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28.10.010 Enactment of the Zoning Ordinance

Chapter 28 of the City Code of the City of Alturas shall be known, cited, and referred to as the City of Alturas Zoning Ordinance or “Zoning Ordinance”.

This Zoning Ordinance is enacted to implement the City of Alturas General Plan by classifying and regulating the uses of land and structures within the incorporated area of the City of Alturas, and to protect and promote the public health, safety, comfort, convenience, prosperity and general welfare of the residents and businesses in the City.

28.10.020 Authority and Relationship to General Plan

A. Authority. This Ordinance is adopted based on the authority vested in the City of Alturas by the State of California, including but not limited to the State Constitution, Section 65800 et seq. of the California Government Code, the California Environmental Quality Act, the Subdivision Map Act, Housing Act, and applicable provisions of the Health and Safety Code.

B. Relationship to General Plan. This Ordinance is hereby adopted and shall be maintained so as to be consistent with the City of Alturas General Plan in conformance with California Code Section 65860. Any land use or development approved according to the requirements of this Ordinance shall be consistent with the General Plan.

C. Resolving Conflicts with the General Plan. Where an inconsistency is discovered between the General Plan and the zoning designation for a lot, the General Plan designation shall govern and the inconsistency is hereby recognized to constitute a mapping error. It shall be the responsibility of the City to correct any such mapping error within 180 days from the date the inconsistency is discovered. The correction of a mapping error shall be exempt from the City’s customary application and processing fees.

28.10.030 Responsibility for Administration

A. Responsible Bodies and Individuals. This Ordinance shall be administered by:

1. The City of Alturas City Council, hereafter referred to as the Council;

2. The Planning Commission, hereafter referred to as the Commission;
3. The Director of Public Works Department, or his or her designee, hereafter referred to as the Director;

4. The Public Works Department hereafter referred to as the Department.

**B. Responsibility and Authority of the Director.** The duties and responsibilities of the Director are those enumerated in Article 6 of this Ordinance, and other Ordinances of the City Code. Whenever this Ordinance refers to the Director, it is expressly understood to include Department staff acting under the direction and control of the Director, and whenever this Ordinance refers to the Department it is expressly understood to describe Department staff acting under the direction and control of the Director.

**C. Rules of Application.** This Ordinance shall be applied in the following manner:

1. **Minimum Requirements.** The provisions of this Ordinance shall be deemed to be the minimum standards unless stated otherwise (for example, maximum building height or maximum density). These standards shall apply to all buildings, structures and uses, except where this Ordinance provides for the exercise of discretion or where a Variance is granted pursuant to Section 28.52.050.

2. **Conflicting Provisions Between City Ordinances and Laws.** If conflicts occur between different requirements of this Ordinance, or between provisions of this Ordinance and requirements imposed by other provisions of the City Code or other laws and regulations adopted by the City, the more stringent development requirement or greater restriction on the use of land or buildings shall apply.

3. **Single Lot Containing Multiple Zones.** Where the boundaries of the zone district do not follow property line boundaries, a single lot may contain multiple zones. In that event, the City shall first determine if the zone boundary appears to be the result of a mapping error. In that case, the mapping error shall be resolved as provided in Subsection 5 below.

Where the City determines that a mapping error has not occurred, the uses of the lot shall be consistent with the zone as shown for the portion of the lot on which the use is proposed. Multiple uses of a lot with multiple zones are expressly allowed consistent with the requirements of each zone. Any uncertainty as to the boundaries of each zone within the lot shall be determined pursuant to Subsection 4 below.

4. **Map Boundaries.** Where the boundaries of any zone shown on the Zoning Maps are uncertain, the following rules shall apply to resolve the uncertainty:
a. Where a zone boundary approximately follows a lot line, or road or street, such lot line or the centerline of the road or street shall be construed to be the boundary.

b. Where a zone boundary approximately follows a stream or river, ridge line or other distinct geographic or topographic feature, such stream or geographic feature shall be construed to be the boundary.

c. If a zone divides a lot, and the boundary line location is not otherwise designated, the location of the boundary shall be determined by the use of the scale appearing on the zoning map.

5. Map Corrections. Where a zone boundary is clearly in error, the Director shall cause the error to be corrected within 60 days of its discovery. The correction shall be based on historical data, prior zoning maps, clear legislative intent, and other available information. The correction shall be documented in a “Director Determination” letter, which shall be circulated as an informational item to the Commission, and filed as a Director Determination Letter in accordance with Section 28.11.010 prior to corrective action being taken.

Where the record is unclear, the zoning shall be reviewed by the Commission to determine if the map is in error. If, after review of the record, the Commission finds that the map is in error, they shall adopt a Planning Commission Determination Letter, which shall be filed in accordance with Section 28.11.010 prior to corrective action being taken.

28.10.040 Applicability of Zoning Ordinance

A. Area of Applicability. The provisions of this Ordinance shall apply to all lands within the incorporated area of the City of Alturas except as provided in Subsection B.

B. Exemptions from Zoning Ordinance Requirements. The provisions of this Ordinance do not apply to the following activities, uses, and structures, except where provisions of a memorandum of understanding between the City and another governmental agency provide for City land use regulatory authority:

1. Activities of the Federal Government on federally owned or leased land.

2. Activities of the State of California or any agency of the State on State owned or leased land.

3. Activities of a local agency, as defined in California Government Code Section 53090, as provided in Section 53091 et seq.

4. The location and construction of facilities for water and electrical energy as provided in Government Code Section 53091.
5. Tribal lands not subject to the jurisdiction of the City.

6. Existing and future preemptions of local land use authority resulting from State Law.

C. Effect of Zoning Ordinance Changes on Projects in Progress. The enactment of this Ordinance or amendments hereto may have the effect of imposing different standards on development or new uses from that which previously applied. Following the effective date of this Ordinance the following provisions shall apply:

1. Pending Applications. Applications which have been determined by the Department to be complete in compliance with Government Code Section 65943 before the effective date of this Ordinance, or any amendment hereto, shall comply with the provisions of the Ordinance in effect on the date that the application was deemed complete.

2. Approved Applications. Applications approved prior to the effective date of this Ordinance, or any amendment hereto, may be constructed or used in accordance with the conditions of approval therefore; provided, however, approval of any extension shall be governed by the provisions of Subsection 3 below.

3. Time Extensions. An approval of an extension of time for an approved application may be conditioned to comply with the provisions of this Ordinance in effect when the application for time extension is deemed complete in compliance with Government Code Section 65943 where necessary to comply with state and federal law or to protect public health and safety.

4. Subdivisions. Except as provided in Government Code Section 66498.1, the provisions of this Ordinance shall apply to the creation of lots authorized by an approved tentative map or tentative parcel map even if it is deemed complete prior to the effective date of this Ordinance. Consequently, the subsequent development of lots shall meet the provisions of this Ordinance in effect at the time that such subsequent development occurs unless provisions of an application under Subsections 1 and 2 apply.

D. Private Agreements. The Zoning Ordinance is not intended to interfere with, repeal, abrogate, or annul any easement; covenant; deed restriction; Covenants, Conditions, and Restrictions (CC&Rs); or other agreement between private parties. Where conflict occurs between the Zoning Ordinance and a private agreement, the City shall follow the Zoning Ordinance. The City shall not be responsible for monitoring or enforcing private agreements.
SECTION 28.11 – INTERPRETATION

28.11.010 Rules of Interpretation

The Director shall have the authority to issue administrative interpretation of the provisions of this Ordinance to resolve ambiguities.

A. Record of Interpretations. Whenever the Director determines that the applicability or meaning of any of the provisions of the Ordinance is ambiguous, the Director may issue an official interpretation (aka a “Director Determination Letter”). Official determinations shall be in writing, and cite the provision being interpreted, together with an explanation of its meaning or application, in the particular or general circumstances that caused the need for interpretation. Said determinations shall be recorded in accordance with the procedures in Article 7 of this Ordinance.

Where the Director finds that no clear interpretation can be made, the matter may be referred to the Commission. The Commission shall hold a public hearing prior to making an interpretation. Notice of such hearing shall be provided by listing the matter on the Commission agenda and posting notice at least 72 hours prior to the hearing. A record of all official Planning Commission interpretations shall be filed as a Planning Commission Determination Letter and recorded in accordance with the procedures in Article 7 of this Ordinance.

B. Appeal of Interpretations. Interpretations by the Director may be appealed to the Commission in compliance with Section 28.52.090. Interpretations are only advisory to the City Council.

28.11.020 Severability

If any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Ordinance. The City hereby declares that it would have adopted this Ordinance and each provision thereof, irrespective of the fact that any one or more portions of this Ordinance may be declared invalid, unconstitutional, or unenforceable.
28.11.030 Project Approval Indemnification and Hold Harmless Agreement

A. Applicant’s Agreement to Indemnify and Hold Harmless. As a condition of approval of a land use application, the applicant shall agree to defend, indemnify, and hold harmless the City or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, an advisory agency, appeal board or legislative body concerning the map or permit or any other action relating to or arising out of City approval.

B. City’s Duty to Notify Applicant and Cooperate in Defense. Any condition of approval imposed in compliance with this Ordinance shall include a requirement that the City act reasonably to promptly notify the applicant of any claim, action, or proceeding and that the City cooperate fully in the defense.
SECTION 28.12 – ZONE DISTRICTS AND MAPS

28.12.010 Established Primary Zone Districts

The Primary Zone Districts are established in this Section pursuant to State Government Code Section 65851. Boundaries for these Zone Districts are shown on the Zone Maps (established by Section 28.12.030). The intent of each Zone District, along with its permitted uses, are described in detail in Article 2 of this Ordinance.

A. List of Primary Zone Districts. The following Primary Zone Districts are available for application within and around the City of Alturas.

1. Agricultural
   Agriculture (AG)

2. Residential
   Rural Residential (RR)
   Low Density Residential (R1)
   Medium Density Residential (R2)
   High Density Residential (R3)

3. Commercial
   Retail/Office Commercial (C1)
   General Commercial (C2)

4. Industrial
   Light Industrial/Manufacturing (M1)
   Heavy Industrial/Manufacturing (M2)

5. Special Purpose
   Open Space (OS)
   Recreation (RC)

B. Relationship to General Plan. All Primary Zone Districts are compatible with the City’s General Plan when applied in conformance with the General Plan Compatibility Matrix shown in Section 28.12.040.

C. Applying and Amending Primary Zones. All properties are within at least one Primary Zone District, and some properties may span more than one District, as noted in Section 28.10.030 C.3. District boundaries were applied when the Zoning Ordinance was first adopted. Primary Zone District boundaries may be amended through the zone change process in compliance with Section 28.63.
28.12.020 Established Overlay Zone Districts

The following Overlay Zone Districts are established pursuant to State Government Code Section 65851, and are intended to implement provisions of the General Plan, regulate land uses, provide for innovative design solutions, and to protect the public health, safety and welfare from natural and man-made hazards. Overlay Zones may be applied as needed, subject to the intent of the Overlay Zone as described in Article 2 of this Ordinance.

A. List of Overlay Zone Districts. The following Overlay Zone Districts are available for application within and around the City of Alturas.

1. Airport Safety (-AS)
2. Flood Control (-FC)
3. Downtown Historic District (-DH)
4. Mobile Home Park (-MHP)

B. Overlay Zone Notation. When applied, Overlay Zones are to be shown following the Primary Zone on the Zone Maps (created as identified in Section 28.12.030) preceded by a dash (“-“) as noted below. Any given property may have more than one Overlay Zone.

EXAMPLE: “R1-FC-AS” designates a property in a Single Family Residential (R1) Zone District that is also subject to the conditions of the Flood Control (-FC) and Airport Safety (-AS) Overlay Zones.

C. Relationship to General Plan. All Overlay Zones are compatible with the City’s General Plan when used for the purposes described in Article 2 of this Ordinance.

D. Applying and Amending Overlay Zones. Unlike Primary Zones, not all properties within the City will have an Overlay Zone. When needed, Overlay Zones are applied to property through the zone change process in compliance with Section 28.

28.12.030 Zone Maps

A. Adoption. The boundaries of the zones established by this Section shall be shown on maps designated “City of Alturas Zone Maps,” hereinafter referred to as Zone Maps. The Zone Maps shall be adopted by the City Council in compliance with applicable law, and are hereby incorporated into this Ordinance by reference as though they were fully set forth herein.

B. Changes or Amendments. Any changes to the Zone Maps shall be accomplished as set forth in Section 28.63.

C. Zone District Boundary Interpretation. Interpretation of zone district boundary lines shown on the Zone Maps shall be governed by Section 28.10.030 C.
28.12.040 General Plan Compatibly Matrix

Table 28.12.040 lists the Primary Zones that are compatible with the General Plan land use designations described in the Land Use Element of the City of Alturas General Plan. As noted in Section 28.12.020 C, all Overlay Zones are compatible with the General Plan land use designations when applied for the purposes described in Article 2 of this Ordinance.

