

**2. Findings for off-site parking Variance.** The approval of a Variance to allow some or all of the parking spaces required for a nonresidential project to be located off-site, or to allow in-lieu fees or facilities instead of the required on-site parking spaces, shall require that the Review Authority first make both of the following findings in compliance with Government Code Section 65906.5, instead of those required by Subsection F.1. above.

- a. The Variance will be an incentive to, and a benefit for, the nonresidential development; and
- b. The Variance will facilitate access to the nonresidential development by patrons of public transit facilities, particularly guideway facilities.

**3. Reasonable accommodation.** The Review Authority may also grant a Variance or Administrative Variance to the site planning or development standards of this Development Code in compliance with this Section, based on the finding that the Variance or Administrative Variance is necessary to accomplish a reasonable accommodation of the needs of a disabled person in compliance with the Americans with Disabilities Act (ADA). (Housing Element, Program H-3.9.1)

**G. Conditions of approval.** In approving a Variance or Administrative Variance, the Review Authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Subsection F. (Findings and decision), above. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

**H. Post approval procedures.** The procedures and requirements in Chapter 18.76 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Land Use and Development Code Administration), shall apply following a decision on an application for a Variance or Administrative Variance.

#### **18.71.080 - Emergency Permit**

**A. Purpose.** This Section provides procedures for the issuance of Emergency Permits deemed necessary to perform work to resolve problems resulting from a situation falling within the term “emergency” as defined in Article 10 of this Development Code (Glossary).

**B. Applicability.** When immediate action by a person or public agency is required to resolve an emergency, requirements to obtain the otherwise appropriate development permit may be waived by the Director upon receiving notification of the emergency, identification of the type of work required to resolve the emergency, and the location of work to be performed.

**C. Review Authority.** The Director shall have the discretion to grant Emergency Permits in compliance with this Section, provided that the City Manager may choose to assume all responsibilities delegated to the Director pertaining to the issuance of emergency permits.

**D. Method and content of notification.** Notification of the emergency to the Director shall be by letter or facsimile, if time allows, or by telephone or personal contact, if time does not allow. The person notifying the Director shall report to their best knowledge:

1. The nature and location of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The remedial, protective, or preventive work required to resolve the emergency;
4. The circumstances during the emergency that appeared to justify the proposed courses of action; and

5. The probable consequences of failing to take the actions necessary to resolve the emergency.

**E. Verification.**

1. The Director shall verify that an emergency does exist insofar as time allows.
2. The Director and the person or public agency that made the notification shall document the facts related to the emergency.

**F. Public notice.** The Director shall provide public notice of the proposed emergency actions, by use of radio, television, or print media, as determined to be appropriate by the Director based on the nature of the emergency.

**G. Required findings, conditions.**

1. **Findings.** Before granting the Emergency Permit, the Director shall first find that:
  - a. An emergency exists that requires action more quickly than allowed by City procedures customarily required for the processing of appropriate development permits;
  - b. Public comment has been considered regarding the emergency and the proposed actions, if time allows;
  - c. The work is consistent with the nature of the emergency; and
  - d. The work authorized by the permit qualifies for emergency exemption under CEQA.
2. **Conditions of approval.** If granted, an Emergency Permit shall be subject to reasonable and necessary terms and conditions, including the following.
  - a. Language clearly indicating that the work accomplished under an Emergency Permit is considered temporary until the appropriate development permit is issued for the work;
  - b. An expiration date for the Emergency Permit; and
  - c. A condition specifying the need to apply for the appropriate development permit once the emergency is resolved, or within 90 days following the date of issuance, whichever first occurs.

The violation of any condition of approval shall constitute a violation of this Section and may constitute grounds for revocation of the permit.

**H. Reporting.**

1. The Director shall report, in writing or orally, to the Council at each regular meeting of the Council while an Emergency Permit is in effect. The report shall state the nature of the emergency, the progress of the work to resolve the emergency, and any other pertinent information.
2. Copies of any written report shall be available at the Council meetings and shall be mailed to all persons who have requested notification and associated reports in writing.

**I. Time limits.** An approved Emergency Permit shall be valid for a maximum of 60 days following the date of issuance; provided that the permit shall expire and become void seven days following the date of issuance if it is not properly exercised, or if the emergency ceases to exist.

**J. Normal permits required.** The responsible person or public agency shall apply for the appropriate development permit otherwise required by this Development Code within 90 days following the date of issuance of the Emergency Permit or once the emergency is resolved, whichever occurs first. Failure to file the necessary applications and obtain the development permits normally required by this Development Code shall result in enforcement action in compliance with Chapter 18.98 (Enforcement and Penalties). During the processing of the appropriate development

permit applications, all work required to remedy the emergency may continue until the emergency is satisfactorily resolved.

**18.71.090 - Planned Development Permit**

**A. Purpose.** The Planned Development Permit is intended to provide for flexibility in the application of Development Code standards to proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Development Code standards would produce without adjustment. The City expects each Planned Development project to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards.

**B. Applicability.** A Planned Development Permit application may be filed and processed only under the following circumstances.

- 1. Minimum site area.** A Planned Development Permit may be requested for a residential, commercial, industrial, or mixed-use development on a site larger than five acres.
- 2. Timing of permit.** No Building or Grading Permit shall be issued on a site for which a Planned Development Permit is proposed until the Planned Development Permit has been approved in compliance with this Section.
- 3. Scope of approval.**
  - a. Planned Development Permit approval may adjust or modify, where determined by the Review Authority to be necessary and justifiable, any applicable development standard of this Development Code (e.g., building height, setbacks, parking, street layout, etc.), provided that the approval shall not authorize a land use that is not allowed in the applicable zoning district by Article 2.
  - b. A project proposing increased residential density may only be approved by the Council in compliance with Chapter 18.31 (Density Bonuses and Affordable Housing Incentives).

**C. Application filing and processing.** An application shall be filed in compliance with Chapter 18.70 (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Planned Development Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings, as required by Subsection F. (Commission action), below.

**D. Review Authority.** A Planned Development Permit may be granted by the Commission.

**E. Project review, notice, and hearing.**

- 1. Application review.** Each Planned Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report and recommendation to the Commission for their consideration.
- 2. Public hearing.** The Commission shall conduct a public hearing on an application for a Planned Development Permit before the approval or disapproval of the permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 18.96 (Public Hearings).

**F. Commission action.** Following a public hearing, the Commission may approve or disapprove a Planned Development Permit, and shall record the decision and the findings upon which the decision is based.

- 1. Required findings.** The Commission may approve a Planned Development Permit only after first finding that:
  - a. The project is consistent with the General Plan and any applicable specific plan, and allowed within the applicable zoning district;

- b. The project complies with all applicable provisions of this Development Code other than those modified by the Planned Development Permit;
- c. The approved modifications to the development standards of this Development Code are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of any identified environmental impacts;
- d. The development authorized by the Planned Development Permit approval will be of significantly higher quality, more energy efficient, more conserving of resources, and will produce fewer and less serious environmental impacts than development that could otherwise occur in compliance with the requirements of this Development Code without adjustment.
- e. The project complies with all applicable provisions of the City's Design Guidelines;
- f. The project can be adequately, conveniently, and reasonably served by public facilities, services, and utilities;
- g. The planning concepts and design features of the project are reasonably suited to the characteristics of the site and the surrounding neighborhood;
- h. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;
- i. The site is adequate for the project in terms of size, shape, topography, and circumstances; and
- j. The establishment, maintenance, or operation of the use would 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, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

**2. Conditions of approval.** In approving a Planned Development Permit, the Commission may impose any conditions deemed reasonable and necessary to ensure that the project will comply with the findings required by Subsection F.1.

**G. Time limit and expiration.**

- 1. A Planned Development Permit may specify a development completion period acceptable to the Review Authority.
- 2. If a time limit is not specified in the permit, the completion period shall not exceed two years.
- 3. If project construction has not commenced within the required time limit, the Planned Development Permit shall automatically be terminated and deemed void, with no further action required by the City.

**H. Planned Development Permit amendment.**

- 1. Commission action on requested changes.** Any requested change in the Planned Development Permit, other than those allowed by Subparagraph 3., below, shall be submitted to the Review Authority that originally approved the permit for review and approval following the same review notice and hearing procedures as for the original approval.
- 2. Added conditions.** The Review Authority may, as a condition of approval, impose added changes or conditions on the Planned Development Permit amendment as it deems reasonable and necessary to carry out the purpose and intent of the original Planned Development Permit and this Section.

**3. Minor changes by Director.** Minor changes in the Planned Development Permit which do not involve an increase in building area, an increase in the number of dwelling units, or a change of use may be approved by the Director in compliance with Subparagraph 18.76.080 (Changes to an Approved Project).

**I. Post approval procedures.** The procedures and requirements in Chapter 18.76 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Land Use and Development Code Administration), shall apply following a decision on an application for Planned Development Permit approval.

## Chapter 18.72

### ENVIRONMENTAL IMPACT ASSESSMENT AND MITIGATION MONITORING

Sections:

- 18.72.010 Purpose of Chapter
- 18.72.020 Authority
- 18.72.030 Guiding Principles
- 18.72.040 Applicability
- 18.72.050 Exemptions from CEQA
- 18.72.060 Review Authority
- 18.72.070 Time Limits
- 18.72.080 Review and Determination Procedures
- 18.72.090 Negative Declarations & Mitigated Negative Declarations
- 18.72.100 Draft Environmental Impact Reports
- 18.72.110 Final Environmental Impact Reports
- 18.72.120 Standards of Adequacy
- 18.72.130 Findings
- 18.72.140 Notice of Determination
- 18.72.150 Environmental Compliance and Monitoring Program
- 18.72.160 Fees and Deposits
- 18.72.170 Appeal

#### **18.72.010 - Purpose of Chapter**

This Chapter implements the requirements of the California Environmental Quality Act (CEQA) by providing the City, as lead agency, with criteria, objectives, principles, and procedures for applying the requirements of CEQA to proposed projects, including the preparation and processing of Negative Declarations, Mitigated Negative Declarations, Environmental Impact Reports (EIR), and other environmental review documents for projects that are subject to CEQA. The basic purposes of CEQA, and the provisions of this Chapter are to:

- A. Inform government decision makers and the public about the potential environmental effects of proposed activities;
- B. Identify ways that potential environmental damage may be avoided or significantly reduced;
- C. Prevent significant, avoidable environmental impacts by requiring changes in projects, either by the adoption of alternatives or the imposition of mitigation measures; and
- D. Disclose to the public why a project was approved if that project could cause significant environmental effects.

#### **18.72.020 - Authority**

These guidelines are adopted to implement the California Environmental Quality Act of 1970, California Public Resources Code Section 21082 et seq., referred to in this Chapter as “CEQA,” and Title 14, Chapter 3, Sections 15000, et seq., of the California Code of Regulations, referred to in this Chapter as the “CEQA Guidelines.”

#### **18.72.030 - Guiding Principles**

The following principles shall serve as a guide for all applications submitted to the City for review and approval and determined to be projects under CEQA:

- A. Timing of review.** Environmental considerations shall be dealt with at the earliest point possible by emphasizing the use of an initial study. Any potentially adverse effects that are properly mitigated through re-design may preclude more extensive environmental review.
- B. Extent of review.** The least extensive environmental review consistent with the purpose of this Chapter shall be utilized (e.g., an Environmental Impact Report would not be required if a Negative Declaration can legitimately be

prepared). In this way, sufficient environmental protection would be afforded while minimizing the project review period.

**C. Mitigation measures.** The primary goal of the environmental review process shall be to incorporate mitigation measures in the project proposal to be considered by the Review Authority where necessary and appropriate to reduce the potential for significant environmental impacts.

**D. Mitigation monitoring.**

1. Where mitigation of environmental impacts is required, the mitigation measures shall be monitored over time to ensure that the steps taken are adequate for the intended purpose, in compliance with Section 15097 of the CEQA Guidelines.
2. An applicant for a project for which mitigation monitoring is required shall be responsible for all costs associated with the monitoring program, in compliance with Section 18.72.160 (Fees and Deposits).

**18.72.040 - Applicability**

These implementation measures are intended to augment CEQA and the CEQA Guidelines. This Chapter is not intended to replace CEQA, and **full compliance with CEQA is required regardless of the provisions of this Chapter.**

**A. City actions.** These guidelines shall apply to all City actions in the implementation of CEQA.

**B. Conflicting provisions.** In the event of any conflict between the provisions of this Chapter, and CEQA or the CEQA Guidelines, **CEQA and the CEQA Guidelines shall prevail.**

**18.72.050 - Exemptions from CEQA**

A proposed project shall be exempt from CEQA if it is exempt by State statute (statutorily exempt), categorical exemption, general rule, or by rejection or disapproval of the project, in compliance with CEQA Guidelines Section 15061. Statutory exemptions include ministerial projects, as defined in CEQA Guidelines Section 15369. See also Section 18.72.080.C (Statutorily and categorically exempt projects).

**18.72.060 - Review Authority**

**Negative Declarations, Mitigated Negative Declarations and Environmental Impact Reports.** Negative Declarations, Mitigated Negative Declarations and Environmental Impact Reports shall be reviewed and approved or disapproved by the same body (Planning Commission or City Council) that has the project approval authority (see Section 18.70.030, Table 7-1).

**18.72.070 - Time Limits**

Time limits governing the preparation and review of CEQA documents are in CEQA Guidelines Sections 15100 through 15112.

**A. Time limits for City action.** The City shall complete and approve a Negative Declaration and a Mitigated Negative Declaration in not more than 180 days; and complete and certify an EIR in compliance with CEQA Guidelines Section 15108. The time limits may be waived when a project must comply with both CEQA and the National Environmental Policy Act (NEPA), or the applicant has requested or consented to a waiver of the time limits.

**B. Suspension of time limits.** An unreasonable delay by an applicant in meeting requests by the City necessary for the preparation of a Negative Declaration or an EIR shall suspend the running of the time limits identified in Subsection A., above, for the period of the unreasonable delay. Alternatively, the City may disapprove a project application, in accordance with Section 15109 of the CEQA Guidelines.

**18.72.080 - Review and Determination Procedures**

**A. Application content and completeness.** Each application shall contain sufficient information to allow a determination of whether environmental review is required and, if so, the type of environmental document that shall be prepared. An application without this information shall be deemed complete in compliance with Section 18.70.070 (Initial Application Review).

- 1. Project description.** A planning permit application filed in compliance with Section 18.70.040 (Application Preparation and Filing) shall include a detailed project description, for City use in the preparation of an initial study to evaluate the potential environmental impacts of the project in compliance with CEQA Guidelines Section 15063(a).
- 2. Additional information.** The City may require an applicant to supply additional data and information necessary for making an environmental determination, in compliance with CEQA Guidelines Section 15063(e).

**B. Preliminary determination.** Upon receipt by the City of an application for project approval, or a proposal for a public project, the Director shall make a preliminary determination as to whether environmental review in compliance with this Chapter is required, and what type of environmental document shall be required. The Director shall report the determination either to the applicable City department, if the project is ministerial or otherwise exempt from CEQA, or to the applicant or applicant's representative.

**C. Statutorily and categorically exempt projects.** A project identified by the CEQA Guidelines as statutorily or categorically exempt (CEQA Guidelines Sections 15260 through 15285, or 15300 through 15332, respectively) is not subject to the provisions of this Chapter, unless it conforms to an exception to a categorical exemption listed in Section 15300.2 of the CEQA Guidelines. If the proposed project requires notice of a public hearing or other notice in compliance with other provisions of this Development Code, the notice shall also include a statement that the project is statutorily or categorically exempt, as applicable. Following the approval of a project that has been determined to be exempt, the City may also file a Notice of Exemption in accordance with Section 15062 of the CEQA Guidelines. The City shall file a Notice of Exemption for any project for which the City received comments or letters in opposition to the project from the public.

**D. Initial study.** An initial study shall be prepared by the Department in compliance with CEQA Guidelines Section 15063, to determine the required level of environmental review (e.g., Negative Declaration, Mitigated Negative Declaration or EIR). If an EIR is required, the Director may waive the requirement for an initial study.

**E. Environmental determination.** In determining whether the proposed project may have a significant effect on the environment, and therefore what level of environmental review is required for the project (ND, MND or EIR), the Director shall make a determination based on the Initial Study and in compliance with CEQA Guidelines Sections 15063 through 15065, 15070, 15081.5 and CEQA Appendix G.

#### **18.72.090 - Negative Declarations (ND) & Mitigated Negative Declarations (MND)**

**A. Notice of intent.** If the Director determines that a Negative Declaration or Mitigated Negative Declaration shall be prepared, a notice of intent to adopt a Negative Declaration (or a Mitigated Negative Declaration) shall be published, posted and/or mailed in compliance with CEQA Guidelines Section 15072.

**B. Contents.** A Negative Declaration or a Mitigated Negative Declaration shall include the elements required in CEQA Guidelines Section 15071.

**C. Public review period.** Public review for a proposed Negative Declaration or Mitigated Negative Declaration shall comply with CEQA Guidelines Section 15073.

**D. Recirculation of Negative Declaration or Mitigated Negative Declaration.** If, after the City gives notice of its intent to adopt a ND or MND, and prior to its adoption, the ND or MND is substantially revised (as defined in Section 15073.5(b) of the CEQA Guidelines), the ND or MND must be recirculated in accordance with Section 15073.5(a) of the CEQA Guidelines, unless recirculation is not required pursuant to Section 15073.5(c) of the CEQA Guidelines, or unless revisions to the project require the preparation and certification of an EIR, pursuant to Section 15073.5(d) of the CEQA Guidelines.

**E. Required findings.** In adopting a Negative Declaration or Mitigated Negative Declaration, the Review Authority shall first determine that the project will not have a significant adverse effect on the environment and make required CEQA findings pursuant to Section 15074(b) of the CEQA Guidelines.

**F. Hearing and adoption.**

**1. Action on Negative Declarations and Mitigated Negative Declarations.**

- a. Before making a determination on a project, the Review Authority shall consider the ND or MND in conjunction with a hearing on the project permit application.
- b. The Review Authority shall either adopt the ND or MND, or return it to the Department for further study.
- c. The applicant shall address any adverse impacts identified by the Review Authority and may revise the project to mitigate the impacts, subject to, or in accordance with, the procedures for substituting or deleting mitigation measures that are found to be infeasible or otherwise undesirable, as described in Section 15074.1 of the CEQA Guidelines.
- d. When a Review Authority adopts a MND, it shall also adopt a program for monitoring or reporting on the mitigation measures identified in the MND, in accordance with Section 15097 of the CEQA Guidelines and Section 18.72.150(E).

**G. Notice of Determination.** Following project approval, a Notice of Determination shall be prepared and signed by the Director, and shall be filed with the County Clerk and with the Office of Planning and Research, if required by CEQA Guidelines Section 15075. See also Public Resources Code Sections 21080.4 and 21152(a).

**18.72.100 - Draft Environmental Impact Reports**

**A. Notice of Preparation.** Immediately after determining that an EIR is required for a project, the Director shall send a Notice of Preparation (NOP) to each responsible agency by certified mail and to the State Clearinghouse in compliance with CEQA Guidelines Section 15082.

**B. Preparation and adequacy.**

- 1. Preparation of Draft EIR.** When an EIR is required, it shall be prepared by a consultant under contract to the City or by City staff, with the applicant paying for all costs of EIR preparation. If the EIR is to be prepared by a consultant, the City shall request EIR proposals under established City criteria and select a qualified consultant from respondents.
- 2. Administrative review.** The Director shall review an administrative Draft EIR and either determine that it is adequate and authorize preparation of the Draft EIR, or determine that the administrative Draft EIR is inadequate and return it to the preparer for additional work.

**C. EIR contents.** Each EIR prepared by or for the City shall include discussion of all topics required by CEQA Guidelines Sections 15120, 15122 through 15131. The EIR shall be prepared in compliance with Sections 15140 through 15148. Data and conclusions may be drawn from other reports accepted by the City and appropriately referenced within the EIR in compliance with CEQA Guidelines Sections 15150 and 15148. The EIR shall address all potential environmental impacts.

**D. Distribution and review.** The City shall provide for notice and public review of the Draft EIR in compliance with CEQA Guidelines Section 15087.

**E. Public hearing.** A public hearing is not required by CEQA, however it is preferred for all Draft EIRs. If a public hearing is held for consideration of a Draft EIR, the following applies:

1. The hearing shall occur during the public review period.
2. Notice of the public hearing shall be provided in compliance with CEQA Guidelines Section 15087(c).

**18.72.110 - Final Environmental Impact Reports**

**A. Response to comments.** Upon completion of the public review period, the Director shall collect all comments on the Draft EIR and provide them to the City's consultant or City staff. All comments (including late comments received prior to certification of the EIR) and appropriate responses shall be included in the Final EIR in compliance with CEQA Guidelines Section 15088.

**B. Review.** If requested by the Director, the EIR preparer shall submit for review an administrative draft of the Final EIR. The Director shall either determine that it is adequate and authorize preparation of the Final EIR, or determine that it is inadequate and return it to the preparer for further analysis. (CEQA Guidelines Section 15084)

**C. Contents of Final EIR.** A Final EIR shall contain the information described in Section 15132 of the CEQA Guidelines.

**D. Certification of Final EIR.**

1. No action shall be taken to approve a project that requires an EIR until the Review Authority has certified that the Final EIR has been prepared in compliance with CEQA, that it has been reviewed and considered by the Review Authority, and that it represents the City's independent judgment and analysis.

2. A public hearing is preferred for certification of a Final EIR and may be held in conjunction with the hearing on the project application(s).

3. If a public hearing is held in conjunction with the certification of an EIR, the notice of the public hearing shall be provided in compliance with CEQA Guidelines Section 15087(c).

**E. Distribution of Final EIR.** Copies of the Final EIR shall be placed in the City Clerk's office, public library, and in other locations designated by the Director.

**18.72.120 - Standards of Adequacy**

**A. Sufficient degree of analysis.** An EIR should be prepared with a sufficient degree of analysis to provide the Review Authority with the information which enables them to consider all of the potential environmental consequences in compliance with CEQA Guidelines Section 15151.

**B. Responsibility for adequacy.** The draft and Final EIRs shall reflect the City's independent judgment in compliance with CEQA Guidelines Section 15084.

**C. Determination of Inadequacy of EIR.** If the Review Authority determines that the Final EIR is inadequate, it shall be returned to the City's consultant or City staff for further processing.

**D. Recirculation of EIR.** If, after the City gives notice of availability of a Draft EIR for public review, and prior to its certification, significant new information (as defined in Section 15088.5(a) of the CEQA Guidelines), is added to the EIR, the EIR must be recirculated in accordance with Section 15088.5 of the CEQA Guidelines, unless recirculation is not required pursuant to Section 15088.5(b) of the CEQA Guidelines, or unless only partial recirculation of the EIR is required, pursuant to Section 15088.5(c) of the CEQA Guidelines.

**18.72.130 - Findings**

Before the Review Authority acts on a project for which an EIR has been certified, it shall certify that it has reviewed and considered the information identified in the EIR, and it shall determine whether the project would or would not have a significant effect on the environment.

**A. Required findings.** The Review Authority shall not approve or carry out a project where the certified EIR identifies one or more significant environmental effects, unless the Review Authority makes one or more of the required findings, supported by written evidence, in compliance with CEQA Guidelines Section 15091.

**B. Statement of Overriding Considerations.** The Review Authority may approve a project which may result in significant adverse impacts on the environment only if the Review Authority first adopts written findings clearly identifying the social and economic benefits that outweigh the possibility of environmental damage and issues a Statement of Overriding Considerations in compliance with CEQA Guidelines Section 15093.

**18.72.140 - Notice of Determination and Disposition of EIR**

**A.** After the approval or disapproval of a project for which a Final EIR has been certified, the Director shall file a Notice of Determination with the County Clerk in compliance with CEQA Guidelines Section 15094. If the project requires discretionary approval from a State agency, the Notice of Determination also shall be filed with the Office of Planning and Research.

B. Following certification of an EIR, the Director shall comply with the filing, distribution and retention requirements for the certified EIR, as described in Section 15095 of the CEQA Guidelines.

**18.72.150 - Environmental Compliance and Monitoring Program**

**A. Purpose.** This Section establishes procedures for the environmental compliance and monitoring of project conditions imposed as a result of the certification of an EIR or a Mitigated Negative Declaration with mitigation measures based on project conditions of approval, in compliance with CEQA Guidelines Section 15097. (Also see Public Resources Code Section 21081.6.)

**B. Negative Declaration.** A project with a Negative Declaration that includes no mitigation measures or project conditions does not require an environmental compliance and monitoring program, as long as the plans, specifications, actual construction, use, or operation comply with all applicable City standards and requirements.

**C. Mitigated Negative Declaration.** A project with a Mitigated Negative Declaration shall be processed as follows.

1. Before the application is submitted to the Review Authority for final action, the Director shall prepare a list of all proposed conditions of approval, including those required to reduce to levels of insignificance any identified environmental impacts, and conditions required to ensure project compliance with applicable City codes, policies, and regulations.
2. Each condition shall be written so that it is either time specific, quantifiable, or dependent upon further approval by the Community Development Director and shall specify the City department or other agency responsible for monitoring compliance.
3. A copy of the proposed conditions, along with the staff report shall be provided to the applicant.
4. Following final City action to approve or conditionally approve the application, the applicant shall sign a copy of the approving action indicating full understanding of, and agreement to comply with all of the conditions and required mitigation measures, including any modifications or additional conditions required by the Review Authority.

**D. EIR.** A project that requires an EIR shall be processed as follows:

1. The Draft EIR shall include a proposed environmental compliance measure prepared in compliance with CEQA Guidelines Section 15126.4, with conditions including those required to reduce to levels of insignificance any identified environmental impacts, and conditions required to ensure project compliance with all applicable City codes, policies, and regulations.
2. The proposed conditions of approval shall be incorporated into the Draft EIR in a chapter or section clearly identified as containing recommended or proposed conditions of approval.
3. Each condition shall be written so that it is either time specific or quantifiable, and shall specify the City department or other agency responsible for monitoring compliance.
4. The conditions shall be part of the public and agency review process.
5. The Final EIR shall include the chapter or section with the conditions revised for the final document.
6. Following final City action to approve or conditionally approve the application, the applicant shall sign a copy of the approving action indicating full understanding of, and agreement to comply with all of the conditions and mitigations, including any modifications or additional conditions required by the Review Authority.

**E. Mitigation Monitoring and Reporting Program.** For a project with an MND or EIR that includes mitigation measures, the lead agency shall implement a Mitigation Monitoring and Reporting Program in compliance with CEQA Guidelines Section 15097 and as defined below:

1. Following Adoption of an MND or certification of an EIR, but prior to project approval, the Review Authority shall adopt a Mitigation Monitoring and Reporting Program (MMRP) pursuant to CEQA Guideline Section 15091 (d).
2. The Community Development Department shall take lead responsibility for administering the mitigation monitoring and reporting requirements associated with MNDs and EIRs certified by the Review Authority.
3. The Project proponent shall take lead responsibility for implementation of all mitigation measures in a Project MMD or EIR, including but not limited to those that are special conditions of a permit approval.
4. Non-compliance with required Mitigation Measures shall be subject to all enforcement mechanisms available to the City under Chapter 18.98 - Enforcement and Penalties.

**F. Compliance with conditions.** No certificate, license, or permit for use or occupancy shall be issued by the City until the Director has verified that the project is in compliance with all applicable conditions.

1. If conditions are scheduled for compliance in phased intervals, the next phase shall not commence until the Director has determined that all approved conditions have been satisfied for the previous phases.
2. If a permit condition requires a regular or periodic report, the permit holder shall be responsible for submittal of the appropriate report before the specified date.
3. If the City requires the services of a qualified professional in order to determine compliance with conditions or reporting requirements, the permit holder shall reimburse the City for all of the costs associated with obtaining the required services.

**G. Reimbursement of monitoring costs.** The permit holder shall be required to reimburse the City for all costs associated with the environmental compliance and monitoring program.

**H. Failure to comply.** In addition to the enforcement provisions identified in Chapter 18.98 (Enforcement and Penalties) and the Municipal Code, failure to comply with all project conditions, including making payments to reimburse the City for expenses incurred in the implementation of the environmental compliance and monitoring program, shall result in the City commencing any or a combination of the following measures:

1. Issuing a Stop Work Order halting all activities until all conditions have been satisfactorily completed;
2. Seeking injunctive relief from a court of competent jurisdiction;
3. Filing a lien against the property in the amount of any moneys owed;
4. Issuing a Stop Work Order and seeking injunctive relief ordering restoration of the environment, damages, and court costs incurred in the event of damage to the environment for which mitigation measures were expressly incorporated into the project; and/or
5. Refusing to allow the construction, use, occupancy, or issuance of a Business License for any project not in compliance with its conditions of approval.

**18.72.160 - Fees and Deposits**

Fees for the estimated cost for the preparation and/or processing, and reproduction of an Initial Study, Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report, Mitigation Monitoring and Reporting Program, notices, related environmental documents, other essential administrative costs, and deposits covering the cost of environmental document preparation, shall be payable to the City in a Developer Deposit Account in accordance with the City's Fee Schedule.

**18.72.170 - Appeal**

A determination or decision relating to this Chapter may be appealed in compliance with Chapter 18.92 (Appeals).

## Chapter 18.74

### CULTURAL RESOURCE PROTECTION

Sections:

- 18.74.010 Purpose of Chapter
- 18.74.020 Applicability
- 18.74.030 Historic Landmark Designation
- 18.74.040 Certificate of Appropriateness - Requirements
- 18.74.050 Certificate of Appropriateness - Review and Approval
- 18.74.060 Certificate of Appropriateness - Proposed Demolition
- 18.74.070 Certificate of Appropriateness - Disaster Damage
- 18.74.080 Adaptive Reuse and Other Rehabilitation Incentives
- 18.74.090 Duty to Maintain and Repair
- 18.74.100 Unsafe or Dangerous Condition

#### 18.74.010 - Purpose of Chapter

**A. Purpose.** This Chapter provides procedures and requirements that are intended to protect sites and structures identified by the community as culturally and/or historically significant, that contribute to Fort Bragg's character and identity, and that should be preserved and/or restored.

**B. Benefits to be derived from historic preservation activities.** The following benefits are intended to be illustrative of those available to property owners who participate in historic preservation activities:

- 1. State Historic Building Code.** Use of the State Historic Building Code (SHBC) and the Uniform Code for Building Conservation (UCBC), rather than the Uniform Building Code (UBC).
- 2. Secretary of the Interior's Standards for Rehabilitation.** Use of the Secretary of the Interior's Standards for Rehabilitation.
- 3. Waiver of standards.** Waiver of Development Code standards (e.g., reduced off-street parking), in compliance with Section 18.74.080 (Adaptive Reuse and Other Rehabilitation Incentives).
- 4. Approval of a land use not otherwise allowed.** The approval of a change to a land use that is not otherwise allowed in the subject zoning district, but which is allowed in other zoning districts, in compliance with Section 18.74.080 (Adaptive Reuse and Other Rehabilitation Incentives).
- 5. Mortgage Program tailored for rehabilitation.** The Department of Housing and Urban Development's Federal Housing Administration (FHA) has a flexible loan program that helps developers, investors, and families at all income levels to buy and restore properties in urban and rural historic districts. The program operates through FHA approved lending institutions, and the loans are insured by the FHA.
- 6. Federal Financial Assistance for rural buildings.** The U.S. Department of Agriculture's Rural Housing Service offers funds for the acquisition, construction, rehabilitation, or repair of homes and apartment-style housing for low and moderate-income people in rural areas.
- 7. Federal Tax Incentives.** Federal tax incentives for historic preservation for the rehabilitation of income-producing (commercial, industrial, or rental residential) structures included on the National Register of Historic Places (or those within a National Register district) through the State Historic Preservation Officer (SHPO).
- 8. Financial Assistance from the National Trust Forum.** The National Trust Forum offers financial assistance in the form of grants and loans.
- 9. State Tax Incentives.** California property tax abatement incentives were first enacted in 1972 and are available for use by owner-occupied residential and commercial structures (also known as the Mills Act).

**18.74.020 - Applicability**

**A. Compliance with chapter.** No person shall alter the exterior of, construct improvements to, or demolish any historic structure except in compliance with the provisions of this Chapter, which shall include the analysis required by the California Environmental Quality Act (CEQA) and Chapter 18.72 (Environmental Impact Assessment and Mitigation Monitoring) to determine historic significance, and the effects of the proposed alterations.

**B. Historic resource defined.** For purposes of this Chapter, the term “historic resource” is defined as a structure or site listed in the National Register of Historic Places (either individually or as contributing to a district), a property designated as a landmark or monument, a property contributing to a district listed in the National Register of Historic Places or a landmark district, or a property identified in an intensive-level historic resources survey as qualifying for a historic designation (either individually or as part of a district).

**C. Definition of other terms and phrases.** The terms and phrases used in this Chapter are defined in Article 10 (Glossary).

**D. Responsibility to maintain.** The owner or person in control of a historic resource (e.g., structure or site) has the responsibility to maintain the resource in good repair in compliance with Section 18.74.090 (Duty to Maintain and Repair), below.

**18.74.030 - Historic Landmark Designation**

The Council may designate an improvement, natural feature, or site as a historic landmark and any area within the City as a historic district in compliance with this Section, based on the Council’s evaluation of the age of the subject structure(s), distinguishing characteristics, distinct geographical area, familiar visual feature(s), significant achievement, and/or other distinctive features.

**A. Procedure.** The designation of a historic landmark or district on Fort Bragg’s Historic Register, or the removal of a historic landmark or district from the register, shall comply with the procedures established by this Development Code for amendments (Chapter 18.94), including public notice and hearings in compliance with State law, a recommendation by the Commission, and a final decision by the Council.

**B. Permit issuance during nomination process.** No permit for any improvement or structure within a proposed historic district or relative to a nominated historic landmark shall be issued while the nomination process is pending.

**C. Initiation of nomination process.**

1. Either the City or a property owner(s) may initiate a program for nomination of a historic resource (Program CD-6.1.6).
2. Initiation shall comply with the procedures established by this Development Code for amendments in compliance with Chapter 18.94 (Amendments).
3. The nomination/amendment, if approved, would result in a Historic District designation.

**D. Placement on the Historic Register.** The nominated district, site, or structure shall be placed on the Historic Register after being officially accepted by the Council, and the designation shall be recorded for each affected parcel in the Office of the County Recorder.

**E. Removal from the Historic Register.**

1. A designated local historic resource may only be removed from the Historic Register in the following cases:
  - a. When a Certificate of Appropriateness has been approved for demolition; or
  - b. After five years of being designated, the property owner may submit a de-nomination statement outlining reasons for removal from the Register. The de-nomination request shall be processed in compliance with the procedure for nomination listed above. The de-nomination statement shall provide written proof and documentation that the findings used to designate the structure were largely in error, or

that new information has been discovered, material to the decision to designate the resource, which was not discovered through the exercise of due diligence at the time of the original designation.

2. If delisting a designated resource is proposed, the lead agency shall conduct environmental review in compliance with the California Environmental Quality Act (CEQA) and Chapter 18.72 (Environmental Impact Assessment and Mitigation Monitoring), as they relate to historic resources.

#### **18.74.040 - Certificate of Appropriateness - Requirements**

**A. Purpose.** A Certificate of Appropriateness (COA) is intended to protect structures, improvements, natural features, objects, and areas of architectural, cultural, economic, historic, political, and social importance from unnecessary and/or inappropriate alteration, demolition, or removal.

#### **B. Applicability.**

**1. COA required.** A COA is required for the alteration, demolition, moving, or removal of any landmark or structure designated on the City's Historic Register, any individual historic resource, or any contributing historic resource within a historic district, and for any alteration, demolition, moving, or removal of any potential historic resource identified through the City's review of a land use and/or development permit application or CEQA review, by the City, any agent of the City, or a private party.

**2. Activities exempt from a COA.** Activities that are exempt from the requirements for a COA are interior remodeling and ordinary repair and maintenance activities that do not alter the physical features or architectural appearance of the exterior of a historic resource.

#### **3. A COA shall:**

- a. Be required in addition to and processed concurrently with any other permits required by this Development Code; and
- b. Accompany any permit or any work otherwise altering the exterior architectural features or appearance of the resource.