<table>
<thead>
<tr>
<th>General Plan Land Use Designation</th>
<th>Land Use Code</th>
<th>Compatible Primary Zones Land Use Designation</th>
<th>Zone Code</th>
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<tr>
<td>Agricultural</td>
<td>AG</td>
<td>Agriculture</td>
<td>AG</td>
</tr>
<tr>
<td>Residential</td>
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<td>Rural</td>
<td>RR</td>
<td>Agriculture</td>
<td>AG</td>
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<td>Low Density</td>
<td>LDR</td>
<td>Rural Residential</td>
<td>RR</td>
</tr>
<tr>
<td>Medium Density</td>
<td>MDR</td>
<td>Single Family Residential</td>
<td>R1</td>
</tr>
<tr>
<td>High Density</td>
<td>HDR</td>
<td>Medium Density Residential</td>
<td>R2</td>
</tr>
<tr>
<td>Commercial</td>
<td>R/OC</td>
<td>High Density Residential</td>
<td>R3</td>
</tr>
<tr>
<td>General</td>
<td>GC</td>
<td>Retail/Office Commercial</td>
<td>C1</td>
</tr>
<tr>
<td>Industrial/Manufacturing</td>
<td>LI</td>
<td>Light Industrial</td>
<td>M1</td>
</tr>
<tr>
<td>Heavy</td>
<td>HI</td>
<td>Heavy Industrial</td>
<td>M2</td>
</tr>
<tr>
<td>Parks/Open Space</td>
<td>P/OS</td>
<td>Recreation</td>
<td>RC</td>
</tr>
<tr>
<td>Public/Quasi-Public</td>
<td>P/QP</td>
<td>All Zone Districts</td>
<td>OS</td>
</tr>
</tbody>
</table>
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SECTION 28.20 – OVERVIEW

28.20.010  Content of Article

This Article provides a detailed description of each of the zones listed in Article 1, along with their intended application, the Land Uses allowed within each zone, and any Planning Permits required to establish the permitted Land Uses.

28.20.020  Relationship Between Primary Zones and Allowed Land Uses

All the Primary Zones and their allowed Land Uses are shown in the Land Use Matrix in Section 28.22.020. It is important to note that each of the Primary Zones is intended to create a unique environment that will benefit one main type of activity or “Use Type” (agricultural, residential, commercial, industrial, recreational or open space). Although a variety of Land Uses are allowed in each zone, the needs of the Primary Zone’s Use Type should be given priority when approving a discretionary permit or a new land use within any given Zone.

28.20.030  Primary, Secondary and Accessory Land Uses

Land Uses may be Primary, Secondary or Accessory as defined under “Use” in Article 8, and the difference between them is largely a matter of scale.

28.20.040  Land Use Restrictions on Uses Allowed “By Right”

Where a particular Land Use is expected to be compatible with the primary Use Type intended for the zone (as described in Section 28.20.020), without the benefit of special operating conditions not otherwise indicated by this Ordinance, the Land Use Matrix will indicate the use is permitted “by right”, meaning an Administrative Permit or Use Permit is not required for the use. However, the use must still operate in accordance with any special Land Use Restrictions referenced by the Land Use Matrix. Land Uses permitted by right within a particular zone are indicated by a “P” in the Land Use Matrix.

28.20.050  Land Uses Allowed By Administrative Permit or Use Permit

Where it is likely that a particular Land Use can be conditioned to be compatible with the Primary Zone’s main Use Type (as described in Section 28.20.020), the Land Use Matrix will indicate the Use is permitted upon approval of an Administrative Permit or a Use Permit.

Administrative (AD) Permits are required when a clear set of operating parameters (like restricted operating hours, or enclosure requirements) can be identified that will make a Land Use compatible with the Primary Zone’s Use Type. Where an AD Permit is required, operating parameters for the Land Use can be found in Article 3.

Use (UP) Permits are required when a wide range of solutions might be available for controlling the undesirable impacts generated by a specific use, and discretion must be used to select the best solution. Where a Use Permit is required, areas of concern may be
identified in Article 3 under the specific Land Use, but in all cases conditions must be identified that satisfy the findings required by Section 28.52.040.

28.20.060 Land Uses Not Listed in the Land Use Matrix

A Land Use that is not listed in the Land Use Matrix in Section 28.22 is not allowed within the City except as provided below:

A. Accessory Uses Allowed. Land Uses that meet the definition of an Accessory Use are permitted in each zone.

B. Similar and Compatible Land Uses Allowed. A Land Use not listed in this Article is allowable where it has been determined to be a “Similar and Compatible Land Use”, as provided below.

1. Findings Required. Pursuant to Section 28.11, the Director (or a higher approval authority) may issue an administrative interpretation relating to land uses that appear to be “Similar and Compatible” with the approved Land Uses within a given zone. To be “Similar and Compatible”, all of the following findings must be made:
   a. Both the characteristics of and activities associated with the use are similar in impact and intensity to one or more of the listed uses in the zone, and
   b. The use will be consistent with the purposes of the applicable zone as described in Section 28.21, and
   c. The use will be consistent with the General Plan, and
   d. The use will be compatible with the other uses allowed in the zone.

2. Documentation of Decision. Regardless of the final approval authority, a determination that a use qualifies as a Similar and Compatible Land Use, and the findings supporting the determination, shall be made in writing in the form of a “Determination Letter” as provided by Section 28.11.

3. Applicable Standards and Permit Requirements. When it is determined that a proposed Land Use is similar and compatible to a listed Land Use, the proposed Land Use will be treated in the same manner as the listed Land Use in determining where it is allowed, what permits are required, and what other standards and requirements of this Ordinance apply.
28.20.080 Relationship to Site Planning and Development Standards

Any Land Use identified as being allowable within a specific zone may be established on any Lot within that zone, subject to planning permit requirements indicated in the applicable Land Use Matrix, provided that the development also complies with all applicable Site Planning and Development Standards described in Article 4.
SECTION 28.21 – PRIMARY ZONE DESCRIPTIONS

28.21.010 Content of Section

This Section describes each of the Primary Zones established by Article 1, including their intended application, to help guide their placement on property, and the selection of the Land Uses allowed within them.

28.21.020 Agricultural and Residential Zone Descriptions

The following descriptions should guide the application of the agricultural and residential zones and the approval of uses within the zones. These are the primary zones for animal raising and keeping, and for residential activity within the City.

A. General Agriculture (AG). The “AG”, General Agriculture, Zone is intended to be applied to lands suitable for grazing, animal raising, horticultural activities, and limited residential development, based on topography, access, groundwater or septic capability, and other infrastructure requirements. The minimum lot size for residential use is 2 acres. Although intended for Single Family Dwellings, one Guest House and one Secondary Dwelling is also permitted where conditions allow. Because of its agricultural orientation, a wide variety of Animal Raising and Keeping uses are permitted in this Zone by right. Agriculturally-related commercial activities (compatible with the available infrastructure) may be allowed within this Zone to serve the surrounding rural and agricultural communities. Given the availability of public services in most of the incorporated area, this Zone is likely to be of most use in pre-zoning unincorporated lands.

B. Rural Residential (RR). The “RR”, Rural Residential, Zone is the City’s lowest density residential zone district. It will accommodate up to three dwelling units per net acre, and is intended to be used for properties where residential uses are desired but public sewer and water services are not yet available in sufficient capacity to serve a denser development. Because of the large lots required by limited public services, and its use as a transitional zone near agricultural areas, this Zone permits a wider variety of Animal Raising and Keeping uses than other residential zones. Although intended for Single Family Dwellings, one Guest House and one Secondary Dwelling is also permitted where conditions allow.

C. Single-Family Residential (R1). The “R1”, Single-Family Residential, Zone is intended to accommodate up to 7.25 dwelling units per net acre at maximum density, and is the lowest density residential zone that should be considered where public water and sewer services are available. This designation is intended to create large lot developments with one dwelling unit per lot. One Guest House and one Secondary Dwelling is also permitted where conditions allow.
D. **Medium Density Residential (R2).** The “R2”, Medium Density Residential, Zone is intended to accommodate both single-family and/or multi-family (shared-wall) housing types. These may be built on one lot, or share a wall across a property line (zero set-back construction). The housing density for this Zone is up to 15 dwelling units per net acre. Shared-wall housing types include duplexes, triplexes and fourplexes, but do not include stacked apartments or stacked condos. Where an R2 lot is developed with a Single Family Dwelling, one Guest House and one Secondary Dwelling is also permitted where conditions allow.

E. **High Density Residential (R3).** The “R3”, High Density Residential, Zone is intended to accommodate multi-family units at a maximum density of 29 units per net acre. This designation allows stacked apartments and condominiums, hotels and motels, and mobile home parks in addition to lower density housing types. Where an R3 lot is developed with a Single Family Dwelling, one Guest House and one Secondary Dwelling is also permitted where conditions allow. This designation should be used for those lands which are most capable of supporting the highest density of residential development within the City, based on topography, infrastructure availability, the intensity of surrounding land uses, and circulation constraints. Since the R3 Zone also allows some low-intensity commercial uses, it should also be considered as a transitional use between less intensive residential zones and commercial and/or light industrial zones.

### 28.21.030 Commercial and Industrial Zone Descriptions

The following descriptions should guide the application of the commercial and industrial zones and the approval of uses within the zones. These are the primary zones used for business activity within the City.

A. **Commercial, Retail/Office (C1).** The “C1”, Retail/Office Commercial, Zone is intended to accommodate a variety of low-intensity, pedestrian-oriented retail businesses, personal service establishments and offices, as well as limited residential uses (typically part of a mixed-use development). This zone has flexible development standards designed to facilitate the preservation of a pedestrian-oriented “Main Street” environment and the historic structures present there (where possible), as well as encourage new development compatible with the identity of the surrounding area. It is ideally suited for application in the City’s original downtown area, and can also be applied to commercial properties adjacent to residential areas to help buffer the residential areas from more intensive commercial and/or industrial uses.

B. **Commercial, General (C2).** The “C2”, General Commercial, Zone is intended to accommodate more intensive commercial land uses that are typically located on, or within easy reach, of a highway or busy thoroughfare. Typical General Commercial uses are auto-oriented, “destination” businesses that draw customers to them for a specific type of item or service. Typical General Commercial uses include large retail stores; automobile sales and service; light manufacturing that also involves some retail sales or service activity; outdoor lots for new or used automobile sales;
automobile and motorcycle repair services; and large wholesale stores. Uses may or may not include indoor or outdoor storage of goods as an incidental use to the permitted sales and/or service use. This zone differs from the Retail/Office Commercial, C1, Zone in that most residential uses are not permitted as they are likely to conflict with allowed General Commercial uses. It differs from the Light Industrial, M1, Zone in that the primary activity on site is intended to be some form of sales or service activity, with manufacturing and/or storage activities a secondary or incidental use.

C. **Industrial/Manufacturing, Light (M1).** The “M1”, Light Industrial, Zone is intended to accommodate low-intensity industrial uses close to commercial and residential areas with minimum environmental conflicts, and be applied as a buffer zone to protect residential and commercial zones from more impactive Heavy Industrial, M2, uses. Although some commercial uses related to product sales and service activities are allowed by right or permit, they are intended to be incidental to the primary use of light manufacturing and/or storage, or to provide needed buffering between low-intensity and high intensity uses.

D. **Industrial/Manufacturing, Heavy (M2).** The “M2”, Heavy Industrial, Zone is intended to accommodate a full range of industrial uses. Areas designated as Heavy Industrial should be suitable for heavy manufacturing and processing uses which have the greatest potential for producing undesirable or adverse impacts, including traffic, noise, dust, odors, and vibrations. Therefore, they should be located in places substantially removed from sensitive land uses, including residential areas, hospitals and schools.

### 28.21.040 Recreation and Open Space Zone Descriptions

The following descriptions should guide the application of the recreation and open space zones and the approval of uses within the zones. These are the primary zones reserved for leisure activities within the City.