**4. Alteration defined.** For the purposes of this Chapter, the term "alteration" shall be defined as any act or process, through private or public action, that changes the specified character defining a historic resource or significant physical features or architectural appearance of the exterior of a historic resource, including additions, new construction, reconstruction, or removal of any resource.

**5. Changes in character defined.** For the purposes of this Chapter, the phrase "changes in character" shall be defined to include modification of the exterior of a structure, architectural detail, surface paving, the addition of new structures, the cutting or removal of trees, landscaping and other natural features, the disturbance of archaeological sites or areas, and the placement or removal of any significant objects (e.g., fences, landscaping, and accessories, light fixtures, plaques, signs) affecting the significant visual or historical qualities of the property.

**6. Waiver of development standards.** When approving a COA, the Review Authority may allow, as a form of incentive, a waiver of specified development standards for a designated historic resource, in compliance with Section 18.74.080 C. (Types of incentives allowed).

**C. Application preparation and filing.** A COA application shall be filed with the Department. The application shall include plans and specifications showing the proposed change in architectural appearance, color and texture of materials, the proposed architectural design of the structure, and any additional information identified in the Department handout for Certificates of Appropriateness, or as may be required by the Director. The application shall also show the relationship of the proposed work to the surrounding environs. A COA application may propose discreet alterations of a historic resource or may propose a long-term plan of rehabilitation and preservation of a particular resource.

**D. Application for demolition.** An application for demolition of a historic resource, a structure within a historic district, or for new construction on a historic resource property shall include plans and specifications for the proposed

new structure or addition and shall include information pertaining to landscaping, massing, relationship to site and streetscape, scale, and signs. The application shall be accompanied by any additional information identified in the Department handout for Certificates of Appropriateness, or as may be required by the Director for an informed evaluation of the proposed work.

**E. Within a historic district.**

1. Both individual resources and contributing resources are subject to all Certificates of Appropriateness findings and requirements.
2. Non-contributing resources are not subject to the requirements of this Section, but will be reviewed to ensure that proposed development on the non-contributing property will not degrade the historical character of the historic district.

**F. CEQA.** The review and approval of a COA shall require environmental review in compliance with the California Environmental Quality Act (CEQA) and Chapter 18.72 (Environmental Impact Assessment and Mitigation Monitoring), as they relate to historic resources.

**18.74.050 - Certificate of Appropriateness - Review and Approval**

A public hearing shall be scheduled for a COA as soon as practicable after receipt of the application.

**A. Public notice and hearing required.** Notice of the public hearing shall be given at least 10 days before the hearing by mailing to the property owner of record and all owners of property within 300 feet of the exterior boundaries of the subject site, and by publication in a newspaper of general circulation within the City in compliance with Chapter 18.96 (Public Hearings).

**B. Review and approval.**

**1. Authority of the Commission.** The Commission may approve or disapprove a COA, in whole or in part. Notice of the Commission's decision shall be sent to the applicant and owners and occupants of the subject property within 10 days of the date of the decision.

**2. Authority of the Director.**

- a. The Director may approve a COA for a proposal for minor architectural elements and details, paint or other colorings or finishes, minor site improvements, or signs.
- b. The Director may also approve fences, replacement in-kind of windows, doors, roofs, or exterior materials, or proposals which are determined by the Director to be ordinary maintenance or repair, and which are conducted in a manner that preserves the archaeological, cultural, and historic value of the historic resource through conformance with any applicable prescriptive standards and/or design guidelines adopted by the City, and/or the guidelines of the Secretary of the Interior's Standards for Rehabilitation.
- c. Director approval of a COA shall first require making all of the findings required by Subsection D. (Findings for Certificate of Appropriateness).
- d. Minor changes or modifications to a COA can be approved by the Director, even if the Director was not the Review Authority.
- e. The Director may defer action and refer a COA application to the Commission for a hearing and final decision.

**3. Criteria for review.**

- a. In evaluating a COA application, the Review Authority shall use any applicable design guidelines and the Secretary of the Interior's Standards for Rehabilitation and shall consider the factors (e.g., the existing and proposed architectural style, arrangement, color, design, materials, and texture to be used) with regard to the original distinguishing architectural characteristics of the historic resource.

- b. In addition, the Director may require that the proposed work be reviewed by a preservation architect.
- c. Wherever feasible, the State Historic Building Code (SHBC) and the Uniform Code for Building Conservation (UCBC) shall be used in allowing any alteration to a historic resource.

**C. Investigation for COA.** The Review Authority may require the applicant to furnish material evidence, including detailed and fully dimensioned plans, architectural drawings and sketches, and data/materials identified in the Department handout for Certificates of Appropriateness, or as may be required by the Director. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection D. (Findings for Certificate of Appropriateness), below.

**D. Findings for Certificate of Appropriateness.**

**1. Alterations, generally.** A COA shall be issued for a proposed alteration only if the Review Authority first finds that:

- a. The proposed work will neither adversely affect the significant architectural features of the historic resource nor adversely affect the character or historic, architectural, aesthetic interest, or value of the historic resource and its site;
- b. The proposed work conforms to any prescriptive standards and design guidelines adopted by the City for the particular resource, and to the Secretary of the Interior's Standards for Rehabilitation, and does not adversely affect the character of the historic resource; and
- c. In the case of construction of a new improvement upon a historic resource property, the use and design of the improvement shall not adversely affect, and shall be compatible with, the use and design of existing historic resources within the same historic district.

**2. Alterations found not to be adverse.** The effect of alteration on a historic resource that would otherwise be found to be adverse may be considered not adverse for the purpose of this Section when the alteration is:

- a. Limited to the rehabilitation or restoration of improvements; and
- b. Conducted in a manner that preserves the archaeological, cultural, and historic value of the historic resource through conformance with any prescriptive standards and design guidelines adopted by the City for that historic resource, historic resource property, or historic district, and to the Secretary of the Interior's Standards for Rehabilitation.

**E. Conditions for Certificate of Appropriateness.** The Review Authority may approve a COA subject to any condition deemed reasonable, necessary, or desirable to effect the purposes of this Chapter. The conditions shall be covenants running with the land.

**F. Period of validity of Certificate of Appropriateness.**

- 1. A COA shall become void unless construction is commenced within 24 months from the date of approval.
- 2. A COA may be extended by the Director for an additional 24 months by applying to the Department a minimum of 30 days before expiration of the COA.
- 3. A COA may be extended only once, and a new COA is required thereafter.
- 4. If the project is not completed within 24 months after the expiration of the last Building Permit, a new COA shall be required to complete the work.

**18.74.060 - Certificate of Appropriateness - Proposed Demolition**

The following requirements shall apply in cases involving the proposed demolition of a historic resource, in addition to all other applicable provisions of this Chapter.

**A. Research required.** Appropriate archival research shall be conducted to determine the cultural and historic significance of any historic resource proposed for demolition in compliance with this Section. All costs associated with the research effort shall be paid for by the project proponent.

**B. Required findings.** Following a public hearing conducted in compliance with Chapter 18.96 (Public Hearings), the Commission shall approve a COA for the demolition of a historic resource only in conjunction with the concurrent approval of a proposed replacement project, and only after first making all of the following findings:

1. The historic resource cannot be remodeled, rehabilitated, or reused in a manner that would allow:
  - a. A reasonable use; or
  - b. A reasonable rate of return.
2. The repair and/or renovation of the historic resource are not feasible or the Building Official has determined that the structure represents an imminent safety hazard. (Program CD-6.2.3)
3. Disapproval of the application will diminish the value of the subject property so as to leave substantially no value.

**C. Justifiable hardships.** Personal, family, or financial difficulties, loss of prospective profits and Building Code violations shall not justify the issuance of a COA in compliance with Subsection D. (Economic hardship), below.

**D. Economic hardship.**

1. **Only in cases of economic hardship.** Demolition that is not in compliance with the findings required by Subsection B., above, may be approved only in cases of economic hardship.
2. **Economic hardship defined.** A substantial cost to the property owner that is patently unreasonable in comparison to the benefit conferred to the community should the owner be limited to following the guidelines for preserving or protecting the subject property.
3. **Required findings.** In order to approve demolition on the basis of economic hardship, the Commission shall first find all of the following:
  - a. The sale or rental of the property is impractical when compared to the cost of holding the property for uses allowed in the subject zoning district;
  - b. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;
  - c. Disapproval would substantially diminish the value of the property;
  - d. Disapproval would unreasonably damage the owner of the property in comparison to the benefit conferred on the community;
  - e. All means involving City sponsored incentives (e.g., amendments to this Development Code, Building Code modifications, financial assistance, and/or grants) have been explored to relieve the economic hardship;
  - f. Without approval of the proposed construction, demolition, exterior alteration, remodeling, or removal, the reasonable use of or return from a designated landmark or property within a historic district will be denied to a property owner; and
  - g. In the case of a proposed demolition, the Director shall make an additional finding that the designated landmark cannot be remodeled or rehabilitated in a manner that would allow a reasonable use of or return from the property to the owner.

**E. Effect of demolition.**

1. If approval of a COA will result in the demolition of a historic resource, the applicant shall be required to memorialize the resource proposed for demolition in compliance with the standards of the Historic American Building Survey (HABS).
2. The documentation may include an archaeological survey, floor plans, measured drawings, photographic records, or other documentation specified by the Commission. (Program CD-6.2.2)
3. When appropriate, the Commission may require that a memorialization of the resource be incorporated into the proposed redevelopment of the site including the following:
  - a. Book or pamphlet;
  - b. Photographic display;
  - c. Small museum or exhibit;
  - d. Use of original architectural fixtures; and/or
  - e. Other methods deemed appropriate by the Commission.

**F. 120-day waiting period.** If the COA is approved, the demolition shall be allowed only after the 120-day waiting period has expired in order to allow interested parties time to purchase and move the historic resource.

**18.74.070 - Certificate of Appropriateness - Disaster Damage**

A COA is required to add to, alter, demolish, reconstruct, repair, replace, or restore a disaster-damaged historic resource in compliance with this Development Code, except where the Building Official determines that an unsafe or dangerous condition exists in compliance with Section 18.74.100 (Unsafe or Dangerous Condition), below.

**18.74.080 - Adaptive Reuse and Other Rehabilitation Incentives**

**A. Purpose.**

1. The rehabilitation incentives provided by this Section are intended to encourage the maintenance, preservation, and rehabilitation of historic resources in the City, recognizing that maintaining and rehabilitating a historic resource places increased burdens on the affected property owner.
2. These rehabilitation incentives are intended to reduce those burdens so that property owners will be encouraged to invest in maintaining the City's historic resources.

**B. Applicability.**

1. Upon designation of a structure or improvement as a designated historic resource, the property owner may apply to the City for guidance and assistance in rehabilitating the resource.
2. The application for rehabilitation incentives is considered the necessary planning permit; the applicant need not submit additional applications for other permits required by this Development Code, but shall comply with any City requirements for a Building Permit, Grading Permit, etc.

**C. Types of incentives allowed.** The Commission or Council may grant any or all of the following rehabilitation incentives.

1. Adaptive reuse, including the approval of a change to a land use that is not otherwise allowed in the subject zoning district, but which is allowed in other zoning districts;
2. Mills Act Agreements;
3. Permit fee waivers; and/or

4. Reduction and/or substantial modification in the development standards of this Development Code.

**D. Application content.** Applications shall include the information required by the Director.

**E. Review and approval of rehabilitation incentives.**

**1. Hearing and action.**

- a. The Review Authority shall hold a public hearing to determine the eligibility of a property for rehabilitation incentives and shall, by resolution, approve or disapprove any incentives.
- b. The action of the Commission on a Mills Act agreement shall be a written recommendation to the Council. The Council has final approval authority in Mills Act decisions.
- c. Public notice for the hearing shall comply with State law and Chapter 18.96 (Public Hearings).

**2. Required findings for approval.** The Review Authority may recommend or grant rehabilitation incentives, only after first making all of the following findings:

**a. Findings for all incentives.**

- i) Each incentive to be granted serves to compensate the property owner for the increased burden, in terms of maintenance and expense, that the rehabilitation would entail;
- ii) No approved incentive would impair the aesthetic, architectural, or historic integrity of the resource; and
- iii) No proposed incentive would be detrimental to the public health, safety, or general welfare.

**b. Findings for adaptive reuse.** In addition to the above findings, the Review Authority shall first make the following findings before granting approval of an adaptive reuse:

- i) The change of use would occupy no more floor area than the original use;
- ii) The proposed use would not significantly impair the physical character of the area in which it is located; and
- iii) The change of use would result in substantial restoration of the significant and architectural features or exterior architectural appearance of the resource, and/or will result in a maintenance plan that will ensure the upkeep and continued maintenance of the resource over the expected life of the project.

**3. Conditions of approval.** In approving rehabilitation incentives, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure compatibility between the new use and the surrounding area.

**18.74.090 - Duty to Maintain and Repair**

**A. Responsibility to maintain and repair.** The owner, occupant, or other person in actual charge of a historic resource shall keep in good repair all of the exterior portions of the improvement, structure, and all interior portions whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature and any other specifically designated features of the property.

**B. Failure to maintain.** If periodic maintenance and upkeep is not done, and the resource falls into disrepair, the fact that it is in disrepair may not be used as justification for demolition or any other alteration which would cause adverse effect as defined in this Chapter.

**18.74.100 - Unsafe or Dangerous Condition**

**A. Imminent hazard.** In the case of damage to a structure that is the result of an isolated incident, the Director may approve a COA for a structure for which there is a threat of imminent hazard as determined by the Building Official, without public notice.

**B. Widespread damage.** In the case of widespread damage to structures throughout the City (e.g., from an earthquake), the Director shall stay all notices to demolish designated or potential historic resources, including all structures in designated or potential districts, until a structural engineer with expertise in the restoration of historic structures has evaluated the nature and extent of the damage to each structure, and recommended steps to stabilize each structure.

**C. Evaluation of damage.** The City shall isolate damaged structures to allow persons with appropriate expertise to further evaluate the damage.

**D. Action in case structure cannot be stabilized.** In cases where a structural engineer with expertise in the restoration of historic structures has determined that the structure cannot be stabilized, the Director may issue a COA for the demolition of one or more structures.

## Chapter 18.76

### PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

Sections:

- 18.76.010 Purpose of Chapter
- 18.76.020 Effective Date of Permits
- 18.76.040 Applications Deemed Approved
- 18.76.050 Permits to Run with the Land
- 18.76.060 Performance Guarantees
- 18.76.070 Time Limits and Extensions
- 18.76.080 Changes to an Approved Project
- 18.76.090 Resubmittal
- 18.76.100 Covenants of Easements

#### **18.76.010 - Purpose of Chapter**

This Chapter provides requirements for the implementation or “exercising” of the permits required by this Development Code, including time limits and procedures for granting extensions of time.

#### **18.76.020 - Effective Date of Permits**

The approval of a planning permit shall become effective on the 11th day following the date of application approval by the appropriate Review Authority, where no appeal of the Review Authority’s action has been filed in compliance with Chapter 18.92 (Appeals).

#### **18.76.040 - Applications Deemed Approved**

A planning permit application for a parcel that is deemed approved by operation of law in compliance with State law (Government Code Section 65956) shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

#### **18.76.050 - Permits to Run with the Land**

An Administrative Variance, Design Review, Minor Use Permit, Planned Development Permit, Use Permit, or Variance approval that is granted in compliance with Chapter 18.71 (Permit Review and Decision) shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with Section 18.76.070 (Time Limits and Extensions), below. All applicable conditions of approval shall continue to apply after a change in property ownership.

#### **18.76.060 - Performance Guarantees**

##### **A. Deposit of security.**

1. As a condition of approval of an Administrative Variance, Design Review, Minor Use Permit, Use Permit, or Variance, upon a finding that the City’s health, safety, and welfare warrant, the Review Authority may require the execution of a covenant to deposit security, and the deposit of security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of the Administrative Variance, Design Review, Minor Use Permit, Use Permit, or Variance in the event that the obligor fails to perform.
2. The security shall, as required by law or otherwise at the option of the City, be in the form of cash, a certified or cashier’s check, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the City.
3. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director of Public Works in conjunction with the Director.

Any security required in compliance with this Section shall be payable to the City.

**B. Release of security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

**C. Failure to comply.**

1. Upon failure to perform any secured condition, the City may perform the condition, or cause it to be done, and may collect from the obligor, and surety in case of a bond, all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.
3. To the extent that the Director can demonstrate that the obligor willfully breached an obligation in a manner that the obligor knew, or should have known, would create irreparable harm to the City, the entire amount of the bond or deposit may be withheld.
4. The Director's determination may be appealed to the Council by the obligor by filing an appeal with the City Clerk within 10 days after the decision to withhold the bond, in compliance with Chapter 18.92 (Appeals).

**18.76.070 - Time Limits and Extensions**

**A. Time limits.**

1. Unless a condition of approval or other provision of this Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B., below.
2. The permit shall not be deemed "exercised" until the permittee has substantially commenced the approved activity or has actually commenced the allowed use on the site in compliance with the conditions of approval.
3. After it has been exercised, a planning permit shall remain valid and run with the land in compliance with Section 18.76.050 (Permits to Run with the Land), as long as a Building Permit is active for the project, and after a final building inspection or Certificate of Occupancy has been granted.
4. If a project is to be developed in approved phases, each subsequent phase shall be exercised within 24 months from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and become void, except where an extension of time is approved in compliance with Subsection B., below. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the permit shall be exercised before the expiration of the Tentative Map, or the permit shall expire and become void.

**B. Extensions of time.** Upon written request by the applicant, the Director may extend the time for an approved planning permit to be exercised.

**1. Filing and review of request.**

- a. Time for filing.** The applicant shall file a written request for an extension of time with the Director before the expiration of the permit, together with the filing fee required by the City's Fee Schedule.
- b. Evidence to be provided.** The Director shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant (e.g., demonstrated problems with completing the acquisition of the parcel, poor weather during periods of planned construction, etc.) have prevented exercising the permit.
- c. Public hearing.** If the original approval required a public hearing, the Director shall hold a public hearing on a proposed extension of time, after providing notice of the public hearing in compliance with Chapter 18.96 (Public Hearings).

**2. Action on extension request.** A permit may be extended as follows for no more than two additional 12-month periods beyond the expiration of the original approval, provided the Director first finds that there have been no changes in the conditions or circumstances of the site or project so that there would have been grounds for disapproval of the original project.

**a. Director's action.** Upon good cause shown, the first 12-month extension may be approved, approved with modifications, or disapproved by the Director, whose decisions may be appealed to the Commission, in compliance with Chapter 18.92 (Appeals).

**b. Commission action.** One subsequent 12-month extension may be approved, approved with modifications, or disapproved by the Commission, whose decisions may be appealed to the Council in compliance with Chapter 18.92 (Appeals).

**C. Effect of expiration.** After the expiration of a planning permit in compliance with Subsection A.1., no further work shall be done on the site until a new planning permit and any required Building Permit or other City permits are first obtained.

**18.76.080 - Changes to an Approved Project**

Development or a new land use authorized through a planning permit granted in compliance with this Development Code shall be established only as approved by the Review Authority, and in compliance with any conditions of approval, except where a change to the project is approved as follows.

**A. Application.** An applicant shall request a proposed change in writing, and shall also furnish appropriate supporting information and materials explaining the reasons for the request. A change may be requested either before or after construction, or establishment and operation of the approved land use.

**B. Public hearing.** If the original project approval required public notice and a hearing, public notice shall be provided, and the Review Authority shall conduct a public hearing on the requested changes in compliance with Chapter 18.96 (Public Hearings).

**C. Changes approved by the Director.**

1. The Director may authorize one or more changes to an approved site plan, architecture, or the nature of the approved land use where the Director first finds that the changes:

a. Are consistent with all applicable provisions of this Development Code;

b. Do not involve a feature of the project that was a basis for or subject of findings in a Negative Declaration or Environmental Impact Report for the project;

c. Do not involve a feature of the project that was specifically addressed or was the subject of conditions of approval for the project or that was a specific consideration by the Review Authority (e.g., the Director, Commission, or Council) in the project approval; and

d. Do not result in an expansion of the land use.

2. The Director may choose to refer any requested change to the original Review Authority for review and final action.

**D. Changes approved by original Review Authority.** A proposed change that does not comply with the criteria in Subsection C. shall only be approved by the original Review Authority for the project through a new permit application processed in compliance with this Development Code.

**18.76.090 - Resubmittal**

**A. Resubmittal after disapproval with prejudice.**

1. The Review Authority may disapprove an application for a discretionary planning permit, or amendment, on the grounds that two or more similar applications for the same parcel have been disapproved in the past two years, or that another cause exists for limiting the re-filing of the application.
2. For a period of 12 months following the date of the disapproval with prejudice of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, except where the Director determines that substantial new evidence or proof of changed circumstances warrants further consideration.

**B. Resubmittal after disapproval without prejudice.** There shall be no limitation on subsequent applications for a site where a project was disapproved without prejudice.

**C. Director's determination, appeal.** The Director shall determine whether a new application is for a planning permit, or amendment that is the same or substantially similar to a previously approved or disapproved permit or amendment, and shall either process or reject the application in compliance with this Section. The Director's determination may be appealed to the Commission, in compliance with Chapter 18.92 (Appeals).

#### **18.76.100 - Covenants of Easements**

**A. Applicability.** When necessary to achieve the land use goals of the City, the City may require a property owner holding property in common ownership to execute and record a Covenant of Easement in favor of the City, in compliance with State law (Government Code Section 65870 et seq.) A Covenant of Easement may be:

1. Required to provide for emergency access, ingress and egress, landscaping, light and air access, open space, parking, or for solar access; and
2. Imposed as a condition of approval by the Review Authority.

**B. Form of covenant.** The form of the Covenant shall be approved by the City Attorney, and the Covenant of Easement shall:

1. Describe the real property subject to the easement and the real property to be benefitted by the easement;
2. Identify the City approval or planning permit granted that relied on or required the Covenant; and
3. Identify the purposes of the easement.

**C. Recordation.** A Covenant of Easement shall be recorded in the County Recorder's Office.

**D. Effect of covenant.** From and after the time of its recordation, a Covenant of Easement shall:

1. Act as an easement in compliance with Civil Code Section 801 et seq., except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall be applicable to the conveyance of the affected real property; and
2. Impart notice to all persons to the extent afforded by the recording laws of the State.

Upon recordation, the burdens of the Covenant shall be binding on, and the Covenant shall benefit all successors-in-interest to the real property.

**E. Enforceability.** A Covenant of Easement shall be enforceable by the successors-in-interest to the real property benefitted by the Covenant, and the City. Nothing in this Section creates standing in any person, other than the City, and any owner of the real property burdened or benefitted by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.

**F. Release of covenant.** A Covenant of Easement may be released by the Director, or by another appropriate Review Authority in the event of an appeal, at the request of any person, including the City, or an affected property owner.

- 1. Process for release.** The release of a Covenant of Easement shall require that the Review Authority first:
  - a. Conduct a noticed public hearing in compliance with Chapter 18.96 (Public Hearings); and
  - b. Find that the Covenant on the site is no longer necessary to achieve the land use goals of the City.
- 2. Recordation.** A notice of the release of the Covenant of Easement shall be recorded by the Director in the County Recorder's Office.
- 3. Fees.** The applicant for a release of a Covenant of Easement shall pay the fee for the processing of the release established by the City's Fee Schedule.

## **Chapter 18.78**

### **SPECIFIC PLANS**

Sections:

- 18.78.010 Purpose of Chapter
- 18.78.020 Applicability
- 18.78.030 Minimum Project Area
- 18.78.040 Initiation
- 18.78.050 Preparation and Content
- 18.78.060 Processing and Review
- 18.78.070 Adoption of Specific Plan
- 18.78.080 Implementation and Amendments

#### **18.78.010 - Purpose of Chapter**

This Chapter provides procedures for the preparation, processing, review, adoption, and amendment of specific plans.

#### **18.78.020 - Applicability**

**A. When required.** When required by the Council, the General Plan, or this Development Code to systematically implement the General Plan for any part of the City, a specific plan shall be prepared, processed, approved, and implemented in compliance with this Chapter.

**B. Review Authority.** An application for a specific plan shall be considered by the Commission, and approved or disapproved by the Council.

**C. Effect of specific plan.** The regulations provided by an adopted specific plan shall replace those of the applicable zoning district, and the development standards and design guidelines identified in the specific plan shall take precedence over the general standards contained in this Development Code and any City adopted design guidelines.

#### **18.78.030 - Minimum Site Area**

The minimum site area for a specific plan shall be five acres. The site may be one lot under single ownership or a combination of adjoining parcels subject to a unified planning concept.

#### **18.78.040 - Initiation**

A specific plan may be initiated by a resolution by the Council, or by the filing of an application with the Department by the owner or authorized agent of property for which the specific plan is sought. If the property is under more than one ownership, all of the owners or their authorized agents shall join in filing the application.

#### **18.78.050 - Preparation and Content**

The draft specific plan shall include detailed information in the form of text and diagram(s), organized in compliance with State law (Government Code Section 65451).

**A. Preparation.** A specific plan shall be prepared in the same manner as a general plan, pursuant to Government Code Section 65453. Therefore, a specific plan shall be prepared in accordance with the procedural requirements set forth in Government Code Sections 65351 through 65354.5, which govern the preparation, referral and consultation requirements for a general plan.

**B. Required information.** At a minimum, the following information shall be provided (see also Government Code Section 65451):

- 1. Proposed land uses.** The distribution, location, and extent of land uses proposed within the area covered by the specific plan, including open space areas;
- 2. Infrastructure.** The proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, potable water, sewers, solid waste disposal, utilities,

coastal access to surrounding developed and undeveloped areas if located within the Coastal Zone, and other essential facilities proposed to be located within the specific plan area and needed to support the proposed land uses;

**3. Land use and development standards.** Standards, criteria, and design guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;

**4. Implementation measures.** A program of implementation measures, including financing, methods, programs, regulations, and public works projects, necessary to carry out and provide:

- a. Development and conservation standards and criteria, infrastructure, and land uses;
- b. Public services, facilities and utilities, based on a nexus between development exactions being imposed and the development-induced needs being met by those exactions;
- c. Orderly phasing of the development; and
- d. Other measures needed to protect the health, safety, and well-being of the community.

**5. Relationship to General Plan.** A discussion of the relationship of the specific plan to the goals, policies, and objectives of the General Plan; and

**6. Additional information.** The specific plan shall contain additional information deemed to be necessary by the Director based on the characteristics of the area to be covered by the plan, applicable goals, policies, and objectives of the General Plan, or any other issue(s) determined by the Director to be relevant.

**B. Costs to be borne by the applicant.** The specific plan, and all environmental studies required as a result of the specific plan, shall be paid for by the applicant who may be repaid by future developers of other portions of the specific plan area on a pro rata basis.

#### **18.78.060 - Processing and Review**

A draft specific plan shall be processed in the same manner as required for general plans by State law, and as follows:

##### **A. Public meetings required for City-initiated specific plans.**

1. Before preparation of the draft specific plan, the City shall hold at least one public meeting to identify potential community impacts and concerns relating to the proposed plan concept.
2. Before consideration of the draft specific plan by the Commission and Council, the City shall hold at least one public meeting to review the plan with the local community.
3. Public notice of the public/neighborhood meetings is required in compliance with Chapter 18.96 (Public Hearings).

**B. Application filing.** The following shall apply if the specific plan is initiated by the filing of a specific plan application:

1. An application for a specific plan shall be filed and processed in compliance with Chapter 18.70 (Permit Application Filing and Processing).
2. The application shall be accompanied by the information identified in the Department handout for specific plan applications and Section 18.78.050 (Preparation and Content), above.

**C. Environmental review.** The draft specific plan shall be subject to environmental review as identified in Chapter 18.72 (Environmental Impact Assessment and Mitigation Monitoring).

**D. Staff report.** A written staff report shall be prepared for the draft specific plan which shall include detailed recommendations and proposed findings necessary for adoption of the plan.

**E. Public hearings.** A proposed specific plan shall be subject to public hearings before both the Commission and Council before its adoption, as follows:

**1. Commission.**

- a. The Director shall schedule a public hearing on the proposed specific plan.
- b. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 18.96 (Public Hearings).
- c. After the public hearing, the Commission shall forward a written recommendation, and reasons for the recommendation, to the Council whether to approve, approve in modified form, or disapprove the proposed specific plan, based on the findings identified in Section 18.78.070 (Adoption of Specific Plan), below.

**2. Council.**

- a. After receipt of the Commission's recommendation, the City Clerk shall schedule a public hearing on the proposed specific plan.
- b. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 18.96 (Public Hearings).
- c. After the public hearing, the Council may adopt the specific plan, disapprove the plan, or adopt the plan with modifications, with appropriate findings in compliance with Section 18.78.070 (Adoption of Specific Plan), below; provided, any substantial modifications to the plan that were not previously considered by the Commission shall be first referred to the Commission for its recommendation, in compliance with State law (Government Code Section 65356).

**18.78.070 - Adoption of Specific Plan**

**A. Council's action.** The Council may adopt a specific plan only after first finding that:

1. The proposed specific plan is consistent with the General Plan;
2. The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc. as identified in the proposed specific plan), will ensure that future development will not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and base zoning district in which the property is located;
3. The proposed specific plan will:
  - a. Ensure quality development by encouraging greater creativity and aesthetically pleasing designs for the individual components of the development and the development as a whole;
  - b. Ensure the timely provision of essential public services and facilities consistent with the demand for the services and facilities; and
  - c. Promote a harmonious variety of housing choices and commercial and industrial activities, if applicable; attain a desirable balance of residential and employment opportunities; and result in a high level of amenities and the preservation of the natural and scenic qualities of open space.
4. The subject site is:
  - a. Physically suitable for the proposed land use designations;

- b. Physically suitable for the type and density/intensity of development being proposed;
- c. Adequate in shape and size to accommodate the proposed development; and
- d. Served by streets adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development.

**B. Adoption.** The specific plan shall be adopted by ordinance, or by resolution of the Council, in compliance with State law (Government Code Section 65453).

**18.78.080 - Implementation and Amendments**

**A. Development within specific plan area.** After the adoption of a specific plan, all proposed development and new land uses within the area covered by the specific plan shall be consistent with the specific plan. No project, Tentative Map, Parcel Map for which a Tentative Map was not required, Conditional Use Permit, Design Review Permit, or amendment to this Development Code may be approved/adopted within an area covered by a specific plan unless it is first found to be consistent with the specific plan.

**B. Specific plan fee.** The Council may impose a specific plan fee on development permits within the specific plan area, in compliance with State law (Government Code Section 65456).

**C. Amendments.**

1. An adopted specific plan may be amended through the same procedure specified in Government Code Section 65358, which governs amendments to a general plan.
2. The specific plan may be amended as often as deemed necessary by the Council, in compliance with State law (Government Code Section 65453).

# ARTICLE 10

## Definitions

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## **CHAPTER 18.100 - DEFINITIONS**

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**Sections:**

- 18.100.010 - Purpose of Chapter
- 18.100.020 - Definitions of Specialized Terms and Phrases

### **18.100.010 - Purpose**

This Chapter provides definitions of terms and phrases used in this Inland Land Use and Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Inland Land Use and Development Code. If a word is not defined in this Chapter, or in other provisions of the City of Fort Bragg Municipal Code, the Director shall determine the correct definition.

### **18.100.020 - Definitions of Specialized Terms and Phrases**

As used in this Inland Land Use and Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

#### **A. Definitions, "A."**

**Abut.** Having property lines, street lines, or zoning district lines in common.

**Accessory Dwelling Unit.** A second permanent dwelling unit that is accessory or attached to a primary dwelling on the same site. A second unit/carriage house or duplex unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation and parking. If attached to the primary dwelling, is provided exterior access separate from the primary dwelling. A carriage house is a second unit located over a detached garage. Includes guest houses. A second unit may be attached to the primary unit to form a duplex.

**Accessory Retail or Services.** The limited retail sale of products or the provision of services within a health care, hotel, office, or industrial complex, to employees and/or customers. Examples of these uses include pharmacies, gift shops, food service establishments, convenience stores, hair salons, etc.

**Accessory Structure.** A structure that is physically detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. See also "Agricultural Accessory Structure" and "Residential Accessory Uses and Structures."

**Accessory Use.** A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located.

**Adult Oriented Business.** The following terms and phrases are defined for the purposes of Chapter 18.40 (Adult Oriented Business Regulations).

Definitions

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1. **Adult Arcade.** Any business establishment or concern containing one or more coin or slug operated or manually or electronically controlled still or motion picture projectors, video machines, projector or similar image-producing devices, that are maintained to display images to an individual or group of individuals when those images are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
2. **Adult Bookstore.** Any establishment which as a regular and substantial course of conduct, displays and/or distributes sexually oriented merchandise, sexually oriented material, books, periodicals, magazines, or other printed materials, or photographs, drawings, sculptures, films, motion pictures, videos, discs, cassettes, slides, tapes, records, or other form of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities and/or specified anatomical areas (See "adult-oriented business" for definition of regular and substantial course of conduct.)
3. **Adult Cabaret.** A nightclub, bar, lounge, restaurant, or similar business establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, computer generated images, videos, discs, slides, or other photographic reproductions, or other oral, written or visual representations which are distinguished or characterized by an emphasis upon matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
4. **Adult Dance Studio.** Any business establishment or concern which provides for members of the public a partner for dance where the partner, or the dance is distinguished or characterized by an emphasis upon matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
5. **Adult Hotel/Motel.** A hotel, motel, or other similar business establishment or concern offering public accommodations for any form of consideration which as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television, films, computer generated images, motion pictures, videos, discs, slides, other photographic reproductions, or other medium, material which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and which rents, leases, or lets any room for less than a 12-hour period, or rents, leases, or lets any single room more than once in a 24-hour period.
6. **Adult Modeling Studio.** Any business or premises where there is furnished, provided, or procured, a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas where the model(s) is being observed or viewed by any person for the purpose of being sketched, photographed, painted, drawn, sculpted, filmed, or videotaped or otherwise depicted for a fee, compensation, gratuity, or other thing of value as consideration for the right or opportunity to so observe the model or to remain on the premises. "Adult Modeling Studio" does not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree in compliance with standards set by the State Board of Education.
7. **Adult-Oriented Business.** Any business establishment or concern which as a regular and substantial course of conduct operates as an adult arcade, adult bookstore, adult cabaret, adult dance studio, adult hotel/motel, adult modeling studio, adult theater; any business establishment or concern which as a regular and substantial course of conduct sells or distributes or offers for sale or distribution sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas. "Adult-oriented business" does not include those uses or activities, the regulation of which is preempted by State law. For the purposes of this Section, a business establishment or concern has established the provision of products, merchandise, services, or entertainment characterized by an emphasis on matters depicting describing, or relating to specified sexual activities or specified anatomical areas as a regular and substantial course of conduct when one or more of the following conditions exist:

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- a. The area devoted to adult merchandise and/or sexually oriented material exceeds more than 20 percent of the total display or floor space area open to the public;
  - b. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical areas at least four times in any month;
  - c. The regular and substantial course of conduct of the business consists of or involves the sale, trade, display, or presentation of services, products, or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
8. **Adult Theater.** A business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment performances, motion pictures, videos, computer images, slide photographs, or other pictures or visual representations or reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
9. **Adult-Oriented Business Operator.** A person who supervises, manages, inspects, directs, organizes, controls, or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business or the conduct or activities occurring on the premises thereof. This term shall hereinafter be referred to as "operator."
10. **Applicant.** A person who is required to file an application for a permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an Adult-Oriented Business.
11. **Bar.** Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.
12. **Distinguished or characterized by an emphasis upon.** Shall mean and refer to the dominant or essential theme of the object described by the phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character or theme are the depiction of the enumerated sexual activities or anatomical areas. See *Pringle v. City of Covina (1981) 115 Cal.App.3d 151*.
13. **Entertainer.** Any person who dances, models, entertains, and/or performs specified sexual activities or displays specified anatomical areas in an Adult-Oriented Business.
14. **Establishment of an Adult-Oriented Business.** Shall mean and include any of the following:
- a. The opening or commencement of any Adult-Oriented Business as a new business;
  - b. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;
  - c. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or
  - d. The relocation of any Adult-Oriented Business.
15. **Figure Model.** Any person who, for pecuniary compensation, consideration, hire, or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed, or otherwise depicted.