A. **Recreation (RC).** The RC, Recreation, Zone is intended to be applied to land that will primarily be used for large-scale, public or private recreational activities (including, but not limited to, motocross tracks, equestrian arenas, fairgrounds, outdoor stages, skateboard parks, baseball and football fields, and other intensive indoor and outdoor event areas) that require significant investment in specialized facilities. The RC Zone is intended to preserve the investment made in such facilities or preserve an area for future development of said facilities. The RC Zone can also be used to designate public parks that might provide both passive recreational opportunities (like playgrounds, picnic tables, barbeque pits and shade structures) and more intensive seasonal activities (like community fairs and events). This Zone differs from the OS Zone in that it is intended for high intensity use that may include significant and permanent changes to the land and produce high levels of noise, vibration, dust and/or other environmental disturbances in a regular and ongoing manner.
B. **Open Space (OS).** The “OS”, Open Space, Zone is intended to be applied to land that will remain largely undisturbed by development to protect what is already present, or preserve a scenic corridor. Permitted public and private uses of land in the OS Zone will depend in large part on what is being preserved. For instance, an OS Zone that is intended to protect rare and endangered plant or animal habitat, wildlife habitat, migration corridors, and/or sensitive riparian areas or woodlands should not be used for intensive agricultural purposes or extensive animal grazing. Whereas, OS Zones used to preserve visual corridors, watersheds and groundwater recharge areas might lend themselves to agricultural uses. OS Zones might also be used to protect public parks or historic structures (as noted below). For these reasons - where the City determines it is necessary or in the public interest - limited infrastructure, including but not limited to, roads, water, wastewater, drainage facilities and other utilities are expressly allowed in the OS Zone. Because the OS Zone may be used to preserve so many different public resources, nearly all uses within an OS Zone require a Use Permit to document the focus of the Zone and ensure its preservation.

1. **Using the OS Zone to Preserve Public Parks.** The OS Zone can be used to preserve public parks that provide open areas for family gatherings or temporary community events that require little infrastructure. However, any public park intended for regular sporting events, daily intensive use, or requiring anything beyond the installation of shade structures, restroom facilities, picnic tables and passive play equipment, should be considered for the Recreation (RC) Zone district.

2. **Using OS Zone to Preserve Historic Structures.** The OS Zone can be used to preserve isolated historic structures in an open space setting for the passive enjoyment of the public. This application differs from the application of the Downtown Historic District (DH) Overlay Zone in that the –DH Overlay Zone is intended to encourage the preservation of a pedestrian environment in a downtown retail setting while permitting intensive use of the structure and the area around it (for commercial, residential or recreational purposes).

Where the OS Zone is used to preserve a Historic Structure, limited use of the historic structure, along with the construction of needed facilities (such as parking areas, storage sheds or fencing) could be permitted to aid in preserving the structure and making it accessible for public enjoyment.
SECTION 28.22- Primary Zones and Their Allowed Land Uses

28.22.010 Content of Section

This Section contains the Land Use Matrix, which shows the Land Uses permitted in the Primary Zones sorted by Use Type. A detailed definition of each Land Use in this Section is presented in Article 8 of this Ordinance. Some of the Land Uses listed also have Land Use Restrictions listed in Article 3 of this Ordinance. Where this is the case, the Section number referring to these restrictions is listed in the right-hand column of the Matrix.

28.22.020 Land Use Matrix

Table 28.22.020 lists the Land Uses allowed for each of the Primary Zones.

NOTES ON DEVELOPMENT:

SITE PLAN APPROVAL. In addition to any permits indicated in the Land Use Matrix, all high density residential, commercial and industrial projects require Site Plan approval, and are subject to the Development Regulations as noted in Article 4.

BUSINESS LICENSE. All businesses, including Home Occupations, require a Business License pursuant to City Code.

SIGN PERMIT. All Signage within the City Limits, including signage placed on automobiles and trucks, is subject to the Sign Standards as noted in Article 4.

ANIMALS. All Animal Raising and Keeping, and businesses involving Animal Sales and Services within the City Limits is subject to the requirements and restrictions of the Article 3.
# Zoning Ordinance: Table 28.22.020

## Land Use Matrix

**KEY TO PERMITTED USES**

- **P** = Permitted use
- **AD** = Admin Permit required (pursuant to Section 28.52.010)
- **UP** = Use Permit required (pursuant to Section 28.52.020)
- **--** = Use not allowed in zone

<table>
<thead>
<tr>
<th>LAND USE (As Defined in Article 8)</th>
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<tr>
<td>Animal Auction House or Yard</td>
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<tr>
<td>Animal Raising and Keeping (including 4H and other Animal Husbandry Educational Projects)</td>
<td>Permitted with Restrictions, See Section 28.31</td>
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<tr>
<td>Composting</td>
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<tr>
<td>Crop Production</td>
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<td><strong>CIVIC USE TYPE</strong></td>
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<tr>
<td>Cemetery</td>
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<td>Community Assembly (including churches and community centers)</td>
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<td>Community Services:</td>
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<td>- Intensive (includes: police stations, fire stations, correctional facilities, landfill transfer stations)</td>
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<td>- Minor (includes post offices, libraries, museums, government offices, and cultural centers)</td>
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### Zone and Their Allowed Land Uses

#### Article 2

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<tr>
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<td>School:</td>
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<td>- Elementary or Secondary, Private or Public</td>
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<td>- Specialized Education and Training</td>
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<td>- Trade School, Indoor</td>
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<td>- Trade School, Outdoor</td>
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<td>- Other Sales</td>
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<td>- Veterinary Clinic</td>
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<td>- Fuel Sales</td>
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<td>- Paint and Body Shops</td>
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<td>- Repair and Maintenance, Large</td>
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<td>- Vehicle Storage</td>
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<td>Banks and Financial Services</td>
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<td>Bars and Drinking Establishments</td>
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<td>Business Support Services</td>
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<tr>
<td>Farmers’ Market</td>
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*Outdoor animal enclosures require a Use Permit

See Home Occupation Section 28.38.070

See Home Occupation Section 28.38.070

See Home Occupation Section 28.38.070

See Home Occupation Section 28.38.070

See Home Occupation Section 28.38.070

See Home Occupation Section 28.38.070

See Retail Sales – Outdoor
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<td>Food and Beverage Retail Sale</td>
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<td>Food Preparation/Catering</td>
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<td>Funeral and Internment Services</td>
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<td>-Self-Service</td>
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<td>Lodging Facilities:</td>
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<td>-Bed and Breakfast Inn</td>
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<td>-Long-Term Care Facility</td>
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<td>Mixed Use Development</td>
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<td>Parking Lot (as primary use)</td>
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<td>Personal Services</td>
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<td>Restaurant</td>
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**Zones and Their Allowed Land Uses**  

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<td>See Home Occupation Section 28.38.070 (R3 may also allow by Use Permit)</td>
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<td>Manufacturing/Light</td>
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<td>Printing and Publishing</td>
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<td>Recycling Facilities (includes Salvage and Wrecking Yards)</td>
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<td>Storage, Self (indoors)</td>
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<td>Storage Yard, Equipment &amp; Material:</td>
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<td>Minor</td>
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<th>Land Use Restrictions</th>
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<td>AG</td>
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<td>RECREATION AND OPEN SPACE USE TYPE</td>
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<tr>
<td>Campgrounds (including RV Parks)</td>
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<td>Recreation, Commercial:</td>
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<tr>
<td>- Arcade</td>
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<tr>
<td>- Indoor Entertainment</td>
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<td>- Indoor Sports and Recreation</td>
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<td>- Public</td>
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<td>-Commercial</td>
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<td>-Small</td>
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<tr>
<td>Dwelling as Primary Use</td>
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<tr>
<td>-Multi-Family</td>
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<tr>
<td>-Secondary</td>
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<td>AD</td>
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<td>-Single-Family, detached*</td>
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<td>F</td>
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<tr>
<td>-Single-Family, attached*</td>
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<tr>
<td>* each unit on its own Legal Lot</td>
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<tr>
<td>Guest House</td>
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<tr>
<td>Home Occupation</td>
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<td>See Home Occupation Section 28.38.070</td>
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<td>Housing, Commercial Caretaker</td>
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<td>Housing, Transitional:</td>
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<tr>
<td>Small (serving 6 or fewer)</td>
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<tr>
<td>Large (serving 7 or more)</td>
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<td>UP</td>
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<tr>
<td>Mobile/Manufactured Home Park</td>
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<tr>
<td>Rooming House</td>
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See 28.38.020 for all categories.
SECTION 28.23 – OVERLAY ZONE DESCRIPTIONS

28.23.010 Content

Four Overlay Zones are established in this Ordinance to implement the provisions of the General Plan, to regulate certain uses, provide for innovative design solutions, and to protect the public health, safety and welfare from natural and manmade hazards. This Section describes each of the zones, as well as their intended application, to help guide their placement on properties within the City.

28.23.020 Application

When an Overlay Zone is used, the use and development restrictions identified in this Section apply in addition to all other applicable requirements of this Zoning Ordinance, including the requirements of the Primary Zone. In the event of a conflict between the provisions of this Section and any other provision of this Zoning Ordinance, the more restrictive provision shall apply.

28.23.030 Effect on Allowed Uses, Permit Requirements, and Development Standards

Any use normally allowed in a Primary Zone may be allowed within an Overlay Zone, subject to the requirements of the Overlay Zone. In addition, development within an Overlay Zone is subject to the permits and development standards required for both the Primary Zone and the Overlay Zone.
28.23.040 Airport Safety (-AS) Overlay Zone  RESERVED FOR FUTURE USE

(including airport noise contour)
28.23.050 Downtown Historic District (–DH) Overlay Zone

A. **Applicability.** The Downtown Historic District (–DH) Overlay Zone is intended to help preserve the unique pedestrian-oriented retail shopping environment that once formed the back-bone of Alturas’ commercial center. This area is best represented by properties within a block or two of Main Street just south of 4th Street and North of the Pit River. Within this area, buildings are placed in a classic “Main Street” block grid pattern, with a variety of single and multi-story buildings constructed at a zero setback to both the street they front and the buildings they are adjacent to. This type of development forms a continuous wall of closely placed retail, restaurant and office buildings that have a unique look and walkability. When properly developed and maintained, this environment encourages pedestrians to park their cars and walk from one building to the next to complete errands, have a meal with friends, or browse through shops.

B. **Impact on Primary Zone Permitted Uses.** The –DH Overlay Zone is not intended to disallow Land Uses permitted by a Primary Zone, but care must be taken to ensure that uses are placed or operate in a manner that protects the pedestrian-oriented, retail nature of the street environment. To this end, the most appropriate Primary Zone for the area is the C1 (Retail/Office Commercial) Zone. Where other zones are used within the –DH Overlay Zone, the Site Plan and Use Permit processes should be used to ensure land use compatibility within the area.

C. **Exceptions to the Site Planning and Development Standards.** To ensure proposed improvements and new development in the –DH Overlay Zone will not detract from the pedestrian-orientation retail nature of the area, the Site Planning and Development Standards of Article 4 are amended as follows:

1. **Minimum Lot Size and Lot Width.** No minimum.

2. **Setbacks.** All buildings along Main Street shall have a zero setback from the front property line unless a Variance is granted pursuant to Section 28.52.050. Although not required, zero setbacks are encouraged for side and rear property lines. Where a building has been substantially destroyed and needs to be replaced, it shall be required to be built at a zero lot line setback along Main Street and take access from Main Street within this Overlay Zone, even if the previous building did not have this setback or orientation.

3. **Lot Configuration.** Flag lots are prohibited.

4. **Landscape, Parking and Loading Standards.** Exempt.

5. **Signage.** “Building Signs” are the preferred Permanent Sign type for the area. “Monument Signs” and “LED” signs are prohibited. “Pole Signs” and “Off-Premise” signs are allowed by Use Permit where it can be clearly demonstrated that a Building Sign will not adequately advertise the business in question.
6. **Additional Site Plan Criteria.** Where necessary to protect the pedestrian-oriented or retail nature of the District, all discretionary permit approvals, including Site Plan approvals, may be conditioned upon changes to any visual aspect of the project, including, but not limited to, material and color selection, building design, lighting, landscaping, and screening of proposed uses.
28.23.060  Flood Control (-FC) Overlay Zone  RESERVED FOR FUTURE USE
28.23.070 Mobile/Manufactured Home Parks (-MHP) Overlay Zone

A. Applicability. The Mobile/Manufactured Home Park (-MHP) Overlay Zone is established to identify properties that have been developed pursuant to the standards of this section.

NOTE: The –MHP Overlay Zone is not intended to be applied to mobile or manufactured homes placed on a lot in conformance with the Primary Zone’s standard development requirements and local building code for a single family dwelling or secondary dwelling.

B. Compliance with State Law. All Mobile/Manufactured Home Parks shall be developed in compliance with the minimum standards of the California Mobile Home Parks Act (Health and Safety Code 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the California Department of Housing and Community Development (Code of Regulations, Title 25) including, but not limited to, lot size and setback standards, infrastructure requirements, operations, maintenance, and inspections within a mobile home park.