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16. **Live Art Class.** Any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical areas; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and preregistration is required at least 24 hours in advance of participation in the class.
17. **Nudity or a state of nudity.** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola.
18. **Operate an Adult-Oriented Business.** The supervising, managing, inspecting, directing, organizing, controlling, or in any way being responsible for or in charge of the conduct of activities of an Adult-Oriented Business or activities within an Adult-Oriented Business.
19. **Permittee.** The person to whom an Adult-Oriented Business Permit is issued.
20. **Person.** Any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.
21. **School.** Any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained in compliance with standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education or an institution of higher education, including a community or junior college, college, or university, but it does not include a vocational institution.
22. **Semi-nude.** A state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.
23. **Sexual Encounter Center.** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.
24. **Sexually Oriented Material.** Any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, disc, computer generated image, or other written, oral or visual representation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
25. **Sexually Oriented Merchandise.** Sexually oriented implements and paraphernalia, including, but not limited to, dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery or electrically operated vaginas or penises, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
26. **Specified Anatomical Areas.** Shall mean and include any of the following:
  - a. Less than completely and opaquely covered human (1) genitals or pubic region; (2) buttocks; and/or (3) female breast below a point immediately above the top of the areola; or
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

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- c. Any device, costume, or covering that simulates any of the body parts included in Subparagraphs a. or b., above.
27. **Specified Sexual Activities.** Shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering;
- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, bestiality, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or
  - b. Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence; or
  - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
  - d. Fondling, or touching of nude human genitals, pubic region, buttocks, or female breast; or
  - e. Masochism, erotic, or sexually oriented torture, beating, or the infliction of pain; or
  - f. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or human excretion, urination, menstruation, vaginal, or anal irrigation; or
  - g. The presence of any person who performs, or appears in a state of nudity or semi nude.

**Affordable and Inclusionary Housing Requirements.** The following terms and phrases are defined for the purposes of Chapters 18.31 (Density Bonuses and Affordable Housing Incentives), and 18.32 (Inclusionary Housing Requirements).

- 1. **Addition.** An extension or increase in floor area of existing development project.
- 2. **Affordable rent.** Monthly rent, including tenant paid utilities allowances and all fees for housing services, that does not exceed 30 percent of 80 percent of area median income for lower-income households. For very low-income households, affordable rents are monthly rents that do not exceed 30 percent of 50 percent of area median income. Where the applicant is requesting a density bonus in compliance with Chapter 18.31 or where the applicant is requesting direct financial assistance requiring a different rent, the term "affordable rent" for lower income households, shall mean monthly rents that do not exceed 30 percent of 60 percent of area median income in compliance with State law (Health and Safety Code Section 50079.5). 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.
- 3. **Affordable sales price.** The maximum purchase price that will be affordable to the specified target income household. A maximum purchase price shall be considered affordable only if each monthly owner-occupied housing payment is equal to or less than one-twelfth of 30 percent of income for the specified target income household. In setting the affordable sales price, realistic assumptions regarding down payment, mortgage interest rate, and term will be established so that targeted income families can reasonably qualify. 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.
- 4. **Affordable units.** Those dwelling units that are required to be rented at affordable rents or purchased at an affordable sales price to specified households.

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5. **Annual household income.** The combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.
6. **Construction costs.** The estimated cost per square foot of construction, as established by the Building Official for use in setting regulatory fees and Building Permits, multiplied by the total square footage, to be constructed, except for any floor area devoted to a garage.
7. **Density Bonus.** As defined by State law Government Code Section 65915 et seq. (Section 65915 provides a legal framework for awarding density bonuses, which requires a density bonus award of at least 5 percent and up to 35 percent - over the maximum density otherwise allowed by the applicable zoning district - depending on the percentage of dwelling units that are affordable to households of very low, low and/or moderate income.)
8. **Developer.** A corporation, firm, or person constructing, placing, or creating new residential development directly or through the services of an agent, employee, independent contractor, or otherwise.
9. **Essential Public Service Employees.** These employees include City of Fort Bragg sworn police officers, Fort Bragg Fire Protection Authority fire fighters, Fort Bragg Unified School District teachers, and Mendocino Coast District Hospital health care workers.
10. **Gross floor area.** The sum of the gross horizontal floor areas of a structure measured from the exterior face of exterior walls, or from the center line of a wall separating two structures. In cases where no walls exist, the gross horizontal floor area shall be that area covered by the roof excluding two feet on each side of the structure for a standard roof projection.
11. **Inclusionary Housing In-Lieu Fee.** The fee established in compliance with Section 18.32.070 for residential development projects.
12. **Inclusionary Housing Trust Fund.** The City's Inclusionary Housing Trust Fund established in compliance with Section 18.32.040.
13. **Incentive.** A relaxation of a section of the zoning regulations in order to accommodate a development project that provides affordable housing in compliance with Chapter 18.31.
14. **Low-income household.** A household with income of up to 80 percent of median income.
15. **Market-rate unit.** A dwelling unit in a residential project that is not an affordable unit.
16. **Median income.** The median income, adjusted for family size, applicable to the County as published annually in compliance with Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the United States Department of Housing and Urban Development.
17. **Moderate-income household.** A household with an income of up to 120 percent of median income.
18. **Monthly owner-occupied housing payment.** That sum equal to the principal, interest, property taxes, homeowner's insurance, and homeowner's association dues paid on an annual basis divided by 12.
19. **Residential development project.** A project for the construction or placement of any dwelling unit in a permanent location, or the subdivision of land that is planned, designed, or used for one or more single-family dwellings, and/or multi-family dwellings or mobile home parks.
20. **Sweat Equity housing development.** An affordable housing project for which some or all of the construction labor is provided by purchasers of the housing units or volunteers and for which all purchasers are lower income households, but where the continuing affordability of the units is not guaranteed for the time period required by Section 18.32.060.D. (Continued Affordability).

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21. **Very low-income household.** A household with an income of up to 50 percent of median income.

**Agent.** A person authorized in writing by the property owner to represent and act for a property owner in the application of a permit or approval and/or contact with City employees, committees, Commissions, and the Council, regarding matters regulated by this Inland Land Use and Development Code.

**Agricultural Accessory Structure.** A structure for sheltering animals, or agricultural equipment, hay, feed, etc. Examples of these structures include barns, non-commercial greenhouses, coops, corrals, and pens. May also include the storage of petroleum products for an on-site agricultural use allowed by the applicable zoning district. Does not include pasture fencing, which requires no City approval when in compliance with Section 18.30.050 (Fences, Walls, and Screening).

**Agricultural Product Processing.** The processing of harvested crops to prepare them for on-site marketing or processing and packaging elsewhere. Examples of this land use include the following:

- custom milling of flour, feed and grain
- dairies (but not feedlots, see instead "Livestock operations, sales yards, feedlots, Stockyards")
- drying of corn, rice, hay, fruits and vegetables
- grain cleaning and custom grinding
- hay baling and cubing
- pre-cooling and packaging of fresh or farm-dried fruits and vegetables
- sorting, grading and packing of fruits and vegetables
- tree nut hulling and shelling
- wineries

**Alcoholic Beverage Sales.** The retail sale of beer, wine, and/or distilled spirits for on-premise or off-premise consumption.

**Alley.** A public or private roadway that provides vehicle access to the rear or side of parcels having other public street frontage, that is not intended for general traffic circulation.

**Allowed Use.** A use of land identified by Article 2 (Zoning Districts and Allowable Land Uses) as a permitted or conditional use that may be established with planning permit and, where applicable, Design Review and/or Building Permit approval, subject to compliance with all applicable provisions of this Land Use and Development Code.

**Alteration.** Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

**Ambulance, Taxi, and Specialized Transportation Dispatch Facility.** A base facility where ambulances, taxis, limousines, armored cars, tow trucks, and similar vehicles for specialized transportation are stored, and from which they are dispatched, and/or where ambulance vehicles and crews not based at a hospital or fire department stand by for emergency calls. Does not include storage facilities for towed vehicles, which is classified under "Vehicle Storage."

**Animal Keeping.** See Section 18.42.040 (Animal Keeping).

**Apartment.** See "Multi-Family Housing."

**Applicant.** Any person who is filing an application requesting an action who is:

1. The owner or lessee of property;
2. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Land Use and Development Code, and who presents written authorization from the property owner to file an application with the City; or

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3. The agent of either of the above who presents written authorization from the property owner to file an application with the City.

**Approval.** Includes both approval and approval with special conditions.

**Architectural Feature.** An exterior building feature including roof, windows, doors, porches, etc.

**Arterial Street.** An arterial street as identified by the Circulation Element of the General Plan.

**Artisan/Craft Product Manufacturing.** Establishments that design and create/manufacture and/or assemble small products, primarily by hand, composed of glass, ceramic, metal, fiber and similar materials into art and craft products. Includes woodworkers and cabinet makers. Also includes fine art activities such as painting, etching, watercolor, printing on a hand press, etc.

**Artisan Shop.** A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold.

**Assessed Value.** The value of a structure as shown in the records of the County Assessor.

**Attic.** The area located between the uppermost plate and the roof or ridge of a structure.

**Auto and Vehicle Sales/Rental.** A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and bicycles (bicycle sales are also included under "General Retail"). Vehicles for sale may be displayed outdoors or indoors, as authorized by the required Use Permit.

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

**Auto Parts Sales.** Stores that sell new automobile parts, tires, and accessories. Establishments that provide installation services are instead included under "Vehicle Services - Repair and Maintenance - Minor." Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

**Auto Repair.** See "Vehicle Services."

**Automated Teller Machine (ATM).** Computerized, self-service machines used for financial transactions, including deposits, withdrawals and fund transfers. The machines may be located at or within banks, or in other locations, as allowed by Article 2. Does not include drive-up ATMs; see "Drive-Through Services." ATMs and other vending machines are not considered tenants for the purposes of signage or permitting.

Definitions

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**B. Definitions, "B."**

**Bank, Financial Services.** Financial institutions including:

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

See also, "Automated Teller Machine." Does not include check cashing stores, which are instead defined under "Personal Services - Restricted."

**Bar/Tavern.** A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include dancing as an incidental use, if authorized by the Use Permit approval for the facility. Does not include adult entertainment businesses, which are separately defined.

**Bed and Breakfast Inn (B&B).** See "Lodging."

**Best Management Practices (BMPs).** Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.

**Big Box Retail.** A large formula retail establishment that is generally located on an arterial or collector roadway, requires a site of one acre or larger, and generally contains one or several businesses or structures totaling 30,000 or more square feet. They may operate as stand-alone facilities, but also in a type of shopping center called a "power center" or "value mall" having common characteristics including large warehouse-sized buildings and a reliance on auto-borne traffic. Warehouse retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Patrons may be required to pay membership fees.

**Biologically Sensitive Area.** Any area in which plant or animal life or their habitats are rare or especially valuable as determined by the Army Corp of Engineers or the California Department of Fish and Game because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and development.

**Bioretention.** Shallow landscape depressions with soils, mulch, and planted vegetation intended to capture, treat, and infiltrate stormwater runoff.

**Broadcasting Studio.** 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, including antennas and towers, which are instead defined under "Telecommunications Facilities."

**Brewery/Restaurant** – A brewery with an accessory restaurant, where the brewery component comprises more than 50 percent of the floor space.

**Building Code.** Refers to the most recently adopted (by the City of Fort Bragg) version of the California Building Standards Codes (California Code of Regulations, Title 24), which are published on a triennial basis. The Building Code is adopted as Title 15 of the Fort Bragg Code of Ordinances.

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**Building and Landscape Materials Sales.** A retail establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials. Includes paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution."

**Building Frontage.** A building wall adjacent to a parcel boundary that abuts a public right-of-way. A primary building frontage provides the main pedestrian entrance to the building. A secondary building frontage abuts a side street, rear entrance, or has an entrance from other than a public right-of-way. See Figure 10-1.

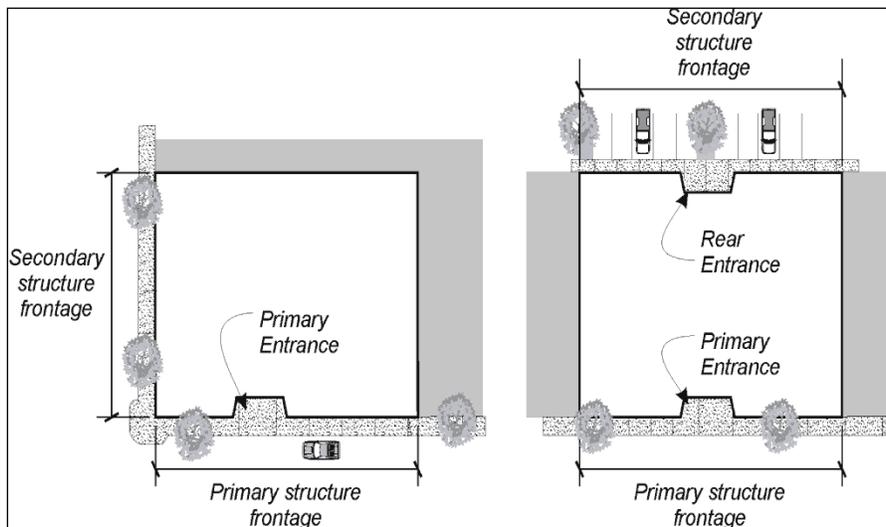


Figure 10-1 – Building Frontage

**Building Height.** See Section 18.30.060 (Height Limits and Exceptions).

**Building Official.** The Building Official of the City of Fort Bragg, or designee of the Building Official.

**Business Support Service.** An establishment within a building that provides services to other businesses. Examples of these services include:

- computer-related services (rental, repair)
- copying and quick printing services
- courier, messenger, and delivery services, small scale, without fleet vehicle storage (see also "Freight Terminals")
- outdoor advertising services
- mailing and mail box services
- protective services (other than office related)
- security systems services

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**C. Definitions, "C."**

**Cabinet Shop.** See "Furniture and Fixtures Manufacturing, Cabinet Shops."

**California Environmental Quality Act (CEQA).** State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

**California Public Utilities Commission (CPUC).** The governmental agency which regulates the terms and conditions of public utilities in the State.

**Caretaker Quarters.** A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

**Carriage House.** See "Second Unit or Carriage House."

**Catering Service.** A business that prepares food for consumption on the premises of a client.

**Change of Use.** The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

**Child Day Care Center or Facility.** A child day care facility other than a family day care home, including but not limited to infant centers, pre-schools, extended day care facilities, and school age child care centers.

**City.** The City of Fort Bragg, State of California, referred to in this Inland Land Use and Development Code as the "City." For the purposes of this Land Use Code, "City" includes the Fort Bragg City Council, Planning Commission, advisory agencies, appeals boards, agents, employees, and officers of the City of Fort Bragg.

**City Council.** The Fort Bragg City Council, referred to in this Inland Land Use and Development Code as "City Council" and the "Council."

**Clean Water Act.** The Federal Water Pollution Control Act (3-3 U.S.C. §1251 et seq.), and any amendments to the Act.

**Commercial Recreation Facility - Indoor.** Establishments providing indoor amusement and entertainment services for a fee or admission charge, for example:

- bowling alleys, shooting range, pool and billiard rooms, card rooms, etc.
- gym, swimming pool, climbing wall, indoor ball courts, etc.
- dance halls, clubs and ballrooms
- ice skating and roller skating
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This use does not include adult oriented businesses, which are separately defined.

**Commercial Recreation Facility - Outdoor.** A facility for various outdoor recreational activities, where a fee is charged for use. Examples include:

- amusement and theme parks
- pump tracks, go-cart tracks
- golf driving ranges, miniature golf courses

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

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**Community Center.** A multi-purpose meeting and recreational facility typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

**Community Garden.** A site for growing plants that is shared and maintained by community residents.

**Condition of Project Approval.** Any performance standard, prescribed change in a project, environmental mitigation measure, or other City-imposed requirement to alter or modify the project in any manner from the description in the application originally submitted for City approval. Also known as a Special Condition of approval.

**Condition, Quantifiable.** A condition placed upon a project that requires the permit holder or project proponent to meet specific measurable standards. The measurement of a quantifiable condition shall be intended to be a finding of conforming to a measurable standard.

**Condition, Special.** A condition placed upon a specific project that requires the permit holder or project proponent to undertake a action, typically prior to approval of the building permit or the final certificate of occupancy.

**Condition, Standard.** A condition that is placed upon all projects as part of the permitting or approval process and which must be followed during the implementation of the permit or approval.

**Condition, Time Specific.** A condition placed upon a project that requires the satisfactory completion or undertaking of an approval requirement before a specific date or phase of the project development.

**Condominium.** As defined by Civil Code Section 1715, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map.

**Conference/Convention Facility.** One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

**Construction Activity.** In the context of Chapter 18.64 (Stormwater Runoff Pollution Control), "construction activity" means activities subject to NPDES Construction Permits. These activities include clearing and grubbing, grading, excavating, and demolition.

**Construction Contractor Base.** Office, and indoor and/or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities. Includes building contractors, landscape contractors, sign contractors, etc.

**Construction and Heavy Equipment Sales and Rental.** Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

**Convenience Store.** A neighborhood serving retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience shopping needs.

**Conveyance, or Convey.** Any transfer, sale, lease, rent, or disposition of or act to transfer, sale, lease, rent, or dispose of any affordable unit and include, but are not limited to, transfer of title or any interest therein by nonjudicial or judicial foreclosure and sale; but does not include transfer by gift, devise, or inheritance to the unit owner's spouse or issue, taking of title by surviving joint tenant, transfer of title to a spouse as part of divorce or dissolution proceedings, or acquisition of title or interest therein in conjunction with marriage.

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**Cooperative Housing.** (Co-Housing) A type of Multi-Family residential development. It typically consists of smaller units (which may or may not include a kitchen and may or may not be detached) and a larger cooperative kitchen and gathering space for residents.

**County.** The County of Mendocino, State of California.

**Crop Production, Horticulture, Orchard, Vineyard.** Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

- field crops
- flowers and seeds
- fruits
- grains
- melons
- ornamental crops
- tree nuts
- trees and sod
- vegetables
- wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, not including sales sheds, which are instead defined under "Produce Stand." Does not include greenhouses which are instead defined under "Plant Nursery," and "Residential Accessory Use or Structure," or containerized crop production, which is instead defined under "Plant Nursery." Does not include non-commercial home gardening, which is allowed as an accessory use in all zoning districts without City approval.