C. Development Standards. In addition to compliance with Subsection B, above, all Mobile/Manufactured Home Parks developed within the City shall also comply with the standards found in Section 28.38.100.
ARTICLE 3 – LAND USE RESTRICTIONS

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28.30.010 Content of Article
28.30.020 Land Use Definitions

SECTION 28.31- ANIMAL RAISING AND KEEPING
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28.31.015 Residency Requirement
28.31.020 Exceptions to Restrictions
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SECTION 28.32 – AGRICULTURAL USE TYPE
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28.32.030 Animal Auction House or Yard
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SECTION 28.33 – CIVIC USE TYPE
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SECTION 28.34 – COMMERCIAL USE TYPE
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SECTION 28.30 – OVERVIEW

28.30.010 Content of Article

This Article contains conditions and/or operating restrictions under which certain Land Uses may be allowed within a Zone, either by right, Administrative Permit or Use Permit (as identified in the Land Use Matrix in Article 2 (Table 28.22.020). These restrictions apply to all Zones unless otherwise noted.

28.30.020 Land Use Definitions

All Land Uses listed here are defined in Article 8.
SECTION 28.31 - ANIMAL RAISING AND KEEPING

28.31.010 Applicability

This Section applies to all animals within the City limits.

28.31.015 Residency Requirement

Unless otherwise noted in this Section, Animal Raising and Keeping is considered an Accessory Use to a Primary Residential Use, therefore animals may not be kept on a property without an occupied residential structure on site (or contiguous to it), and the animals on the property must be owned by the resident.

28.31.020 Exceptions to Restrictions

The following situations are the only exceptions to the restrictions in this Section.

A. Residency Requirement

1. Administrative Permit. Owners of Large and Medium Animals may receive exemption from the Residency Requirement of Section 28.31.015 with an approved Administrative Permit, which must be renewed annually. To receive approval, animals must be provided with automatic watering systems and shelter, food must be available on site and stored near the animal enclosure at all times, the animal owner must be a resident of Alturas and must designate a back-up caretaker along with their contact information. A copy of the property’s lease agreement is also required to accompany the Administrative Permit application.

2. Animal Boarding. Commercial boarding establishments are exempt from the on-site ownership limitations of this section as long as they meet the requirements of Section 28.38.070 for Home Occupations, Section 28.34.020 for Commercial Kennel, or Section 28.37.030 for Riding Stables.

B. Animal Husbandry Projects (includes 4H, Grange and FFA Projects). Animal Husbandry Projects are exempt from the Lot Area requirement of this Section and may be allowed in any residential zone upon approval of an Administrative Permit. In addition to being processed pursuant to Section 28.52.010, and meeting the requirements of the Animal Husbandry Project definition of Article 8, all such projects shall be conditioned to require an oral presentation to the City Council at the conclusion of the project to advise the Council of the applicant’s findings relating to the project.

C. Legal Non-Conforming Numbers or Types of Animals, or Minimum Gross Lot Area: Where an existing Animal Raising and Keeping use is not in compliance with this section with regard to the number or type of animals permitted, or the minimum gross lot area required, and the use was in compliance with the Zoning
Ordinance in place at the time the use started, and is otherwise in compliance with this Section, then the legal nonconforming use regulations of Section 28.62.040 apply, and the continuation or termination of said use shall be controlled by that Section.

Nothing in the above paragraph is intended to exempt an Animal Raising and Keeping use from providing animals with the Minimum Animal Enclosure and Shelter Requirements identified for the animal(s) in question. Failure to provide said enclosure and shelter facilities within 90 days of receiving notice that the facilities are inadequate will cause an automatic loss of Legal Non-Conforming Use status.

28.31.030  Animal Categories (including Enclosure and Shelter Requirements)

The following categories shall be used to classify animals and determine the Minimum Animal Enclosure and Shelter Requirements that must be provided for the animal.

A Note On Shelters: While it is possible to keep large and medium sized animals humanely on large acreage without the shelter required below, these conditions typically include a significant number of animals in the herd (to provide an element of safety), tree cover and/or enough room for the animal to move out of areas that are too hot, cold, wet or windy. This is not the case on lots within the City, which are typically too small to accommodate animals in large numbers, and to provide enough room to escape from the elements. Therefore, shelters are required within the City limits for all animal keeping.

A. Animals, Large. Large animals include, but are not limited to, standard sized cattle, horses, donkeys, mules, ostrich, emu, swine, llamas, alpaca, and similar livestock.

Minimum Animal Enclosure Requirements: 620 SF per animal including shelter.
Minimum Animal Shelter Requirement: 120 SF per animal (3 sided).

B. Animals, Medium. Medium animals include, but are not limited to, sheep, goats (standard and miniature), and miniature sized cattle, horses, donkeys, mules, swine and/or other similar livestock.

Minimum Animal Enclosure Requirements: 310 SF per animal including shelter
Minimum Animal Shelter Requirement: 25 SF per animal (3 sided)

C. Animals, Small. Small animals include, but are not limited to, rabbits, ducks, chickens, turkeys, and other fowl (except racing or homing pigeons – see Specialty Animals).

Minimum Animal Enclosure Requirements: 20 SF per adult animal 10 pounds and larger, and 6 SF per adult animal for animals under 10 pounds. Area measurements include shelter, as required below.
Minimum Animal Shelter Requirement: 6 SF per adult animal 10 pounds and larger and 2 SF per adult animal under 10 pounds (shelter shall be 4 sided with a solid floor)
D. **Animals, Dogs and Cats.** This category includes all common domesticated dogs and domesticated cats.

*Minimum Animal Enclosure Requirements:* 50 SF per adult animal 10 pounds and larger, and 25 SF per adult animal for animals under 10 pounds (an enclosed yard that meets or exceeds these dimensions meets the enclosure requirement). Area measurements include shelter, as required below.

*Minimum Animal Shelter Requirement:* 6 SF per adult animal 10 pounds and larger and 2 SF per adult animal under 10 pounds (shelter shall be 4 sided with a solid floor, access to an area of a house meets the shelter requirement)

E. **Animals, Specialty.** This category includes animals that must be regulated separately because of their unique nature. These include:

1. **Honey Bees.** Honey bees live in a colony, called a hive, and the location of one or more hives is called an Apiary. When properly placed, apiaries have been shown to be compatible with urban development (see Section 28.31.040B for placement requirements).

   *Minimum Enclosure and Shelter Requirements:* None

2. **Racing or Homing Pigeons.** Pursuant to Section 65852.6 of the California Government Code, the Homing Pigeon, sometimes referred to as a Racing Pigeon, is a bird of the order Columbae and does not fall into the category of “fowl”. Because of their unique nature, these birds require free-flight and are therefore exempt from Animal Enclosure requirements.

   *Minimum Shelter Requirements:* 2 SF per adult bird (shelter shall be 4 sided with a solid floor).

3. **Exotic Animals.** Exotic Animals, as defined in Article 8, and hybrids thereof, are not permitted to be kept within the City limits.

28.31.040 **Zoning and Setback Requirements**

In addition to the restrictions and requirements for each animal type listed below and in the previous section, all animal owners must adhere to the General Standards identified in Section 28.31.050.

A. **Dogs and Cats.** Up to four dogs and 6 cats of at least 6 months of age are permitted by right per dwelling unit in all residential zones (there is no limit for animals under 6 months old). Owners with animals in excess of this number constitute a Private Kennel (as defined in Article 8). See Section 28.34.020 for more information on Kennels.

B. **Honey Bees.** One apiary, consisting of four or fewer hives, is allowed by right in all zones, as long as no apiary is located within 25 feet of any property line without the written consent of the adjacent resident, if any. In the case of multi-unit residential
uses, all residents on site must also agree to the location of the apiary. Apiaries in excess of four hives may be allowed by Administrative Permit where all contiguous property owners agree to their placement.

*Residency Exception: Honey Bee Raising and Keeping is permitted as a Primary Use in all zones (meaning the lot may be undeveloped except for the hive).*

C. **Racing or Homing Pigeons.** Up to 25 adult birds are allowed by right as long as their shelter meets standard building setback requirements. Additional birds may be allowed by Administrative Permit with approval of all contiguous property owners.

D. **Small Animals.** Up to 100 Small Animals are allowed by right in the AG and RR zones, up to 10 are allowed by right in all other residential zones, and up to 100 may also be allowed by Administrative Permit in the OS zone (if appropriate to the area protected by the zone). Additional animals may be allowed by Administrative Permit with the approval of contiguous property owners.

*Exception: The keeping of roosters, guinea fowl, or pea fowl is prohibited on any lot with less than 3 acres due to the potential for loud vocalizations.*

E. **Medium Animals.** Subject to the conditions of this Subsection, Medium Animals are allowed by right in the AG and RR zones, or in the R1 and OS Zone by Administrative Permit (as noted below).

1. Enclosure requirements notwithstanding, no lot shall contain more than one medium animal for every 10,000 square feet of gross lot area without Administrative Permit approval.

2. In the R1 Zone, medium animals may be permitted by Administrative Permit but are limited to no more than four, assuming suitable space can be provided for all animals, and the use and location of the required enclosures are appropriate for the lot and surrounding area.

3. In the OS Zone, medium animals may be permitted by Administrative Permit if the use is compatible with the area protected by the zone.

4. Miniature donkeys and mules (due to the potential for loud vocalizations) and unaltered male goats are prohibited on any lot of less than 3 acres, and their enclosures must be kept at least 100 feet away from any off-site residential structure unless the residents of the structure provide their written consent for a smaller setback (which they may rescind at any time).

F. **Large Animals.** Subject to the conditions of this Subsection, Large Animals are allowed by right on lots of more than two acres in size within the RR and AG Zones, and may be permitted in the OS zone by Administrative Permit.

1. For the purposes of meeting the acreage requirement of this Subsection, two or more adjacent lots that are less than two acres in size, but managed as a single
property and not separated by a road, may be used to meet the minimum acreage standard.

2. The keeping of no more than 2 large animals may be approved by Administrative Permit for lots less than two acres when zoned AG or RR where all structures or enclosures meet the setback requirements of the Zone and the keeping of animals is appropriate to the location of the property and its surrounding uses.

3. Large Animal Raising and Keeping may be permitted by Administrative Permit in the OS zone if the use is compatible with the stated purpose of the zone.

4. Donkeys and mules (due to the potential for loud vocalizations) prohibited on any lot of less than 3 acres, and their enclosures must be kept at least 100 feet away from any property line unless the residents of the adjacent lot provide their written consent for a smaller setback (which they may rescind at any time).

28.31.050 General Standards

Unless otherwise indicated, all Animal Raising and Keeping within the City is subject to the following ongoing conditions:

A. Occupied Property. Animals may not be kept on a property without an occupied residential structure on site or immediately adjacent to it except as indicated in Section 28.31.020A.

B. Containment. All animals must be contained within the boundary of the lot, and the size of their enclosure must meet or exceed the minimum requirements indicated in Section 28.31.030. No animal may be left unattended on the lot while tied to any object, and all animal enclosures shall allow the animal access to fresh water at all times.

C. Shelter. All animals must be provided a suitable shelter as required in section 28.31.030. In the case of fowl and pigeons, the enclosure shall also contain nesting boxes and roosting areas suitable to the breed. Animals must have access to their shelter at all times.

D. Odor and Vector Control. Pastures, agricultural accessory structures and animal enclosures, including but not limited to pens, coops, cages, barns, corrals, paddocks and feed areas, shall be maintained in a neat and sanitary manner, free from excessive litter, garbage, and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors.
E. **Erosion and Sediment Control.** In no case shall any person allow animal keeping to cause significant soil erosion, or to produce sedimentation on any public road, adjacent property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals on the site shall be deemed a nuisance and may be subject to abatement under City Code.

F. **Noise.** No animals will be allowed to create a public nuisance, disturbing the peace by frequent or continuous noise of an irritating or raucous nature. If a nuisance is deemed to have occurred it may be subject to abatement as specified in City Code.

G. **Setbacks.** Animal shelters, including but not limited to coops, stables, and aviaries, shall meet the setbacks established in the applicable zone district in which they occur, unless otherwise made more restrictive by this section. (see Section 28.40 for standard setbacks required for each zone).

H. **Nuisance.** Nothing contained within this Section shall be construed to allow an animal to be kept in such a way or behave in such a way as to constitute a public nuisance (as defined by Article 8), or a danger to the public health and safety.

I. **Penalties.** Violations of this section may be charged as either an infraction or misdemeanor.
SECTION 28.32 – AGRICULTURAL USE TYPE

28.32.010 Agricultural Product Processing

A. Applicability. The standards set forth in this Section shall apply to Agricultural Product Processing, as defined in Article 8.

B. Administrative Permit Approval. This use may be approved by Administrative Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

   1. Only standard Administrative Permit conditions apply.

C. Use Permit Approval. This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

   1. Findings. In addition to the findings required under Section 28.52.040, the Decision Making Authority also finds that the use, as conditioned, will not interfere with the resource protections intended by the zone.

28.32.020 Agricultural Support Services

A. Applicability. The standards set forth in this Section shall apply to Agricultural Support Services, as defined in Article 8.

B. Use Permit Approval. This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

   1. Finding. In addition to the findings required under Section 28.52.040, the Decision Making Authority also finds:

      a. The establishment of the proposed support service will support the agricultural industry in the surrounding area based on the type of agricultural enterprises that exist in the area and the proposed support services to be provided.

      b. The proposed support service will have no significant adverse effect on commercial agriculture production in the area.
28.32.030 Animal Auction House or Yard

A. **Applicability.** The standards set forth in this Section shall apply to Animal Auction House or Yard, as defined in Article 8.

B. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:
   
   1. Standard Use Permit findings can be made.
   
   2. There is an animal caretaker on site or immediately adjacent to the property when animals are present.

28.32.040 Crop Production

A. **Applicability.** The standards set forth in this Section shall apply to Crop Production, as defined in Article 8.

B. **General Standards.** The following conditions are applicable to Crop Production whether permitted by right or by permit pursuant to the Land Use Matrix in Section 28.22:
   
   1. Crop Production is permitted as a Primary Use. No additional structures or uses need be present.
   
   2. Crop Production does not include on-site crop sales or the storage of heavy equipment (as defined under “Produce Stand, Retail Sales” and “Storage Yards” in Article 8).

C. **Administrative Permit Approval.** This use may be approved by Administrative Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:
   
   1. **Dust Control.** Dust control measures are in place sufficient to protect neighboring properties.
   
   2. **Insecticides and Fertilizers.** The application of insecticides and fertilizers are limited to small machine or hand application or other method to ensure products do not become wind-born or leave the property via run-off.

D. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:
   
   1. Standard Use Permit findings can be made.
SECTION 28.33 – CIVIC USE TYPE

28.33.010 Community Assembly

A. **Applicability.** The standards set forth in this Section shall apply to Community Assembly, as defined in Article 8.

B. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:
   1. Standard Use Permit findings can be made.
   2. In the Downtown Historic District Overlay Zone, storefronts for Community Assembly Uses shall have the look of a retail business with window displays in keeping with the pedestrian orientation of the area.

28.33.020 Community Services

A. **Applicability.** The standards set forth in this Section shall apply to Community Services, as defined in Article 8.

B. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:
   1. Standard Use Permit findings can be made.
   2. In the Downtown Historic District Overlay Zone, Intensive Community Services shall not be permitted to locate on Main Street.

28.33.030 Schools

A. **Applicability.** The standards set forth in this Section shall apply to Schools, as defined in Article 8.

B. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:
   1. Standard Use Permit findings can be made.
   2. In the Downtown Historic District Overlay Zone, storefronts for School Uses shall have the look of a retail business with window displays in keeping with the pedestrian orientation of the area.
SECTION 28.34 – COMMERCIAL USE TYPE

28.34.010 Adult Business Establishments

A. Applicability. The standards set forth in this Section shall apply to Adult Business Establishments, as defined in Article 8.

B. Intent. In compliance with State Government Code Section 65850.4, it is the intent of this section to establish reasonable and uniform regulations to prevent any deleterious location and concentration of adult business establishments within the City, thereby reducing or eliminating the adverse secondary effects experienced by other cities and counties, such as crime, blight, and downgrading of the surrounding commercial districts and residential neighborhoods.

C. Administrative Permit Approval. This use may be approved by Administrative Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. Application. In addition to any other requirement of Section 28.52.010 a complete application for an Administrative Permit must include a vicinity map demonstrating that the adult business is not being established or located within 1000 feet of the following:

   a. Any house of worship or any noncommercial establishment operated by a bona fide religious organization;

   b. Any public library, or public building where children may congregate;

   c. Any public, private, or parochial school, pre-school, child day care center, park, or playground, or any establishment or facility likely to be used by minors; and

   d. Any other adult business.

Measuring Distances. For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the structure in which the adult business will be located to the nearest property line of a use or zone described in Subsection C, above.
2. Operating Conditions. Any approved Administrative Permit shall include the following conditions.

a. Hours of Operation. Operating hours may be any time between 10 AM to 10 PM.

b. Advertising. Signs or structures, advertisements, displays, or other promotional material or products of a sexual nature, or displaying instruments, devices or paraphernalia designed for use in connection with sexual activities, shall not be exhibited or shown in a way that is visible from an exterior area.

c. Amplified Sound. Loudspeakers or sound equipment audible to persons in a public area shall not be used in connection with an adult business, and the business shall be conducted so that sounds associated with the business are not emitted beyond the exterior walls of the structure in which the use is occurring.

d. Trash. Dumpsters used by an adult business establishment shall be locked when not in use to prevent access thereto by the public.

28.34.020 Animal Sales and Kennels

A. Applicability. The standards set forth in this Section shall apply to Animal Sales and Animal Kennels, as defined in Article 8.

B. General Standards. The following conditions are applicable to all Animal Sales and Kennels whether permitted by right or by permit pursuant to the Land Use Matrix in Section 28.22:


C. Use Permit Approval. This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. Standard Use Permit findings can be made.
28.34.030 Automotive and Equipment

A. **Applicability.** The standards set forth in this Section shall apply to Automotive and Equipment uses, as defined in Article 8 (this includes Fuel Sales, Paint and Body Shops, Repair and Maintenance of Large and Small Equipment, Sales and Rental of Equipment and Vehicle Storage).

B. **General Standards.** The following conditions are applicable to all Automotive and Equipment uses, whether permitted by right or by permit pursuant to the Land Use Matrix in Section 28.22:

1. **General Operations.** All Automotive and Equipment uses are subject to the following operating conditions:

   a. **Site Maintenance.** All outdoor areas and structures must be kept in good repair and in a clean and orderly condition, free of weeds and debris.

   b. **Equipment and Material Placement and/or Storage.** All equipment and materials placed, stored or displayed outdoors must be in operable or usable condition, and placed in a manner that provides easy access and grounds maintenance.

   c. **Street Parking.** Public streets are for short-term public parking only. Public streets may not be used to park non-operable vehicles and equipment, nor may they be used to store operable vehicles or equipment waiting to be worked on, rented or sold. Operable vehicles that are waiting for pick-up by their owners may be parked in the public right-of-way where parking is permitted by law and where the owner is scheduled to pick up the vehicle within a 24 hour period. In no case shall a business utilize public parking in this manner for more than three vehicles at any given time.

2. **Outdoor Operations.** All outdoor operations are prohibited unless explicitly permitted by this Subsection (as noted below), or by an approved Use Permit.

3. **Fuel Sales.** Fuel pumping stations are a permitted outdoor operation, subject to the permit requirements of the Land Use Matrix.

4. **Outdoor Displays.** The outdoor display of new and used automobiles, trucks, and other large equipment for sale or rent is a permitted outdoor operation, subject to the permit requirements of the Land Use Matrix. This use does not require an on-site structure unless otherwise required by an approved permit, but all equipment on display must be in an operable and reasonably clean condition. This section does not pertain to small equipment, equipment that is not available for sale or rent, or to the materials or parts used to maintain them (see Vehicle and Equipment Storage).
5. **Vehicle and Equipment Storage.** The following restrictions apply to the storage of automobiles and equipment, as well as the parts and equipment required to work on them.

   a. **Vehicles and Large Equipment.** Vehicles and Large Equipment that are actively being repaired, or that are operable but not available for sale or rent, may only be stored in the back half of a fenced lot zoned for Vehicle Storage unless another area is approved by Use Permit.

   b. **Small Equipment and Parts.** Small Equipment (whether for sale, rent, use, or under repair) must be stored inside a structure unless otherwise approved by a Use Permit.

   c. **Shipping Containers.** The use of shipping containers for on-site storage is prohibited unless approved by a Use Permit.

6. **Oil Recycling.** In all zones where automotive and equipment services, gasoline sales, small engine repair, and aircraft service and repair use types are allowed by right or by permit, the collection of used oil is allowed by right, provided the collection and storage facilities conform to all applicable State laws and City requirements.

7. **Repair and Maintenance in Residential and Agricultural Zones.** See Home Occupation Section 28.38.070 for additional restrictions.

C. **Use Permit Approval.** These uses may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

   1. Standard Use Permit findings can be made.
28.34.040 Lodging Facilities/Bed and Breakfast Inn

A. **Applicability.** The standards set forth in this Section shall apply to Bed and Breakfast Inn Lodging Facilities as defined in Article 8.

B. **Intent.** This use is primarily intended to occupy existing residential structures in the zones in which it is permitted to encourage the restoration, maintenance and appropriate reuse of residential buildings within the City. Although new structures may be approved with this use in mind, approval of new structures should be conditioned to ensure compatibility with surrounding land uses.

C. **General Standards.** The following conditions are applicable to all Bed and Breakfast Lodging Facilities, whether permitted by right or by permit pursuant to the Land Use Matrix in Section 28.22:

1. **Manager Occupied.** The Bed and Breakfast Inn’s manager must live on site in either the main dwelling or a Secondary Dwelling.

2. **Room Limit.** Up to 10 guest rooms may be provided as long as they are contained within the main dwelling or a Secondary Dwelling or Guest House, unless otherwise indicated by a Use Permit.

3. **Kitchens.** Guest rooms shall not contain Cooking Facilities.

4. **Parking.** Parking shall be provided in compliance with the Parking Standards of Section 28.45. In addition to these standards.
   
   a. No guest parking shall be allowed within the required front or side yard setback unless approved by Use Permit
   
   b. Tandem parking is permitted where approved by Use Permit
   
   c. The parking area provided may have a gravel surface (except where handicapped parking is required) where approved by Use Permit.

5. **Taxes.** The operation of a lodging facility shall be subject to Transient Occupancy Tax and Business License Requirements of the City Code. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.

6. **Meal Service.** Meal service shall be limited to registered guests and shall consist of breakfast and light snacks as a portion of the overall room rate in compliance with the California Retail Food Codes enforced by the City (Health and Safety Code Section 113893).
7. **Special Events.** Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests may be allowed as part of a Use Permit or Special Event Permit.

8. **Site Planning and Development Regulations.** All the Site Planning and Development Regulations of Article 4 apply to this use unless otherwise exempted by this Section or an Overlay Zone.

C. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

   1. **Conditions for All Zones.** Standard Use Permit findings can be made.
   
   2. **Conditions for RC and OS Zones.** In addition to the findings required under Section 28.52.040, the Decision Making Authority also finds that the use will not interfere with the resource protections intended by the RC or OS zones.

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**28.34.050 Lodging Facilities/Health Resort or Retreat Center**

A. **Applicability.** The standards set forth in this Section shall apply to a Health Resort or Retreat Center Lodging Facility as defined in Article 8.

B. **Intent.** Like the Bed and Breakfast Inn, this use is primarily intended to occupy existing residential structures in the zones in which it is permitted to encourage the restoration, maintenance and appropriate reuse of residential buildings within the City. It differs from the Bed and Breakfast Inn in that this use is intended to provide a unique environment for focused social interaction among its guests that might also make it appropriate for the construction of special facilities relating to planned activities on site. It is also envisioned that not all guests may stay the night. In addition special food might be part of the facility’s focus, and therefore this type of facility may provide meal service to guests at any time of day. Food service is limited to guests who are also participating in other activities at the Center.

Due to the focused nature and full service provided by this type of facility, it is envisioned that this Lodging type may have a greater impact on the neighborhood than a Bed and Breakfast Inn. This should be taking into consideration when these facilities are approved, and any new facilities and their structures should be conditioned to ensure compatibility with surrounding land uses.

C. **General Standards.** The following conditions are applicable to all Health Resort or Retreat Center Lodging Facilities, whether permitted by right or by permit pursuant to the Land Use Matrix in Section 28.22:
1. **Manager Present.** The Health Resort or Retreat Center manager must be present on site whenever guests are present, although they are not required to live on site.

2. **Room Limit.** Up to 10 guest rooms may be provided unless otherwise indicated by a Use Permit. In Residential zones, rooms must be contained within the main dwelling or a Secondary Dwelling or Guest House, unless otherwise approved by a Use Permit. In all other zones, guest room locations are subject to Site Plan and/or Use Permit review.

3. **Kitchens.** Guest rooms shall not contain Cooking Facilities.

4. **Parking.** Parking shall be provided in compliance with the Parking Standards of Section 28.45. In addition to these standards.
   a. No guest parking shall be allowed within the required front or side yard setback unless approved by Use Permit
   b. Tandem parking is permitted where approved by Use Permit
   c. The parking area provided may have a gravel surface (except where handicapped parking is required) where approved by Use Permit.

5. **Taxes.** The operation of a lodging facility shall be subject to Transient Occupancy Tax and Business License Requirements of the City Code. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.

6. **Meal Service.** Meal service shall be limited to registered guests who are participating in organized group activities on site. There are no limitations on the number of meals or the times at which meals are served.

7. **Special Events.** Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests may be allowed as part of a Use Permit or Special Event Permit.