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**D. Definitions, "D."**

**Day Care, Adult.** A state-licensed day care facility providing care and supervision of more than six adults for periods of less than 24 hours for any client.

**Day Care, Child.** Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1. **Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
2. **Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.
3. **Large Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.
4. **Small Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.

**Density.** The number of housing units per acre, unless otherwise stated, for residential uses.

**Density Bonus.** See "Affordable and Inclusionary Housing Requirements."

**Department.** The City of Fort Bragg Community Development Department, referred to in this Land Use and Development Code as the "Department."

**Detached Structure.** A detached structure is any building that does not share a physical wall with the primary structure. Buildings that are only "attached" to the primary structure via a breezeway or covered patio are considered detached structures.

**Development.** On land grading, removing, dredging, mining, or extraction of any materials; subdivision pursuant to the subdivision map act, construction, reconstruction, demolition, or alteration of any structure;

**Development Agreement.** A contract between the City and an applicant for a development project, in compliance with the Municipal Code, and Government Code Sections 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

**Diameter of a Tree.** Trunk diameter measured at 4.5 feet above the ground (also known as "Diameter at Breast Height," or "DBH").

**Director.** The City of Fort Bragg Community Development Director, or designee of the Director.

**Discretionary land use approval.** Any decision of the City to approve the request of an applicant for a General Plan amendment, Zoning Map amendment, Tentative Map, Vesting Tentative Map, Final Map, Final Map modification or

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amendment, boundary line adjustment, Conditional Certificate of Compliance, development agreement, Minor Use Permit, Use Permit, Design Review, permit extension of time or modification, Variance, or Administrative Variance, reclamation plan, time extension, administrative permit pertaining to a land use approval or any accompanying California Environmental Quality Act (CEQA) determination pertaining to any type of approval referred to in this definition.

**Discretionary permit.** Any permit or license issued by the City for a project that requires the exercise of judgment or deliberation wherein the City decides to either approve or disapprove a particular activity in compliance with applicable laws, including Minor Use Permits, Use Permits, Administrative Variances, Variances, Design Review Approval, and Subdivision Maps.

**District.** See "Zoning District."

**Drive-Through Retail or Service.** A facility where food or other products may be purchased, or where services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc. Examples of drive-through service facilities include drive-through bank teller windows, dry cleaners, etc., but do not include automated teller machines (ATMs), gas stations or other vehicle services, which are separately defined.

**Duplex.** See "Second Unit." A duplex is a type of Second Unit, where the second unit is attached or a component of the primary unit.

**Dwelling, Dwelling Unit, or Housing Unit.** A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied on a long-term basis.

Definitions

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**E. Definitions, "E."**

**Easement.** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**Emergency.** A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

**Emergency Shelter.** A facility for the temporary shelter and feeding of indigents or disaster victims, operated by a public or non-profit agency.

**Engineering Geologist.** A registered geologist certified as an Engineering Geologist by the State of California.

**Engineering Geology.** The application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

**Environmental Impact Report (EIR).** An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

**Equestrian Facility.** A commercial facility for horses, donkeys, and/or mules, examples of which include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in "Animal Keeping" as regulated by Section 18.42.040.

**Equipment Rental.** A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

Definitions

**F. Definitions, "F."**

**Fence.** A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Land Use and Development Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site.

**Farm Supply and Feed Store.** A retail business selling supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the keeping and raising of farm animals, and other operations and processes pertaining to farming and ranching. Does not include the sale, rental, or repair of farm machinery and equipment, which is instead included in the definition of "Construction and Heavy Equipment Sales and Rental."

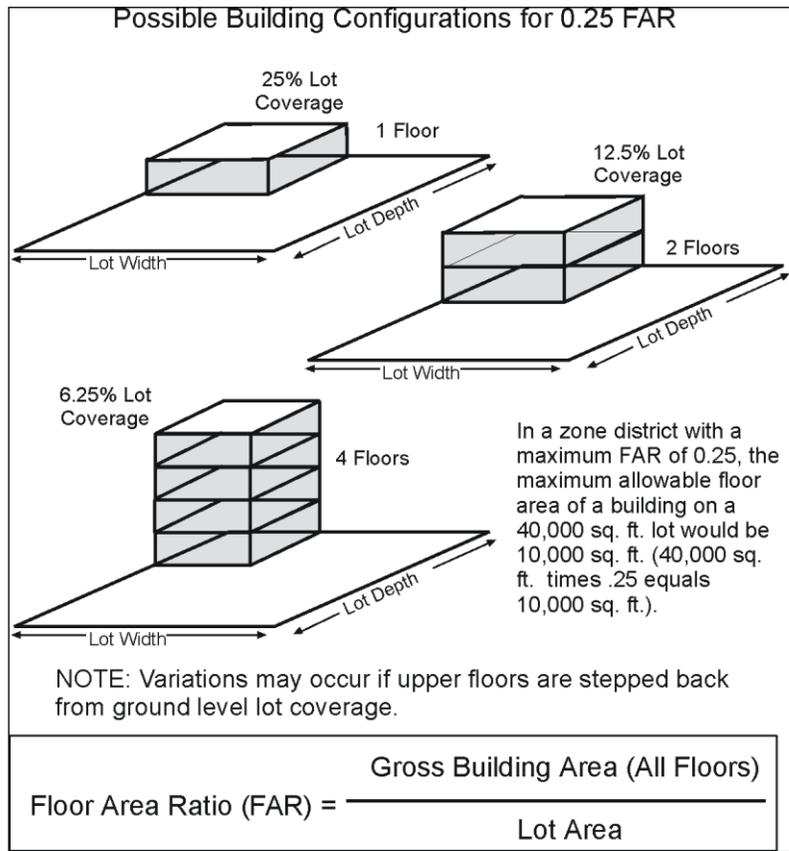
**Farmers Market.** The temporary use of a site for the indoor or outdoor sales of food and farm produce items from vehicles or stands, in compliance with California Food and Agriculture Code Section 1392 et seq.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

**Fire Code.** The Fire Code means section 15.08 of the Fort Bragg Code of Ordinances, portions of California Title 24, California Title 19, and applicable fire regulations.

**Fish Processing.** An establishment that prepares raw fish for wholesale distribution and/or retail sale.

**Floor Area Ratio (FAR).** The Floor Area Ratio (FAR) is the ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site (including all structures on the site). The maximum floor area of all structures (measured from exterior wall to exterior wall) permitted on a site (excluding carports) shall be determined by multiplying the Floor Area Ratio (FAR) by the total net area of the site (FAR x Net Site Area = Maximum Allowable Floor Area). See Figure 10-2.



**Figure 10-2 – Floor Area Ratio**

**Formula Business.** A business that is required by contractual or other arrangement to maintain standardized uses, services, decor, uniforms, architecture, signs, or other similar features. Formula businesses can include retail sales services, restaurants, gas stations, visitor accommodations, etc..

**Fuel Dealer.** A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

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**Furniture, Furnishings and Appliance Store.** A store that primarily sells the following products and related services, that may also provide incidental repair services:

- computers and computer equipment
- draperies
- floor coverings
- furniture
- glass and chinaware
- home appliances
- home furnishings
- home sound systems
- interior decorating materials and services
- large musical instruments
- lawn furniture
- office furniture
- other household electrical and gas appliances
- outdoor furniture
- pool tables
- refrigerators
- spas, hot tubs, swimming pools
- stoves
- televisions

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**G. Definitions, "G."**

**Garage, or Carport.** Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Chapter 18.36 (Parking and Loading).

1. A garage is an attached or detached accessory structure with a door, enclosed on at least three sides.
2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

A garage or carport complies with the requirements of this Land Use and Development Code for "covered" parking spaces.

**General Plan.** The City of Fort Bragg's Inland General Plan, including all its elements and all amendments thereto, as adopted by the City Council in compliance with Government Code Section 65300 et seq., and referred to in this Land Use and Development Code as the "General Plan." The Coastal General Plan by contrast is part of the Certified Local Coastal Program and regulated development in the City's Coastal Zone.

**General Retail.** Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>▪ antique stores</li> <li>▪ art galleries</li> <li>▪ art supplies</li> <li>▪ bicycles</li> <li>▪ books, magazines, and newspapers</li> <li>▪ clothing, shoes, and accessories</li> <li>▪ Consignment stores</li> <li>▪ collectibles (cards, coins, comics, stamps, etc.)</li> <li>▪ department stores</li> <li>▪ dry goods</li> <li>▪ fabrics and sewing supplies</li> <li>▪ florists and houseplant stores (indoor sales only; outdoor sales are "Building and Landscape Materials Sales")</li> </ul> | <ul style="list-style-type: none"> <li>▪ hardware (not including building or landscape materials)</li> <li>▪ Health care supplies</li> <li>▪ hobby materials</li> <li>▪ jewelry</li> <li>▪ luggage and leather goods</li> <li>▪ musical instruments, parts and accessories</li> <li>▪ religious goods</li> <li>▪ small wares</li> <li>▪ specialty shops</li> <li>▪ sporting goods and equipment</li> <li>▪ stationery</li> <li>▪ toys and games</li> <li>▪ variety stores</li> </ul> |
|---|--|

Does not include adult oriented businesses and second hand stores, which are separately defined.

**Grade.** The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

**Grading.** The following terms and phrases are defined for the purposes of Chapters 18.60, and 18.62, regarding grading, drainage, erosion and sediment control.

1. **As-Graded.** The extent of ground surface conditions on completion of grading.
2. **Borrow.** Earth material acquired from an off-site location for use in grading on a site.
3. **Compaction.** The increase in the density of soil or rock fill by mechanical means.
4. **Depth of Cut.** The vertical dimension from the exposed cut surface to the original ground surface at the cut's deepest point, generally at the hinge point. Where the construction slope is steeper than 3:1, the depth shall be measured from the top of the cut.

Definitions

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5. **Depth of Fill.** The vertical dimension from the exposed fill surface to the original ground surface at the fill's deepest point, generally at the hinge point. Where the construction slope is steeper than 3:1, the depth shall be measured from the toe of the slope.
6. **Earth Material.** Any rock, natural soil or fill and/or any combination thereof.
7. **Embankment.** A fill consisting of a deposit of soil, rock or other materials mechanically placed, including the conditions resulting therefrom.
8. **Erosion.** The wearing away of the ground surface as a result of the movement of wind, water, or ice.
9. **Excavation.** The mechanical removal of earth material.
10. **Grading.** Any excavating or filling or combination thereof.
11. **Key.** A designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed slope.
12. **Landform Grading.** A contour grading method that creates artificial slopes with curves and varying slope ratios in the horizontal and vertical planes designed to simulate the appearance of surrounding natural terrain.

**Groceries, Specialty Foods.** A retail business where the majority of the floor area, open to the public, is occupied by food products for preparation and consumption away from the store. Includes retail bakeries, where any on-site baking is only for on-site sales.

**Guest House.** A detached (or attached) structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

Definitions

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## H. Definitions, "H."

**Habitable Space.** Space within a dwelling unit for living, sleeping, eating, and cooking.

**Harbor and Marina Facilities.** Facilities providing a full range of services related to: commercial and recreational fishing; fisheries and hatcheries; seafood processing; ship and boat building, maintenance and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities; boat charter operations, etc.

**Hazardous Material.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (California Health and Safety Code § 25117).

**Health/Fitness Facility.** A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses.

**Height.** See Section 18.30.060 (Height Limits and Exceptions).

**Home Occupation.** The conduct of a business within a dwelling unit or residential site, employing only the occupants of the dwelling, with the business activity being subordinate to the residential use of the property, and having eight or fewer clients visiting the residence per day.

**Hotel or Motel.** See "Lodging."

**Household Pets.** The keeping/raising of birds, reptiles, fish, cats, dogs, and other common household pets, as determined by the Director, accessory to a residential use.

Definitions

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**I. Definitions, "I."**

**Illegal Discharge.** Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 18.64.020 (Urban Runoff Water Quality and Discharge Management).

**Illicit Connection.** An illicit connection is either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by a government agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

**Incidental Agriculture.** Non-commercial crop production, horticulture, and orchard uses; and private, non-commercial stables and corrals.

**Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

**Research and Development (R&D).** A facility for scientific research, and the design, development and testing of high-tech products or components in advance of or as part of product manufacturing, and the assembly of related products from parts produced on or off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Laboratory"),

**Intensification of Use.** A change in the use of a structure or site, where the new use is required by this Land Use and Development Code to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generates more activity on the site.

**J. Definitions, "J."**

No specialized terms beginning with the letter "J" are defined at this time.

**K. Definitions, "K."**

**Kenel, Animal Boarding.** A commercial facility for the grooming, keeping, boarding or maintaining of six or more dogs (four months of age or older), or six or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals. A business that provides grooming services with no boarding facilities is classified under "Personal Services." See also "Veterinary Clinic, Animal Hospital."

**Kitchen.** A room or space within a building used or intended to be used for the cooking or preparation of food, which includes any of the following: refrigerator, stove, oven, range top, dishwasher, kitchen sink.

Definitions

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**L. Definitions, "L."**

**Laboratory - Analytical, Testing.** A facility for testing and analysis, and/or research. Examples of this use include soils and materials testing labs, medical service labs and forensic labs. See also "Industrial Research and Development."

**Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

**Land Use and Development Code.** The City of Fort Bragg Inland Land Use and Development Code, Title 18 of the Fort Bragg Municipal Code, referred to herein as "this Land Use and Development Code."

**Landscaping Standards.** The following terms are defined for the purposes of Chapter 18.34 (Landscaping Standards).

1. **Drought resistant cool season grass.** Cool season grasses which can tolerate drought stress. These grasses usually require high water use irrigation scheduling to stay green and vital, but will survive under limited water (e.g., turf-type tall fescues, Medallion, and Rebel).
2. **Functional need (for turf).** Turf planting which serves a functional or practical need rather than purely aesthetic purpose. Examples include: athletic fields and pedestrian circulation areas.
3. **High water use plantings.** Annuals, container plantings, and plants recognized as high water use (e.g., Rhododendrons or Birch) or plants documented as having a plant factor greater than 0.6.
4. **Hydrozone.** A landscape area having plants with similar water needs. Typically, a hydrozone is served by a valve or set of valves with the same type of irrigation hardware and schedule.
5. **Irrigation circuit.** A section of an irrigation system, including the piping and sprinkler heads or emitters, that is operated by a single remote control valve.
6. **Landscaped area.** The parcel area less building footprints, driveway, parking areas, paved walks and patios, and undeveloped open space of designated natural areas. Project landscaped area includes all areas under irrigation, water features, and hardscape other than those noted above.
7. **Low water use plants.** Plants which are recognized as drought resistant or low water use when established, or plants documented as having a plant factor less than or equal to 0.6.
8. **Microclimate.** A section of a landscaped site with unique climatic conditions that affect the amount of water plants within the area use (e.g., courtyards, tree understory areas, and median islands).
9. **Non-mechanically compacted soil.** Soil which has not undergone engineered compaction procedures.
10. **Organic amendment.** Any fully organic material added to the soil to improve soil structure, and other physical properties of the soil (e.g., compost, composted sawdust, peat moss, and redwood soil conditioner).
11. **Overspray.** Water which is discharged from an overhead irrigation system outside the desired planting area, especially water which wets adjacent hard surfaces (e.g., patios, sidewalks, and streets).
12. **Plant factor.** A number which represents the portion of reference evapotranspiration used by a particular plant. For example, a shrub with a plant factor of 0.5 uses 50 percent of reference evapotranspiration; a tree with a plant factor of 1.2 uses 120 percent of reference evapotranspiration.
13. **Porous mulch.** A loose material which is applied to the soil surface to reduce evaporation and retard weed growth (e.g., compost, decomposed granite, straw, wood chips).

Definitions

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14. **Rain shut-off device.** A device which automatically shuts the irrigation system off when a measurable amount of rain occurs.
15. **Reference evapotranspiration.** A standard calculation of the quantity of water transpired by a reference crop and evaporated from adjacent soil surfaces as measured by the California Irrigation Management Information System (CIMIS) of weather stations.
16. **Registered historical site.** A site that is registered as historically significant through either national, State, City or County registries.
17. **Runoff.** Water which is not absorbed by the soil to which it is applied and runs off onto other areas. Runoff usually occurs when water is applied at a rate greater than the infiltration rate of the soil, and is especially problematic on slopes and on heavy clay soils.
18. **Water feature.** Ornamental or functional body of water (e.g., a fountain, pool, or pond).
19. **Water saving techniques (to mitigate runoff from slopes).** Landscape design techniques which either allow irrigation to be applied at a rate close to the infiltration rate of the soil or which capture and recycle runoff.

**Large Family Day Care Home.** See "Day Care."

**LCP.** See "Local Coastal Program."

**Library, Museum.** Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

**Live/Work Unit.** An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the Building Code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

**Local Coastal Program (LCP).** The following documents comprise the City of Fort Bragg Local Coastal Program, in compliance with the Coastal Act: the Coastal General Plan; the Coastal Land Use and Development Code and the Zoning Map; and any other implementing actions undertaken by the City in compliance with the Coastal Act.

**Lodging.**

1. **Bed and Breakfast Inn (B&B).** A residential structure with one or more bedrooms rented for overnight lodging with an on-site manager, where meals may be provided subject to applicable Environmental Health Department regulations.
2. **Hotel or Motel.** A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.
3. **Vacation Rental Unit.** An upstairs housing unit rented for over-night lodging, located in a mixed-use building within the Central Business District.

Definitions

**Lot Area.** Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way. Net lot area is the gross area of the lot, exclusive of easements for streets or driveways that are not for the exclusive use of the lot on which the easement is located.

**Lot, or Parcel.** A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including this Land Use and Development Code. Types of lots include the following. See Figure 10-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 175 degrees. If the intersection angle is more than 175 degrees, the lot is considered an interior lot.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
3. **Interior Lot.** A lot abutting only one street.
4. **Key Lot.** An interior lot that fronts on two streets and adjoins both the side and back property line of a corner lot.
5. **Reverse corner Lot.** A corner lot, the rear of which abuts a key lot.
6. **Through Lot.** A lot with frontage on two generally parallel streets.