8. **Site Planning and Development Regulations.** All the Site Planning and Development Regulations of Article 4 apply to this use unless otherwise exempted by this Section or an Overlay Zone.

D. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

   1. **Conditions for All Zones.** Standard Use Permit findings can be made.
   2. **Conditions for RC and OS Zones.** In addition to the findings required under Section 28.52.040, the Decision Making Authority also finds that the
use will not interfere with the resource protections intended by the RC or OS zones.

28.34.055 Mixed Use Development

A. **Applicability.** The standards set forth in this Section shall apply to Mixed Use Developments as defined in Article 8.

B. **Intent.** These restrictions are intended to ensure that Mixed Use Developments have a coherent physical design that harmoniously integrates with the surrounding community.

C. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.

2. **In M2 Zone.** Residential facilities are not permitted as part of the mixed-use development.
28.34.060 Restaurants

A. **Applicability.** The standards set forth in this Section shall apply to Restaurants as defined in Article 8.

B. **Intent.** These restrictions are intended to provide for outdoor dining areas for all restaurants, and ensure drive-through and mobile restaurants are appropriately located to serve the public without creating undue hardship on surrounding land uses.

C. **Administrative Permit Approval.** Outdoor dining may be permitted at any restaurant upon approval of an Administrative Permit processed pursuant to Section 28.52.010 and subject to the following conditions.

   1. **Location.** Outdoor dining areas must allow a minimum of 60 inches of clear space on public sidewalks to allow for safe pedestrian access.

   2. **Encroachment Permits.** Approval of outdoor dining areas will be conditioned upon receiving all necessary encroachment permits.

   3. **Materials.** The tables and chairs used for outdoor dining shall be of a durable material suitable for outdoor use, professionally made, and maintained in good condition.

D. **Use Permit Approval.** Mobile Restaurants and Drive-Through Restaurants may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

   1. **Findings for All Zones.** Standard Use Permit findings can be made.

   2. **Mobile Restaurant.** In addition to the other requirements of this Section, the following conditions apply to Mobile Restaurants:

      a. **Business Location.** The business location of the mobile unit must not interfere with normal pedestrian or automobile traffic circulation, or take up parking required by other businesses pursuant to the Zoning Ordinance.

      b. **Trash.** At least one trash receptacle must be provided by the business for customer use, and emptied promptly when full. In addition, the area around the mobile unit must be kept free of trash and debris at all times.

      c. **Storage Location.** Mobile units shall not be stored overnight at the locations where they conduct business unless this location permits Vehicle Storage or Heavy Commercial Vehicle Storage (whichever applies).
28.34.070 Retail Sales, Outdoor

A. **Applicability.** The standards set forth in this Section shall apply to Outdoor Retail Sales as defined in Article 8.

B. **General Standards.** The following conditions are applicable to Outdoor Retail Sales whether permitted by right or by permit, pursuant to the Land Use Matrix in Section 28.22:

1. **Temporary Outdoor Display/Sales Area.** The temporary outdoor display of merchandise is permitted by right in conjunction with an Indoor Retail Sales establishment in all zones allowing Retail Sales by right as long as the outdoor displays meet the following criteria:
   
a. All display merchandise and display structures are brought indoors before the store closes,

b. The display does not interfere with pedestrian or automobile traffic (a minimum of 60 inches of public sidewalk must remain clear for a pedestrian walkway, no material may be placed along the curb where vehicles park, and parking spaces may not be used for display purposes),

c. The display does not take up more than 10 square feet of ground area,

d. Display stands are in good repair and of professional quality,

e. Products are displayed in an appealing and professional manner, and

f. Encroachment permits are obtained from the appropriate authorities, where needed.

2. **Other Temporary Outdoor Retail Sales.** Temporary Outdoor Retail Sales not meeting the description in Subsection B.1 (including sidewalk or parking lot sales, Farmer’s Markets, Christmas tree or other seasonal sales events, and flea markets) require the approval of an Administrative Permit as noted in Subsection “C” below.

3. **Permanent Outdoor Retail Sales Area.** A Permanent Outdoor Retail Sales Area”) may be established as a Primary Use (without a building on site) or as a Secondary Use (in conjunction with a retail store). Either type requires the approval of a Use Permit.
C. **Administrative Permit Approval.** Where required by Subsection B.2 (above), Temporary Outdoor Retail Sales Areas may be approved by Administrative Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. **Application.** In addition to any other requirement of Section 28.52.010 a complete application for an Administrative (AD) Permit must include:

   a. **A Site Plan** of the area proposed for the sales event showing the location of the event and any public streets or buildings near the site. The plan should also show how the event area will be setup. The plan may be hand-drawn on 8 ½ x 11 paper or larger, but should be legible and drawn to scale. It should also include the number, size and location of (1) seller’s stalls (whether or not they will be occupied); (2) performing arts areas; and (3) food vendors.

   b. **Property Owner Permission.** A letter from the property owner (and any required encroachment permits) must accompany the application. It should be noted that events cannot be conducted on any public right-of-way or road easement unless an encroachment permit is approved by the appropriate entity. The event area may utilize up to 50% of a store’s parking lot, up to 100% of a parking lot not associated with a store, or up to 100% of a vacant lot or undeveloped lot (where the Director determines that adequate parking is available within a reasonable walking distance to the sales event).

   c. **Merchandise.** The Application shall include a list of the type of merchandise that will be available for sale. This does not need to be an itemized list, just a list of general categories (for example: “Christmas trees and Holiday Decorations”, “Pumpkins and other Halloween Decorations”, “Fresh produce and handmade craft items, as well as both hot and cold prepared food items”, etc).

   d. **Dates and Hours of Operation.** The application shall include the days and times within which the event will operate. One AD permit application may request multiple days of operation as long as the site plan information is identical for each day.

   e. **Deposit.** A deposit, in the form of a check made out to the City of Alturas in an amount established from time to time by the City Council, shall accompany the Administrative Application. Said deposit shall be refundable if the site is left clean after the event. One check may be used to cover multiple events as long as all events conclude within six months of the date of the check.

   f. **Restroom Facilities.** Organizers shall make restroom facilities available to the public during the event, either by rental of portable restrooms or by agreement with neighboring property owners. Written confirmation of
arrangements are required at the time of application. Handicapped Accessible Facilities are also required.

g. **Lighting and Signage Plan.** Although Temporary Sales events are exempt from most of the Development Standards, the applicant will need to comply with the Lighting and Signage Standards of Article 4. Therefore a signage and lighting plan must be provided with the application. If the event is a daytime event, no lighting is required. The signage plan should show the type and placement of signs that will be used for the event.

h. **Amplified Sound.** If amplified sound is going to be part of the event, this must be disclosed in the application along with the type of equipment that will be used.

2. **Conditions of Approval.** The Administrative Permit will include the following conditions:

a. **Waste Collection and Site Clean-Up.** Trash and recycling receptacles are to be provided at regular intervals in the event area, and all trash and recyclables are to be picked up and removed within one hour of the event’s scheduled closing time. In addition, the event area shall be left free of debris of any kind, whether directly related to the event or not.

b. **Break-Down.** All equipment and vendors will leave the site within one hour of the event’s schedule closing time.

c. **Merchandise.** The area dedicated to Temporary Sales shall not include the sale of any merchandise not directly associated with the approved permit.

d. **Disposition of Deposit.** Failure to comply with any of the Permit conditions may result in the loss of the event deposit and cancellation of all further events approved as part of the application.

D. **Use Permit Approval.** A Permanent Outdoor Retail Sales Area may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.

2. **Conditions of Approval.**

   a. All items in the Sales Area (other than display racks, tables and platforms) must actually be for sale (rather than simply stored on site),

   b. All items displayed in the Sales Area must be weather resistant, or protected from inclement weather in a manner acceptable to the Director,
c. The Sales Area must be distinct and separate from parking and loading areas, walkways, and landscaping areas,

d. The Sales Area shall be included in the square footage calculations when determining parking requirements under Section 28.35.030 (Parking and Loading),

e. All Development Standards under the specific zone shall apply, as well as those general standards applicable to the Site Plan, such as landscaping, lighting, and signs,

f. All Sales Areas shall be screened from the side and rear property lines adjacent to residentially zoned property.

g. Surfacing requirements of the Sales Area shall consist of concrete or asphalt pavement, chip seal, gravel, or other material that can be maintained in a dust-free condition. Vehicle access and parking areas shall be surfaced in compliance with City design standards.
SECTION 28.35 – INDUSTRIAL USE TYPE

28.35.010 General Regulations for Industrial Use Types

A. **Applicability.** The standards set forth in this Section shall apply to all Industrial Use Types as listed in the Land Use Matrix and defined in Article 8, except a Temporary Equipment and Material Storage Yard.

B. **Exemptions.** For the purpose of this section, small vending-style recycling machines are not considered Recycling Facilities (an Industrial Use Type), and are allowed by right in all C2, M1 and M2 zones as an accessory use to an existing commercial or industrial use.

C. **General Standards.** The following conditions are applicable to all Industrial Use Types whether permitted by right or by permit, pursuant to the Land Use Matrix in Section 28.22 (except a Temporary Equipment and Material Storage Yard, which is only subject to the regulations identified in Section 28.35.020):

1. **Development Standards.** All development standards of the specific zone shall apply as noted in Article 4.

2. **Outdoor Storage.** The outdoor storage of operable trucks and operable heavy equipment is permitted by right on the back half of a fenced lot, or as approved by a Use Permit. The Outdoor Storage of all other equipment and materials requires the approval of a Use Permit. All Use Permits are subject to the conditions listed in Subsection D (below).

3. **Shipping Containers.** The use of shipping containers for work or storage areas is prohibited unless approved as part of a Use Permit.

4. **Outdoor Work Areas.** All manufacturing, building, packaging, assembly, equipment repair, material processing, crushing, dismantling and fabricating must be done indoors unless an outdoor work area is approved by a Use Permit.

5. **Screening.** All outdoor storage areas shall be screened along side or rear property lines adjacent to residentially zoned property.

6. **Surfacing.** Surfacing requirements for any outdoor storage area shall consist of concrete or asphalt pavement, chip seal, gravel, or other material that can be maintained in a dust-free condition. Vehicle access and parking areas shall be surfaced in compliance with City design standards.

7. **Retail Sales.** Incidental* Retail Sales are permitted by right in conjunction with all Industrial Use Types except the General Industrial Use Type unless otherwise stated by a Use Permit.
*Note: To be considered “incidental” product sales must be directly related to, and constitute a small portion of, the activity on site. For instance, a Self-Storage facility may sell packing tape and boxes, and a cabinet maker (qualifying as a Light Manufacturing use) may sell shelving or cabinets made on site.

8. **Property Maintenance.** All equipment storage areas and grounds are to be maintained free of weeds and debris.

D. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.

2. **Equipment and Material Placement and/or Storage Outdoors.** Where permitted by a Use Permit, all equipment and materials stored outdoors must be placed in a manner that provides easy access and property maintenance.

3. **General Standards.** Compliance with all General Standards is met.

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**28.35.020 Temporary Equipment and Material Storage Yard**

A. **Applicability.** The standards set forth in this Section shall apply to Temporary Equipment and Material Storage Yards as defined in Article 8 (See Storage Yard; Equipment and Materials).

B. **Administrative Permit Approval.** This use may be approved by Administrative Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. **Timeliness.** The storage of equipment and materials is needed for a construction project that has received all necessary building permit approvals and authorizations,

2. **Location.** The location of the storage site is acceptable to the Director, and

3. **Term.** The needed equipment and materials will remain on site for less than 6 months.

4. **Shipping Containers.** The use of shipping containers for on-site storage is permitted for this temporary use if approved as part of the Administrative Permit.
SECTION 28.36 – PUBLIC UTILITY USE TYPE

28.36.10 Communication Facilities

A. **Applicability.** The standards set forth in this Section shall apply to Communication Facilities as defined in Article 8 (including transmission and relay towers and other similar facilities). This section does not apply to home televisions, radio receiving antennas, home satellite dishes or communication facilities for community services provided by a government agency.

B. **Intent.** This Section is intended to protect the public health, safety and welfare by providing for the orderly development of commercial and private wireless communication facilities to minimize the number of communication facilities through co-locations on existing and new towers, and siting such facilities in areas where their potential visual impact on the surrounding area is minimized.

C. **General Standards.** The following conditions are applicable to all Communication Facilities subject to this Section, whether permitted by right or by permit pursuant to the Land Use Matrix in Section 28.22:

1. **Co-Location.** Communication service providers shall:
   
a. Employ all reasonable measures to site their antennas on existing structures as facade mounts, roof mounts, or co-location on existing towers prior to applying for new towers or poles.

   b. Work with other service providers and the City to co-locate where feasible. Where co-location on an existing site is not feasible, service providers shall develop new sites which are multi-carrier to facilitate future co-location, thereby reducing the number of sites Citywide.