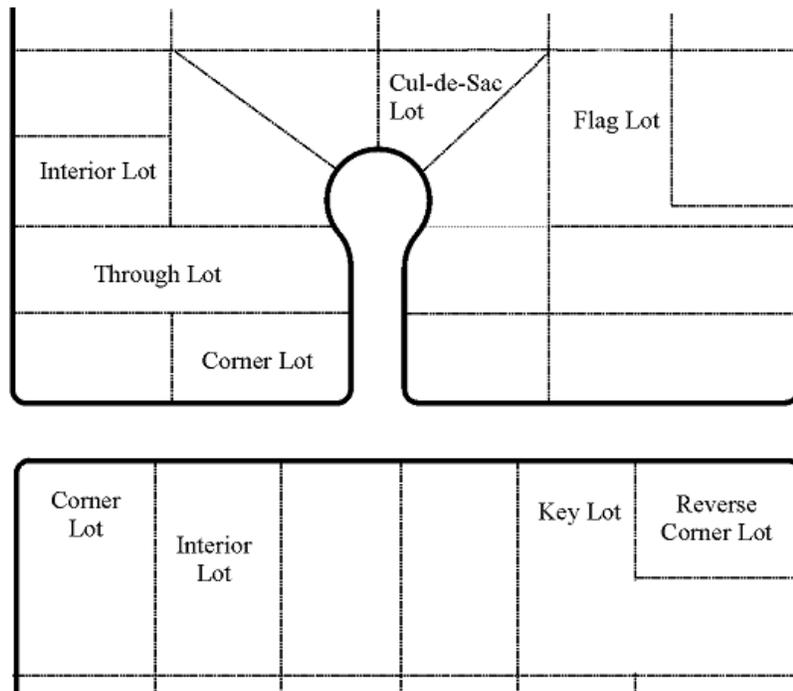


Figure 10-3 – Lot Types

**Lot Coverage.** See "Site Coverage."

**Lot Depth.** The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 10-4 (Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

**Lot Frontage.** The boundary of a lot adjacent to a public street right-of-way.

**Lot Line or Property Line.** Any recorded boundary of a lot. Types of lot lines are as follows [see Figure 10-4 (Lot Features)]:

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the line with the shortest frontage. (If the street-fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.

Definitions

2. **Interior Lot Line.** Any lot line not abutting a street.
3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

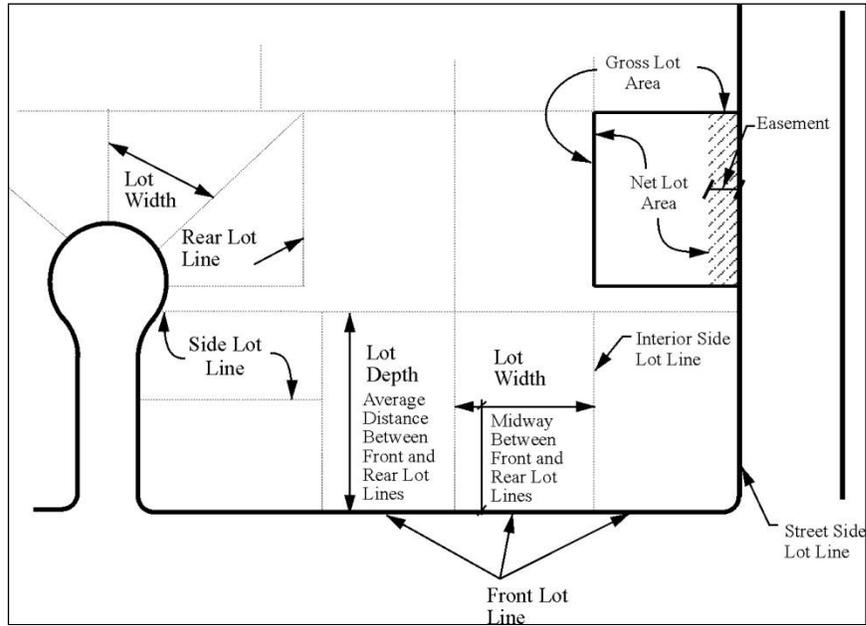


Figure 10-4 – Lot Features

**Lot Width.** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 10-4 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

**Low Impact Development (LID) Design Principles.** Low Impact Development is an approach to developing land and managing stormwater runoff that incorporates environmentally sound technology and sustainable design techniques to address adverse impacts of urbanization and protect aquatic resources, water quality, and the natural pre-development hydrology. To mimic pre-development conditions, the design techniques maintain pre-development time to concentration by infiltrating, filtering, storing, evaporating, treating, and detaining stormwater flows on site, where feasible.

**Low Impact Development Design Strategies.** Low Impact Development Design Strategies include but are not limited to:

- Rainwater storage techniques such as: bioretention rain gardens, landscape island storage, rooftop detention and retention (green/vegetated roofs), under parking lot and street storage, rain barrels and cistern storage, catch basins and seepage pits, under sidewalk storage, etc.
- Site preparation techniques such as: maintain pre-development site drainage patterns, strategic grading, site finger printing, resource conservation, flatter slopes, reforestation, native plantings, pollution prevention, bioengineering wetlands for stormwater infiltration, detention and conveyance.
- Stormwater conveyance techniques such as: flatter wider swales, long flow paths, smaller culverts, pipes & inlets, maximize sheet flow, etc.
- Landscaping techniques such as: tree and shrub depressions, turf depressions, use of native plants, engineered soil, etc.
- Surfacing techniques such as: alternative surfaces (permeable paving, grass pave, etc.), reducing the amount or extent of impervious surface, utilizing surface roughness technology to slow stormwater movement, etc.

Definitions

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- Infiltration techniques such as: vegetative swales, buffers & strips, infiltration swales & trenches, elimination of curb and gutter, pervious surfaces, etc.

Definitions

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**M. Definitions, "M."**

**Maintenance Service, Client Site Services.** Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use. When the base facilities for these services include service or storage yards, or fleet vehicle storage, they are instead classified under "Construction Contractor Base."

**Manufacturing - Cannabis** - A process where cannabis is transformed into a product (such as food, medicine, oil, clothing, textile, etc.) , and the production, preparation, propagation, or compounding of cannabis or cannabis products, directly or indirectly.

**Manufacturing/Processing - Heavy.** A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Heavy manufacturing uses are not allowed within the City of Fort Bragg except where limited varieties are included under the definition of "Manufacturing - Intensive." Examples of heavy manufacturing uses include the following.

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Concrete, Gypsum, and Plaster Product Manufacturing.** An establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building and Landscape Materials Sales."
3. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under "Manufacturing - Light - Handcraft Industries and Small-Scale Manufacturing."
4. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.; see "Lumber and Wood Product Manufacturing").
5. **Petroleum Refining and Related Industries.** Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public Utility Facilities"), or petroleum product distributors ("Petroleum Product Storage and Distribution").

Definitions

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6. **Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires ("Vehicle Services - Major Repair/Body Work").
  
7. **Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
  
8. **Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper ("Manufacturing - Light - Paper Product Manufacturing").
  
9. **Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items ("Manufacturing - Light - Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes:
  - coating, waterproofing, or otherwise treating fabric
  - dressed and dyed furs
  - dyeing and finishing fiber, yarn, fabric, and knit apparel
  - leather-tanned, curried, and finished
  - manufacture of knit apparel and other finished products from yarn
  - manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
  - manufacturing of woven fabric, carpets, and rugs from yarn
  - preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
  - scouring and combing plants
  - upholstery manufacturing
  - yarn and thread mills

**Manufacturing/Processing - Light.** A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following.

1. **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also, "Manufacturing - Heavy - Textile and Leather Product Manufacturing.
  
2. **Electronics, Equipment, and Appliance Manufacturing.** An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

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- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories,
- semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls
- instruments for measurement, testing, analysis and control, associated sensors and accessories
- miscellaneous electrical machinery, equipment and supplies such as batteries, X ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

3. **Food and Beverage Product Manufacturing.** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

- bottling plants
- breweries
- candy, sugar, confectionery products manufacturing
- catering services separate from stores or restaurants
- coffee roasting
- dairy products manufacturing
- fat and oil product manufacturing
- fruit and vegetable canning, preserving, related processing
- grain mill products and by-products
- meat, poultry, and seafood canning, curing, byproduct processing
- soft drink production
- miscellaneous food item preparation from raw products

Does not include: bakeries, which are separately defined.

instead included under "Manufacturing - Heavy."

4. **Furniture and Fixtures Manufacturing.** Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Does not include wood workers and custom cabinet shops, which are separately regulated under Artisan/Craft Product Manufacturing. Does not include sawmills or planing mills, which are

5. **Small-Scale Manufacturing.** Includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.

Definitions

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6. **Metal Products Fabrication, Machine and Welding Shops.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:
- blacksmith and welding shops
  - plating, stripping, and coating shops
  - sheet metal shops
  - machine shops and boiler shops

7. **Paper Product Manufacturing.** An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see "Manufacturing - Heavy - Pulp and Pulp Product Manufacturing").

8. **Manufacturing/Processing - Medium Intensity.** A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing - Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of intensive manufacturing uses include the following.

1. **Lumber and Wood Product Manufacturing.** Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:
- containers, pallets and skids
  - manufactured and modular homes
  - milling operations
  - trusses and structural beams
  - wholesaling of basic wood products

- wood product assembly
2. **Machinery Manufacturing.** An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Electronics, Equipment, and Appliance Manufacturing").
3. **Motor Vehicles and Transportation Equipment.** Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under "Lumber and Wood Products").
4. **Stone and Cut Stone Product Manufacturing.** An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones ("Artisan and Craft Manufacturing").
5. **Structural Clay and Pottery Product Manufacturing.** An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses (see " Artisan and Craft Manufacturing " "Home Occupations").

**Map Act.** See "Subdivision Map Act."

**Media Production.** Facilities for motion picture, television, video, sound, computer, and other communications media production.

**Cannabis Dispensary.** Any facility or location where cannabis is made available to and/or distributed by or to two or more of the following:

Definitions

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a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "cannabis dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq. (Ord. 851 §4, 2005.)

**Medical Services - Clinic, Urgent Care.** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- medical offices with four or more licensed practitioners and/or medical specialties
- out-patient care facilities
- urgent care facilities
- other allied health services

These facilities may also include accessory medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

**Medical Services - Doctor Office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

**Medical Services - Extended Care.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

**Medical Services - Laboratory.** Non-research facilities for the testing of blood and tissue samples for medical diagnoses, and for the fabrication of dental prosthetics and eyeglasses. Does not include laboratories for medical research, which are classified under "Laboratory - Analytical, Research and Development, Testing."

**Medical Services - Hospital.** Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses"), and on-site ambulance dispatch facilities.

**Meeting Facility, Public or Private.** A facility for public or private meetings, including community centers, religious assembly facilities (e.g., churches, mosques, synagogues, etc.), civic and private auditoriums, grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: sports or other commercial entertainment facilities (see "Theater," and "Sports and Entertainment Assembly"); or convention centers (see "Conference/Convention Facility"). Related on-site facilities such as day care centers and schools are separately defined, and separately regulated by Section 18.20.030 (Allowable Land Uses).

Definitions

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**Mixed-Use Project.** A project that combines both commercial and residential uses, where the residential component is typically located above the commercial. Mixed use projects can also be located in separate buildings on the same parcel.

**Mobile Home.** A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

**Mobile Home, Boat, or RV Sales.** Retail establishments selling both mobile home dwelling units, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.

**Mobile Home Park.** 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.

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

**Motel.** See "Lodging."

**Multi-Family Housing.** A dwelling unit that is part of a structure containing three or more other dwelling units, or a non-residential use. An example of the latter is a mixed-use project where, for example, three or more dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.). Multi-family dwellings include: triplexes, fourplexes (buildings under one ownership three or four dwelling units, respectively, in the same structure); apartments (five or more units

under one ownership in a single building); and townhouse development (three or more attached dwellings where no unit is located over another unit), and other building types containing multiple dwelling units (for example, courtyard housing, row houses, stacked flats, etc.). Duplexes are considered separately as an attached second unit.

**Municipal Storm Sewer System.** A conveyance or system of conveyances, including municipal streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities owned, operated, maintained or controlled by the City and used for the purpose of collecting, storing, transporting or disposing of stormwater.

Definitions

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**N. Definitions, "N."**

**National Pollutant Discharge Elimination System (NPDES).** The National Pollutant Discharge Elimination System established by Section 402 of the Clean Water Act, 33 USC Section 1342, as it may be amended from time to time.

**National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permits.** General, group, and individual stormwater discharge permits that regulate facilities defined in Federal NPDES regulations in compliance with the Clean Water Act. The California Regional Water Quality Control Board, North Coast Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general stormwater discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.

**Natural, or Existing Grade.** The contour of the ground surface before grading.

**Negative Declaration.** An environmental analysis, prepared under CEQA, that analyzes a project and concludes that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA).

**Net Acreage.** Total lot area, less environmental, topographic and other constraints that prevent development of the land. Examples include wetlands, steep slopes, or other similar features determined by the Director.

**Night Club.** A facility with the primary function of providing entertainment, examples of which include live music and/or dancing, comedy, etc., which may serve alcoholic beverages for on-site consumption. Does not include adult entertainment businesses, which are separately defined.

**Nonconforming Parcel.** A parcel that was legally created prior to the adoption of this Land Use and Development Code or amendment, that does not comply with the current area, width, depth, or other applicable requirements of this Land Use and Development Code.

**Nonconforming Sign.** A sign that lawfully existed prior to the effective date of this Land Use and Development Code or amendment, but does not comply with the current sign regulations of this Land Use and Development Code.

**Nonconforming Structure.** A structure that was legally constructed prior to the adoption or amendment of this Land Use and Development Code, but does not comply with the current setback, height limit, and/or other applicable requirements of this Land Use and Development Code.

**Nonconforming Use.** A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained prior to the adoption of this Land Use and Development Code or amendment, but does not conform to the current Land Use and Development Code requirements for allowable land uses within the applicable zoning district.

**Non-Stormwater Discharge.** Any discharge to the storm drain system that is not composed entirely of stormwater.

**NPDES.** See "National Pollutant Discharge Elimination System."

Definitions

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**O. Definitions, "O."**

**Occupancy.** All or a portion of a structure occupied by one tenant.

**Off-Sale Liquor Establishment.** Any establishment at which alcohol is sold, served, or given to patrons, to be consumed off-site, except food markets, supermarkets, drugstores, and other retail establishments in which the sale of alcohol for off-site use constitutes less than 20 percent of the total sales.

**Off-Site.** An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

**Office.** This Land Use and Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office").

3. **Professional and Administrative.** Office-type facilities occupied by businesses that provide professional services and/or engage in the production of intellectual property. Examples of these uses include:
  - accounting, auditing and bookkeeping services
  - advertising agencies
  - attorneys
  - business associations, chambers of commerce
  - art and design services
  - construction contractors (office facilities only)
  - counseling services
  - court reporting services
  - detective agencies and similar services
  - design services including architecture, engineering, landscape architecture, urban planning
  - educational, scientific and research organizations
  - financial management and investment counseling
  - literary and talent agencies
  - management and public relations services
  - media postproduction services
  - news services
  - photographers and photography studios
  - political campaign headquarters
  - psychologists
  - secretarial, stenographic, word processing, and temporary clerical employee services
  - security and commodity brokers
  - writers and artists office
4. **Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

1. **Accessory.** Office facilities for administration, and/or on-site business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use.
2. **General.** Establishments providing direct services to customers. Examples of these uses include bail bond services, elected official satellite offices, employment agencies, insurance agent offices, realtor offices, travel agencies, utility company offices, vehicle sales offices with no vehicles for sale on-site, etc. Use also includes administrative, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities. This use does not include "Bank, Financial Services," which is separately defined.

Definitions

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5. **Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

**On-Sale Liquor Establishment.** Any establishment at which alcohol is sold, served, or given to patrons, to be consumed on-site.

**On-Site.** An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

**Open Fencing.** A barrier constructed of material which is transparent, such as glass, plastic panels or wrought iron, used in conjunction with recreation and seating areas.

**Ordinary Maintenance and Repair.** Work for which a Building Permit is not required, the purpose and effect of which is to correct deterioration of or damage to a structure or any part thereof and to restore the structure to its condition before the deterioration or damage.

**Organizational House.** A residential lodging facility operated by a membership organization for its members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

**Outdoor Retail Sales and Activities.** Permanent outdoor sales and rental establishments including auction yards, flea markets, lumber and other material sales yards, newsstands, outdoor facilities for the sale or rental of vehicles/equipment, and other uses where the business is not conducted entirely within a structure. Does not include the sale of automobiles and recreational vehicles ("Auto and Vehicle Sales and Rental") or mobile homes ("Mobile Home, Boat, or RV Sales"). Outdoor retail sales and activities shall comply with the standards for "Outdoor Displays and Sales" in Section 18.42.130.

Definitions

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**P. Definitions, "P."**

**Parcel.** See "Lot, or Parcel."

**Park/Playground.** A public outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities.

**Pedestrian Orientation.** Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including:

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;
2. Design amenities related to the street level such as awnings, paseos, arcades;
3. Visibility into buildings at the street level;
4. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
5. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
6. Signs oriented and scaled to the pedestrian rather than the motorist;
7. Landscaping; and
8. Street furniture.

**Pedestrian Oriented Use.** A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and social interaction.

**Person.** Any individual, firm, partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

**Personal Services.** Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

- barber and beauty shops
- clothing rental
- dry cleaning pick-up stores with limited equipment
- home electronics and small appliance repair
- laundromats (self-service laundries)
- locksmiths
- tattoo and body piercing services
- spas and hot tubs for hourly rental
- massage (licensed, therapeutic, non-sexual)
- pet grooming with no boarding
- shoe repair shops
- tailors
- tanning salons
- These uses may also include accessory retail sales of products related to the services provided.

## Definitions

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**Personal Services - Restricted.** Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- check cashing stores
- fortune tellers, psychics
  
- pawnshops

**Petroleum Product Storage and Distribution.** Wholesale establishments engaged in the storage, and sale of gasoline, oil, butane, propane, and liquefied petroleum gas (LPG) and similar products, to retailers. Does not include the sale of gasoline at a service station ("Service Stations"), or the retail sale of fuel for space heating ("Fuel Dealer").

**Planning Commission.** The City of Fort Bragg Planning Commission, appointed by the Fort Bragg City Council in compliance with Government Code Section 65101, referred to throughout this Land Use and Development Code as the "Commission."

**Planning Permit.** Authority granted by the City to use a specified site for a particular purpose. "Planning Permit" includes Use Permit, Minor Use Permit, Limited Term Permit, Variance, Minor Variance, Design Review, administrative permits, and Zoning Clearance, as established by Article 7 (Planning Permit Procedures) of this Land Use and Development Code.

**Plant Nursery.** A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard, Vineyard." Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "Residential Accessory Use or Structure"). The sale of house plants or other nursery products entirely within a building is also included under "General Retail."

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete materials); and noxious or offensive matter of any kind.

**Pollution.** The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code § 13050).

**Porter-Cologne Act.** The Porter-Cologne Water Quality Control Act and as amended (California Water Code § 13000 et seq.).

**Professional Inspection.** An inspection required by this Development Code, the Director, or City Engineer to be performed by a civil engineer, soils engineer, or engineering geologist. These inspections include those performed by persons supervised by engineers or geologists.

**Projected Runoff.** A numerical projection based on the following formula: precipitation multiplied by parcel size multiplied by imperviousness factor. Precipitation shall be presumed in all cases to be one inch of rainfall falling within a 24-hour period. Parcel size shall be the total square footage of the lot being developed. An imperviousness factor represents the amount of average stormwater drainage from the average of all parcels zoned for a particular land use. This numerical projection shall be used as a starting point in measuring compliance with the 20 percent urban runoff reduction required by this Development Code.

Definitions

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**Primary Frontage.** For parcels that face more than one street, the primary frontage is the front of the property that faces the larger/more traveled street. By contrast a secondary frontage is that piece of a parcel that faces the smaller/less traveled street.

**Primary Structure.** A structure that accommodates the primary use of the site.

**Primary Use.** The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

**Printing and Publishing.** An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

**Private Residential Recreation Facility.** A privately-owned, non-commercial outdoor recreation facility provided for residential project or neighborhood residents, including swimming pools, swim and tennis clubs, park and sport court facilities. Does not include golf courses and country clubs, which are separately defined.

**Property Line.** The recorded boundary of a parcel of land.

**Proposed Project.** A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

**Protected Zone of a Tree.** The maximum extent of the drip line of the tree plus five feet, projected in a circle around the tree, with the trunk at the center of the circle.

**Public Facility.** A site or structure owned and operated by the City of Fort Bragg for the purpose of providing one or more services to residents of the City, and/or to support other City functions.

**Public Safety Facility.** A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch facilities on the same site.

Definitions

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**Q. Definitions, "Q."**

**Qualifying Resident.** A senior citizen, low income-family, disabled person or other person eligible to reside in in a specific type of housing.

**R. Definitions, "R."**

**Recreational Vehicle (RV).** A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which:

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

**Recreational Vehicle Park.** 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.

**Recycling Facility.** This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Small Facility.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:
  - a. Reverse vending machines;
  - b. Small collection facilities which occupy an area of 350 square feet or less and may include a mobile unit;
  - c. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and
  - d. A kiosk unit.
2. **Large Facility.** Large collection facilities which occupy an area of more than 350 square feet and/or include permanent or mobile structures.
3. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1786. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.

Definitions

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4. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
  
5. **Scrap and Dismantling Yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

**Reduced Runoff.** A numerical projection based on the following formula: projected runoff multiplied by 0.80. This projection represents the maximum amount of stormwater drainage expected to occur at a particular site upon implementation of an approved Urban Runoff Mitigation Plan.

**Repair Service - Equipment, Large Appliances, etc.** A service and facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, which is included under "Vehicle Services," the repair of small home appliances and electronic equipment, which is included under "Personal Services," maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service - Client Site Services," or repair services provided on the site of a retail use that sells the products for which repair services are offered, which are incidental to the on-site sales.

**Residential Accessory Use or Structure.** Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also "Agricultural Accessory Structure."

- garages
- gazebos
- greenhouses (non-commercial)
- spas and hot tubs
- storage sheds
- studios
- chicken coops
- sport courts workshops

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second units, which are separately defined; guest houses, which are included under the definition of second units. .

**Residential Care Facility.** A multi-unit facility licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined. Does not include single family homes that provide 24-hour nonmedical care of unrelated individuals as this use is included in Single Family Residential (per state law).

**Residential Care Facility for the Elderly (RCFE).** A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible persons; where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from California Code of Regulations Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space.

Definitions

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RCFE projects include assisted living facilities (board and care homes), congregate housing, independent living centers/senior apartments, and life care facilities as defined below.

1. **Assisted Living Facility.** A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.
2. **Independent Living Center/Senior Apartment.** Independent living centers and senior apartments and are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.
3. **Life Care Facility.** Sometimes called Continuing Care Retirement Communities, or Senior Continuum of Care Complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

**Residential Component of Mixed Use Project.** See "Mixed Use Project."

**Residential Zone.** Any of the following zoning districts established by Chapter 18.14 (Zoning Map): RR (Rural Residential), RS (Suburban Residential), RL (Low Density Residential), RM (Medium Density Residential), RH (High Density Residential), and RVH (Very High Density Residential).

**Restaurant, Café, Coffee Shop.** A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out. Also includes a brewery/restaurant, which serves food and includes the manufacture of beer and other brewed spirits.

**Retail Complex.** A primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

**Review Authority.** The individual or official City body (the Community Development Director, Planning Commission, or City Council) identified by this Land Use and Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Article 7 (Planning Permit Procedures).



Definitions

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**Sign.** 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. Murals, painting and other works of art are separately regulated in the signage ordinance. Types of signs include the following.

1. **A-Board Sign.** A portable "a-frame" or "sandwich board" sign.
2. **Abandoned Sign.** A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.
3. **Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
4. **Awning Sign.** A sign copy or logo attached to or painted on an awning.
5. **Banner, Flag, or Pennant.** 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.
6. **Bench Sign.** Copy painted on a portion of a bench.
7. **Cabinet Sign (Can Sign).** A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.
8. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
9. **Directional Sign.** A sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.
10. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
11. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.
12. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.
13. **Mural/Painting or other Two Dimensional Art.** A mural is a piece of decorative artwork, typically located on the exterior of a building.

Definitions

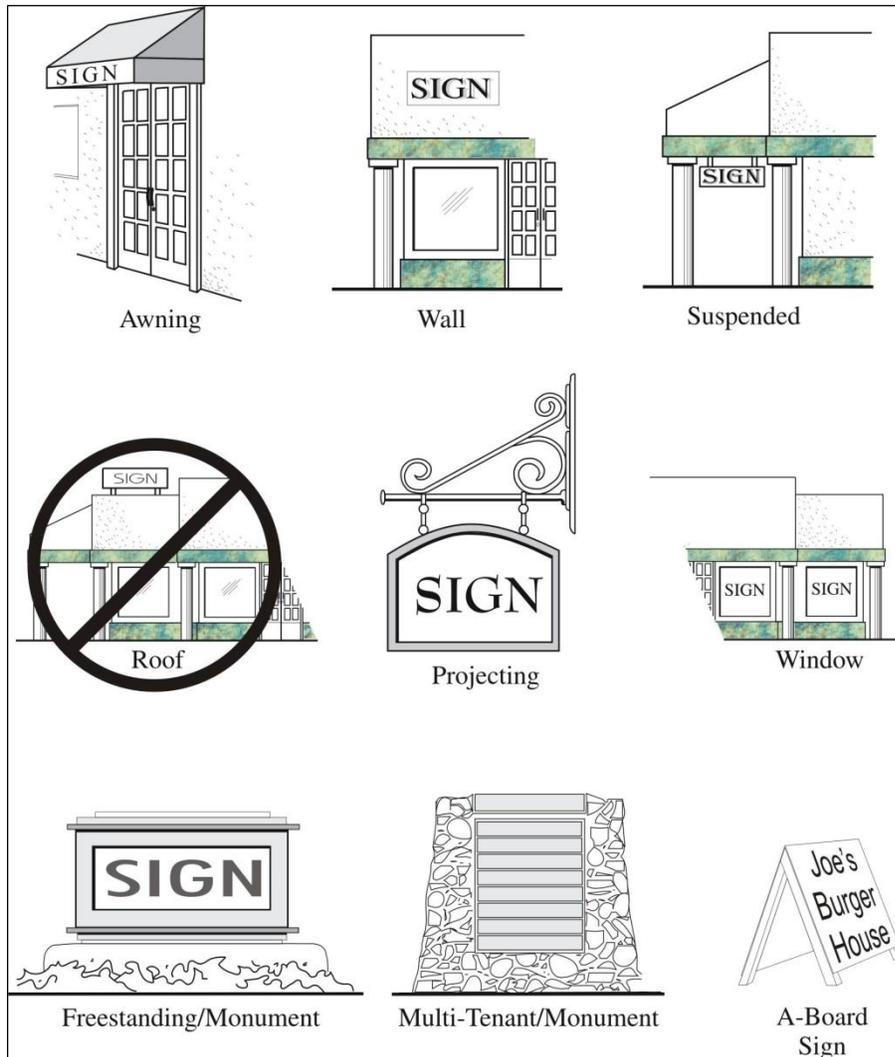


Figure 10-5 – Sign Examples

13. **Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.
14. **Freestanding Sign.** 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.
15. **Illegal Sign.** A sign that includes any of the following:
  - a. A sign erected without complying with all regulations in effect at the time of its construction or use;
  - b. A sign that was legally erected, but whose use has ceased, the structure upon which the sign 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 90 days;
  - c. ;

Definitions

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- d. A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;
  - e. A sign which is a danger to the public or is unsafe;
  - f. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City; or
  - g. A sign that pertains to a specific event, and five days have elapsed since the occurrence of the event.
16. **Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from some distance.
  17. **Internally Illuminated Sign.** 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 light source which is attached to the face of the sign and is perceived as a design element of the sign.
  18. **Marquee (Canopy) Sign.** 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.
  19. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.
  20. **Multi-Tenant Sign.** An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.
  21. **Nonconforming Sign.** An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Land Use and Development Code, but does not now completely comply with current regulations.
  22. **Off-Site Directional Sign.** A sign identifying a publicly owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.
  23. **Off-Site Sign.** A sign identifying a use, facility, service, or product that is not located, sold, or manufactured on the same premise as the sign, or that identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, is not a principal item for sale or manufactured on the premise.
  24. **Permanent Sign.** 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.
  25. **Political or Social Issue Sign.** A sign that addresses:
    - a. The passage or defeat of a measure appearing on the ballot in any national, state, or local election;
    - b. The election or defeat of any candidate for any public office in any national, state, or local election; or
    - c. An international, national, state, or local political or social issue.
  26. **Pole/Pylon Sign.** An elevated freestanding sign, typically supported by one or two poles or columns.
  27. **Portable Sign.** A sign that is not permanently affixed to a structure or the ground.

Definitions

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- 28. **Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure and projecting outward.
- 29. **Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
- 30. **Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.
- 31. **Temporary Sign.** 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.
- 32. **Vehicle Sign.** A sign which 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.
- 33. **Wall Sign.** 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.
- 34. **Window Sign.** 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 of the window.

**Sign Area.** See Section 18.38.060.A (General Requirements for All Signs - Sign area measurement).

**Sign Height.** See Section 18.38.060.B (General Requirements for All Signs - Sign height measurement).

**Significant Material.** Any substance including: garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; mortar; sediment and sludge; manure and other fertilizers, pesticides, oil, grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing toxic or nontoxic chemicals, or heavy metals; used batteries; or anything that contains such significant materials or to which such significant materials may attach.

**Single-Family Dwelling.** A building designed for and/or occupied exclusively by a single housekeeping unit in a permanent living arrangement. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

**Site.** A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

**Site Coverage.** The percentage of total site area occupied by structures, sidewalks, paved driveways, and other impervious surfaces.

**Small Family Day Care Home.** See "Day Care."

**Small Secondary Unit.** A second unit of 600 square feet or less.

**Soil.** Naturally occurring superficial deposits overlying bedrock.

**Soils Engineer (Geotechnical Engineer).** An engineer experienced and knowledgeable in the practice of soils (geotechnical) engineering.

**Soils Engineering.** The application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

Definitions

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**Sports and Active Recreation Facility.** Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

- athletic/sport fields (e.g., baseball, football, softball, soccer)
- health and athletic club outdoor facilities
- skateboard parks
- swimming pools
- tennis and other sport courts (e.g., handball, squash)

**Storm Drain System.** Publicly-owned facilities operated by the City by which stormwater is collected and/or conveyed, including any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

**Stormwater.** Any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

**Storage - Accessory.** The indoor storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

**Storage - Outdoor.** The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

**Storage - Personal Storage Facility.** Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

**Storage - Warehouse, Indoor Storage.** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public ("Storage - Personal Storage Facility"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Freight Terminal").

**Street.** A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this Subsection.

**Structure.** Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Land Use and Development Code, the term "structure" includes "buildings," but does not include swimming pools.

**Studio - Art, Dance, Martial Arts, Music, etc.** Small scale facilities, typically accommodating production studios for individual musicians, painters, sculptors, photographers, and other artists and/or a group of students at a time under instruction in art, dance, martial arts, music etc. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios; and dance studios. . .

**Studio Unit.** A residential unit where living and sleeping space is combined in a single room.

**Subdivision.** The division, by any subdivider, of any unit or portion of land shown on the latest equalized Mendocino County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1715: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

Definitions

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**Subdivision Improvements.** Subdivision improvements include but are not limited to streets, storm drainage facilities, sanitary sewers, water supply facilities, electric and gas lines.

**Subdivision Map Act, or Map Act.** Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Definitions

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**T. Definitions, "T."**

**Telecommunications Facility.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections. The following terms and phrases are defined for the purposes of Chapter 18.44 (Telecommunications Facilities).

1. **Antenna.** Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves or radio frequency signals.
2. **Colocation.** The location of two or more wireless, hard wire, or cable communication facilities on a single support structure or otherwise sharing a common location. Colocation shall also include the location of communication facilities with other facilities (e.g., water tanks, light standards, and other utility facilities and structures).
3. **Communication Facility.** An unstaffed facility, generally consisting of antennas, and equipment cabinet or structure, and related equipment, which receives and/or transmits electromagnetic waves, light waves, radio frequencies or other types of signals.
4. **Equipment Cabinet.** A cabinet or structure used to house equipment associated with a wireless, hard wire, or cable communication facility.
5. **Monopole.** A single freestanding pole, post, or similar structure, used to support equipment associated with a single communication facility.
6. **Multipoint Distribution Service.** A microwave communication service that delivers video programming, data and/or voice communication directly to subscribers, including multi-channel multipoint distribution series, instructional television fixed services, and local multipoint distribution services, or as defined by the Section 207 of the Telecommunications Act of 1996, Section 1.4000 of Title 47 of the Code of Federal Regulations and any interpretative decisions thereof issued by the Federal Communications Commission.
7. **Service Provider.** Any authorized provider of communication services.
8. **Tower.** Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

**Temporary Structure.** A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Temporary Use.** A use of land that is designed, operated and occupies a site for a limited time, typically less than 12 months.

**Tenant.** A person renting or leasing a housing unit or non-residential space.

**Terrestrial Vegetation.** Native plants common to areas away from riparian features or the ocean.

**Theater.** A commercial indoor facility for group entertainment, other than sporting events. Examples of these facilities include: civic theaters, and facilities for "live" theater and concerts and movie theaters. See also "Meeting Facility, Public or Private."

**Top of Creek Bank.** The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal.

**Transit Station or Terminal.** A passenger station for vehicular, and rail systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Definitions

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**U. Definitions, "U."**

**Unit Owner, or Owner.** The holder of record fee title to an affordable unit. "Unit owner" includes a contract purchaser ("vendee") under an installment land contract.

**Use.** See "Land Use."

**Use, Primary.** See "Primary Use."

**Urban Runoff.** Any surface water flow produced by non-stormwater resulting from residential, commercial, and industrial activities involving the use of potable and non-potable water.

**Urban Runoff Mitigation Plan.** A plan which shall be required to be approved in connection with any new development that includes ground disturbance.

**Utility Facility.** A fixed-base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities that are not exempted from planning permit requirements by Government Code Section 530171:

- corporation and maintenance yards.
- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices").

**Utility Infrastructure.** Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Utility Facility").

Definitions

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**V. Definitions, "V."**

**Vacation Rental Unit.** See "lodging".

**Vehicle Services.** The repair, servicing, alteration, restoration, towing, painting, cleaning, 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 the following categories.

1. **Major Repair/Body Work.** These establishments include towing, collision repair, vehicular and engine repair (brake jobs, transmission work, etc.), other body work, and painting services; tire recapping.
2. **Minor Maintenance/Repair.** Minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Does not include automobile parking (see "Parking Facilities"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."

**Vehicle Storage.** A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Does not include public or private parking lots; or dismantling yards (classified in "Recycling - Scrap and Dismantling Yards").

**Veterinary Clinic, Animal Hospital.** Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also "Kennel, Animal Boarding."

**W. Definitions, "W."**

**Warehouse.** See "Storage - Warehouse, Indoor Storage."

**Waters of the United States.** Surface watercourses and water bodies as defined at 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

**Wholesaling and Distribution.** An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments.

**Wine Tasting.** A facility, or area within a winery, where wine and related products are offered for retail sale, where wine may be tasted for a fee, or without charge.

**Winery.** A manufacturing facility where wine grapes are crushed, and their juice is fermented, aged, bottled, and sold at wholesale as finished wine. May include tasting and accessory retail sales of wine produced on site.

Definitions

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**X. Definitions, "X."**

No specialized terms beginning with the letter "X" are defined at this time.

**Y. Definitions, "Y."**

**Yard.** An area between a lot line and a structure, unobstructed and unoccupied from the ground upward, except for projections permitted by this Land Use and Development Code. See also "Setback," and Section 18.30.100 (Setback Requirements and Exceptions).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the primary structure.
2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the primary structure.
3. **Side Yard.** An area between a side lot line and the primary structure extending between the front and rear yards.

**Z. Definitions, "Z."**

**Zero Lot Line.** The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.

**Zoning District.** Any district established by Section 18.14 (Zoning Map), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).