2. **Repeaters and Other Small Facilities.** Repeaters and other similar small communication facilities that do not exceed five square feet and do not protrude more than 18 inches from the mounting surface or extend more than three feet above the roofline are allowed by right in any zone provided that no additional equipment is required.

3. **Antennas.**

   a. **Located on Building Façades, Roofs and Other Existing Structures.** In all zones, these antennas require either an Administrative Permit pursuant to Section D (below), or a Use Permit pursuant to Section E depending upon their ability to comply with the restrictions on each permit.
b. **Located on New Towers or Monopoles.** The construction or placement of communication facilities on new towers or monopoles, or an increase in height of existing towers or monopoles, requires the approval of a Use Permit pursuant to Section E.

4. **Speculative Towers.** Towers for which no licensed communication carriers have committed to utilize are prohibited by this Ordinance.

5. **Other Types of Facilities Not Listed Above.** Application proposals for facilities not listed above shall be subject to the approval of a Use Permit in conformance with Section 28.52.040.

6. **Availability.** All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.

D. **Administrative Permit Approval.** Communication Facilities may be approved by Administrative Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met, otherwise they must be approved by a Use Permit subject to Section E:

1. **For Antennas located on Building Façades, Roofs or Other Structures**
   a. No portion of the antenna, support equipment, or cables shall project more than 15 feet above the roofline or existing structure;
   b. When façade mounted, the surface area of all antenna panels shall not exceed 10 percent of the surface area of the facade of the building on which it is mounted or 30 square feet, whichever is greater;
   c. No portion of the antenna or equipment shall extend out more than 24 inches from the facade of the building or the furthest projection of the existing structure;
   d. Antennas and equipment shall be constructed and mounted to blend with the predominant architecture and color of the building or structure, or otherwise appear to be part of the structure to which it is attached;
   e. The lowest portion of all antennas shall be located a minimum of 15 feet above grade level; and
   f. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view. Equipment located on the roof must be screened from public view from adjacent streets and properties by an architecturally compatible parapet wall or other similar device.
2. **For Co-location on Existing Monopoles or Towers**

   a. New antennas shall be located at or below the topmost existing antenna array, either on the same pole, or at the same height on a replacement pole within the approved lease area;

   b. New antennas shall not extend out horizontally from the pole more than the existing widest projection;

   c. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view; and

   d. The antennas and pole or tower shall be designed to match the existing facility, or to blend with the natural features or vegetation of the site.

3. **For All Facilities.**

   a. **Maintenance.** All improvements associated with the communication facility, such as equipment shelters, towers, antennas, fencing, and landscaping shall be properly maintained at all times. Design, color, and textural requirements under the approved conditions shall be maintained to ensure a consistent appearance over time. Any discretionary permit that is approved for the facility shall include a maintenance agreement.

   b. **Unused Facilities.** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition.

E. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.

2. **For All Facilities.** The Maintenance and Unused Facilities conditions of Section D.3 shall be made part of the Use Permit.
28.36.020 Public Utility Service Facilities and Infrastructure

A. **Applicability.** The standards set forth in this Section shall apply to Public Utility Service Facilities and Infrastructure as defined in Article 8.

B. **General Standards.** The following conditions are applicable to all Public Utility Service Facilities and Infrastructure:

1. **Minor Public Utility Infrastructure** (such as water and sewer pipelines of less than twelve inches inside diameter, gas pipelines of less than six inches inside diameter, pump stations, telephone and electrical distribution lines of 12 kV or less, and drainage facilities) requires the approval of an Administrative Permit pursuant to Section C.

2. **Major Public Utility Infrastructure and Public Utility Service Facilities** require approval of a Use Permit pursuant to Section D.

C. **Administrative Permit Approval.** Where allowed by the Land Use Matrix in Section 28.22, an Administrative Permit may be approved if all of the following conditions are met:

1. The installation of the proposed infrastructure will not interfere with other proposed projects, or cause undue hardship or risk to the public.

D. **Use Permit Approval.** Where allowed by the Land Use Matrix in Section 28.22, a Use Permit may be approved if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.
SECTION 28.37 – RECREATION AND OPEN SPACE USE TYPE

28.37.010 Campgrounds (including Recreational Vehicle Parks)

A. **Applicability.** The provisions of this Section shall apply to all Campgrounds (including Recreational Vehicle Parks), as defined in Article 8.

B. **General Standards.** The following conditions are applicable to all Campgrounds whether permitted by right or by permit pursuant to the Land Use Matrix in Section 28.22:

1. **Permit Required.** All campgrounds within the City Limits require a Use Permit to operate.

2. **Compliance with State Law.** All campgrounds shall comply with the minimum standards of the Special Occupancy Parks Act (Health and Safety Code Section 18860, et seq.) and the applicable regulations adopted by the Department of Housing and Community Development (Code of Regulations, Ordinance 25, Section 2.2) including, but not limited to setback and separation standards, infrastructure requirements, operations, maintenance, and inspections within these facilities.

3. **Minimum Area and Density.** The minimum area of a Campground shall be three acres. At least 50 percent of the total site shall be left in its natural state or be landscaped. The remaining 50 percent of land is eligible for development. The maximum number of campsites, RV spaces, dormitory rooms or cabins shall not exceed 9 sites per developable area and each individual campsite or RV space shall be no less than 1,000 square feet. The average overnight population per campsite, RV space, or cabin shall not exceed eight persons.

4. **Fencing.** A fence, wall, landscaping screen, earth mound or other screening approved by the Director, or otherwise required by this Ordinance, shall be required as needed for protection of both the occupants of the Campground and the public health, safety and welfare.

5. **Access.** Campground access roads shall have clear and unobstructed access to a public roadway. There shall be no direct access from an individual campsite, RV space, dormitory room or cabin to a public roadway.

6. **Trash Collection Areas.** Trash collection areas shall be adequately distributed and enclosed by a six foot high landscape screen, solid wall or fence, which is accessible on one side but prevents scavenging by animals.

7. **Parking.** The Campground shall provide off-street parking spaces for each campsite and guest parking in accordance with Section 28.45 (Parking Standards).
8. **Signs.** Campground entrance signs shall comply with the provisions under Section 28.46 (Sign Standards).

9. **Water Supply and Sewage Disposal.** The City Public Works Division shall determine whether adequate water supply and/or septic capability is available to serve the project.

10. **Length of Stay.** The maximum length of stay in any part of the Campground shall be 90 days in any twelve month period.

11. **Structures and Recreational Facilities.** The following standards apply to on-site structures:
   a. One Commercial Caretaker’s Residence is permitted per Campground.
   b. All other structures are limited to restrooms/showers and one clubhouse which may contain one commercial kitchen facility, all of which are for the exclusive use of Campground guests.
   c. The total area of all structures intended for sleeping (that may include restrooms and/or showers, but cannot include kitchen facilities) shall be limited to an average of 300 square feet per structure.
   d. Campgrounds may include minor accessory recreational uses or structures such as swimming pools and tennis courts and small storage structures for grounds keeping equipment and supplies.

C. **Use Permit Approval.** Where allowed by the Land Use Matrix in Section 28.22, a Use Permit may be approved if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.
2. **General Standards.** Compliance with all General Standards is met.
28.37.020  Recreational Facilities

A.  **Applicability.** The standards set forth in this Section shall apply to both Indoor and Outdoor Recreational Facilities as defined in Article 8 (see Commercial Recreation).

B.  **Administrative Permit Approval.** Where allowed by the Land Use Matrix in Section 28.22, an Administrative Permit may be approved if all of the following conditions are met:

1.  It can be seen with certainty that the use will have no detrimental impact on the surrounding neighborhood, or all of the contiguous property owners or their tenants have signed a petition approving the use;

2.  Adequate parking is available for the use (not applicable for the –HD Overlay Zone);

3.  New facilities that need to be constructed for the venue will be able to conform to the Site Planning and Design Standards applicable for the Zone;

4.  Provisions have been made for trash removal, sanitary facilities and site clean-up.

5.  **Public Notice Requirement.** Contiguous Properties.

C.  **Use Permit Approval.** Where allowed by the Land Use Matrix in Section 28.22, a Use Permit may be approved if all of the following conditions are met:

1.  **Findings.** Standard Use Permit findings can be made.
Article 3  
Land Use Restrictions

28.37.030 Stables and Equestrian Facilities, Public and Private

A. Applicability. The standards set forth in this Section shall apply to both public and private Stables and Equestrian Facilities (collectively called “Stables” for the purpose of this section) as defined in Article 8.

B. General Provisions. All Stables subject to this Section shall meet the following general criteria, whether allowed by right or by permit pursuant to the Land Use Matrix in Section 28.22.

1. Development Standards.
   a. Setbacks. Stables, barns, and other structures used for or intended to be used for the sheltering of horses and/or other animals shall comply with the setback requirements of the zone in which they are located.
   b. Arenas. Training arenas shall have a minimum setback of 100 feet from any residentially-zoned property, and shall not provide night lighting or amplified sound unless approved by a Use Permit.

2. Shows or Events. On-site shows or events involving more than 20 participants and attendees in total require the approval of either an Administrative Permit processed pursuant to Section C (below) or a Use Permit processed pursuant to Section D (below).

3. Private Stables. In addition to items above, Private Stables that offer boarding services or riding lessons meeting the requirements of a Home Occupation pursuant to Section 28.38.070C.12 are allowed by right. Where a Private Stable does not meet the conditions of a Home Occupation, the use may be approved by Administrative Permit processed pursuant to Section C (below).

4. Public Stables. Stables that provide horses for hire at an hourly or daily rate, board or train horses, or offer riding lessons that exceed the standards of a Home Occupation require an approved Use Permit processed pursuant to Section D (below).

C. Administrative Permit Approval. Where required by Section B an Administrative Permit may be approved for a Private Stable if all of the following conditions are met.

1. It can be seen with certainty that the use will have no detrimental impact on the surrounding neighborhood, or all of the contiguous property owners or their tenants have signed a petition approving the use;

2. Adequate parking is available for the use;
3. New facilities that need to be constructed for the venue will be able to conform to all applicable Site Planning and Design Standards for the zone and its use;

4. Provisions have been made for trash removal, sanitary facilities and site clean-up, and all applicable animal regulations are met.

5. The business owner has signed a statement agreeing that they are limited to horse boarding, horse training, and offering riding lessons to the owners of horses boarded on site. This condition is intended to keep the size of the boarding and training operation small in keeping with a Home Occupation.

D. **Use Permit Approval.** Where allowed by the Land Use Matrix in Section 28.22, a Use Permit may be approved for a Public Stable if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.

2. **Minimum Lot Size Required.** 10 acres.

3. **Parking and Loading.** Horse trailer parking spaces required under Section 28.45 shall be located a minimum of 50 feet from any public road or right-of-way.

4. **Night Lighting or Amplified Sound for the Arena** (if requested). Requires the approval of all property owners within 200 feet of the Arena.

5. **Equestrian Trails.** Prior to the approval of a permit for a public stable where the public may be riding off of the premises, the applicant shall demonstrate access to a trail easement for equestrian purposes.

   If horses will be traveling on a roadway, the following is also required for the trail system to be approved as part of the Use Permit:

   a. **Private Road:** The operator of the Stable must provide sufficient written documentation to prove they have the right to use the private road for the proposed use.

   b. **City Road:** The City may consider approval of the use of the road as part of the Use Permit.

   c. **State Highway:** Caltrans and the California Highway Patrol must approve the proposed use of the road for it to be considered in the Use Permit.

6. Provisions have been made for trash removal, sanitary facilities and site clean-up, and all applicable animal regulations are met.
28.37.040 Special Events

A. Applicability. The standards set forth in this Section shall apply to all Special Events as defined in Article 8.

B. Administrative Permit Approval. Where Special Events are allowed by the Land Use Matrix in Section 28.22, and a Use Permit has not already been issued that covers the activity, an Administrative Permit may be approved for the Special Event if all of the following conditions are met.

1. Application. In addition to any other requirement of Section 28.52.010 a complete application for an Administrative Permit must include:

   a. A Site Plan of the area proposed for the event showing the location of the event and any public streets or buildings near the site. The plan should also show how the event area will be setup. The plan may be hand-drawn on 8 ½ x 11 paper or larger, but should be legible and drawn to scale. It should also include the number, size and location of (1) seller’s stalls (whether or not they will be occupied); (2) performing arts areas; and (3) food vendors.

   b. Property Owner Permission. A letter from the property owner (and any required encroachment permits onto road easements) must accompany the application. It should be noted that events cannot be conducted on any public right-of-way or road easement unless an encroachment permit is approved by the appropriate entity. The event area may utilize up to 50% of a store’s parking lot, up to 100% of a parking lot not associated with a store, or up to 100% of a vacant lot or undeveloped lot (where the Director determines that adequate parking is available within a reasonable walking distance to the event).

   c. Merchandise. The Application shall include a list of the type of merchandise that will be available for sale. This does not need to be an itemized list, just a list of general categories (for example: “Christmas trees and Holiday Decorations”, “Pumpkins and other Halloween Decorations”, “Fresh produce and handmade craft items, as well as both hot and cold prepared food items”, etc).

   d. Dates and Hours of Operation. The application shall include the days and times within which the event will operate. One AD permit application may request multiple days of operation as long as the site plan information is identical for each day.

   e. Deposit. A deposit, in the form of a check made out to the City of Alturas in an amount established by the City Council, shall accompany the Administrative Application. Said deposit shall be refundable if the site is
left clean after the event. One check may be used to cover multiple events as long as all events conclude within six months of the date of the check.

f. **Restroom Facilities.** Organizers shall make restroom facilities available to the public during the event, either by rental of portable restrooms or by agreement with neighboring property owners. Written confirmation of arrangements are required at the time of application. Handicapped Accessible facilities are also required.

g. **Lighting and Signage Plan.** Although Temporary Sales events are exempt from most of the Development Standards, the applicant will need to comply with the Lighting and Signage Standards of Article 4. Therefore a signage and lighting plan must be provided with the application. If the event is a daytime event, no lighting is required. The signage plan should show the type and placement of signs that will be used for the event.

h. **Amplified Sound.** If amplified sound is going to be part of the event, this must be disclosed in the application along with the type of equipment that will be used.

2. **Conditions of Approval.** The Administrative Permit will include the following conditions.

a. **Waste Collection and Site Clean-Up.** Trash and recycling receptacles are to be provided at regular intervals in the event area, and all trash and recyclables are to be picked up and removed within one hour of the event’s scheduled closing time. In addition, the event area shall be left free of debris of any kind, whether directly related to the event or not.

b. **Break-Down.** All equipment and vendors will leave the site within one hour of the event’s schedule closing time.

c. **Merchandise.** The area dedicated to the sale of goods shall not include the sale of any merchandise not directly associated with the approved permit.

d. **Disposition of Deposit.** Failure to comply with any of the Permit conditions may result in the loss of the event deposit and cancellation of all further events approved as part of the application.
SECTION 28.38 – RESIDENTIAL USE TYPE

28.38.010 Community Care Facilities

A. Applicability. The standards set forth in this Section shall apply to all Community Care Facilities as defined in Article 8.

B. Administrative Permit Approval. Where allowed by the Land Use Matrix in Section 28.22, an Administrative Permit for Community Care Facilities may be approved if all of the following conditions are met.

1. Small Residential Facilities. The facility meets the Article 8 definition of a Small Residential Facility, is housed in a Single Family Dwelling, and meets the requirements of State Code for operation. A Secondary Dwelling may also be used, but the operator of the facility must live on site and be the primary caregiver. No signs are permitted advertising the use, and helpers coming to assist with care are limited to two per day. The Administrative Permit shall indicate what areas are available for use by the residents and the hours that outdoor areas will be available for use.


D. Use Permit Approval. Where allowed by the Land Use Matrix in Section 28.22, a Use Permit for a Community Care Facility may be approved if all of the following conditions are met:

1. Findings. Standard Use Permit findings can be made.

2. Large Residential Facilities. The facility meets the Article 8 definition of a Large Residential Facility, is housed in a Single Family Dwelling or a structure that is appropriate for the neighborhood, and meets the requirements of State Code for operation. A Secondary Dwelling may also be used. The operator of the facility must live on site and be the primary caregiver. One sign, not to exceed six square feet, is permitted to identify the use. The Use Permit should be conditioned to approve the sign’s placement, the number of employees permitted on site at any given time, parking requirements, and outdoor areas available to the residents, as well as the hours available for outdoor activities.

3. Commercial Facilities. The facility meets the Article 8 definition of a Commercial Facility and the requirements of State Code for operation. The facility is subject to all the Site Planning and Development Standards of Article 4. The Use Permit should be conditioned to approve the placement of signage, the number of employees permitted on site at any given time, parking requirements, and outdoor areas available to the residents, as well as the hours available for outdoor activities.
 Article 3

Land Use Restrictions

28.38.020 Day Care Facilities

A. **Applicability.** The standards set forth in this Section shall apply to all Day Care Facilities as defined in Article 8.

B. **Administrative Permit Approval.** Where allowed by the Land Use Matrix in Section 28.22, an Administrative Permit for Day Care Facilities may be approved if all of the following conditions are met.

1. **Small Residential Facility.** The facility meets the Article 8 definition of a Small Residential Facility, is housed in a Single Family Dwelling, and meets the requirements of State Code for operation. A Secondary Dwelling may also be used, but the operator of the facility must live on site and be the primary care-giver. No signs are permitted advertising the use, and helpers coming to assist with care are limited to two per day. The Administrative Permit shall indicate what areas are available for use by the residents and the hours that outdoor areas will be available for use as well as general operating hours of the facility, which should not accept pick-up or delivery of clients between 9 PM and 6 AM.

2. **Public Notice Requirement.** Contiguous Properties.

C. **Use Permit Approval.** Where allowed by the Land Use Matrix in Section 28.22, a Use Permit for a Day Care Facility may be approved if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.

2. **Large Residential Facilities.** The facility meets the Article 8 definition of a Large Residential Facility, is housed in a Single Family Dwelling or a structure that is appropriate for the neighborhood, and meets the requirements of State Code for operation. A Secondary Dwelling may also be used. The operator of the facility must live on site and be the primary care-giver. One sign, not to exceed six square feet, is permitted to identify the use. The Use Permit should be conditioned to approve the sign’s placement, the number of employees permitted on site at any given time, parking requirements, and outdoor areas available to the residents, as well as the hours available for outdoor activities. Use Permit conditions should minimize the impact of this facility on the surrounding residential neighborhood.

3. **Commercial Facilities.** The facility meets the Article 8 definition of a Commercial Facility and the requirements of State Code for operation. The facility is subject to all the Site Planning and Development Standards of Article 4. The Use Permit should be conditioned to approve the placement of signage, the number of employees permitted on site at any given time, parking requirements, and outdoor areas available to the residents, as well as the hours available for outdoor activities.
28.38.030 Dwellings, Multi-Family

A. **Applicability.** The standards set forth in this Section shall apply to Multi-Family Dwellings as defined in Article 8.

B. **General Standards.** The following conditions are applicable to all Multi-Family Dwellings, whether permitted by right or by permit pursuant to the Land Use Matrix in Section 28.22:

1. **Site Planning and Design Standards.** Developments with more than four units on a Lot are considered commercial developments and are subject to the Site Planning and Design Standards of Article 4.

C. **Use Permit Approval.** Where allowed by the Land Use Matrix in Section 28.22, a Use Permit may be approved for a Multi-Family Dwelling if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.

2. **In C1 Zone.** Dwelling Units are part of a mixed use development and do not occupy the first floor.

28.38.040 Dwellings, Secondary

A. **Applicability.** The standards set forth in this Section shall apply to Secondary Dwellings as defined in Article 8.

B. **Intent.** This Section implements California Government Code Section 65852.150 et seq. regarding Secondary Dwellings

C. **Administrative Permit Approval.** An Administrative Permit for a Secondary Dwelling Unit must be approved, per California Government Code Section 65852.2.(b)(1), if all of the following conditions are met.

1. **Re-Sale.** The Unit cannot be sold separately from the Primary Dwelling Unit.

2. **Zoning.** The lot is zoned for single family or multi-family use.

3. **Primary Dwelling.** The lot contains an existing Single-Family Dwelling.

4. **Location.** The second unit is proposed to be attached to the existing single-Family Dwelling or detached from the existing dwelling but located on the same Lot.
5. **Maximum Floor Area.** State Law indicates the floor area of an attached Secondary Dwelling shall not exceed 30% of the existing living area. The total floor area of a detached Secondary Dwelling shall not exceed 1,200 square feet.

However, per California Government Code Section 65852.2(d), the City is permitted to establish minimum and maximum unit size requirements for both attached and detached Secondary Units, and this Ordinance hereby establishes the following table for Secondary Dwelling Units based on Lot Size.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Maximum floor area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 5,999 sq ft</td>
<td>600 sq ft</td>
</tr>
<tr>
<td>6,000 – 19,999 sq ft</td>
<td>800 sq ft</td>
</tr>
<tr>
<td>20,000 sq ft or greater</td>
<td>1,200 sq ft</td>
</tr>
</tbody>
</table>

Table 28.38.040 shows the maximum floor area allowed for either an attached or detached Secondary Dwelling, with the exception that attached Secondary Dwellings cannot exceed 30 percent of the square footage of the primary dwelling.

6. **Conformance with Standard Development Requirements.** The project conforms to all other height, setback, lot coverage, architectural review, site plan review, building code, fees, charges and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

7. **Guest House Limitation.** If a detached Guest House exists on site, the Guest House may be converted to a Second Dwelling Unit, or the Second Dwelling Unit must be attached to the Primary Dwelling and designed in such a way as to retain the appearance of one dwelling unit.
28.38.050 Dwellings, Single Family

A. Applicability. The standards and restrictions set forth in this Section shall apply to both Single Family Attached and Detached Dwellings where they are the Primary Use on site as defined in Article 8. These provisions do not apply to Commercial Caretaker Housing, Multi-Family Housing, or Mobile Home Parks.

B. General Provisions. The following are considered common uses and structures on lots developed with one Single Family Dwelling as the Primary Use. They are therefore permitted either by right or permit as noted below.

1. Secondary Dwelling Unit. One Secondary Dwelling unit may be approved by an Administrative Permit pursuant to the conditions of Section 28.38.040.

2. Guest House. One Guest House may be approved by Administrative Permit pursuant to the conditions of Section 28.38.060.

3. Accessory Structures. The following accessory structures are permitted upon approval of any necessary building permits as long as they are placed outside the setback specified for Accessory Structures within the applicable zone.

   a. One Garage, either attached or detached, not to exceed 750 square feet or 25 feet in height without an Administrative Permit. Door height is limited to 10 feet, unless a larger door is approved by Administrative Permit (processed pursuant to Section 28.52.010). At the discretion of the Director, said Administrative Permit may also require an elevation drawing to determine visual impacts of the project.

   b. One Workshop or Art Studio, either attached to other structures on site, or detached, not to exceed 600 square feet without an Administrative Permit. The workshop door is also limited to 10 feet in height unless a larger door is approved by Administrative Permit (processed pursuant to Section 28.52.010).

   c. One Shed for every 6,000 square feet of Lot area, not to exceed 120 square feet per shed without an Administrative Permit (processed pursuant to Section 28.52.010).

   d. One Pool, either built-in or above ground.

   e. For AG and RR Zones: One barn, not to exceed 1500 square feet and 25 feet in height without an Administrative Permit, and animal shelters as needed to comply with the Animal Regulations.

   f. Containers. The use of semi-trailers, shipping or cargo containers (such as sea-land containers) railroad cars, or similar storage units are
prohibited unless approved as a Temporary Storage facility for a construction staging area as permitted by Section 28.35.020. In no case shall the container remain on site past issuance of occupancy for the structure.

4. **Garage Sales.** Up to four garage sales are permitted by right each year as long as they are run by residents of the property. Additional sales require an Administrative Permit processed pursuant to Section 28.52.010.

5. **Recreational Vehicle and Boat Storage.** On lots that are a minimum of 6,000 square feet with an existing Single Family Dwelling, one boat, camper shell, camp or cargo trailer, or Recreational Vehicle (RV) may be stored outside on site by right as long as it is:
   
   a. In operable condition,
   
   b. Owned by the resident of the property,
   
   c. Stored on the back half of the Lot behind a fence that is a minimum of 4 feet high,
   
   d. Not use as living accommodations while it is stored on site,
   
   e. No automobiles are stored on the back half of the lot, and
   
   f. The yard is kept free of weeds and debris.
   
   g. Its presence, along with any other Outside Storage does not exceed the limits set by Subsection 7.b.

One additional boat, camper shell, camp or cargo trailer, or RV may be permitted by Administrative Permit (processed pursuant to Section 28.52.010) if the lot is a minimum of 10,000 square feet in size and all of the above conditions are met.

6. **Automobile Storage and Repair.**
   
   a. **Front Lot Vehicle Parking.** Only operable vehicles are permitted to be parked in the front half of a property, and they are required to be located on a paved driveway, leaving the sidewalk and right-of-way clear of obstruction. No more than two vehicles per lot may be parked in this manner, and these vehicles do not count toward the Outdoor Storage limitations of Subsection 7.b.
   
   b. **Garage Storage and Repair.** The storage and/or repair of vehicles in a fully enclosed garage is permitted by right, as long as the vehicles are owned by a resident on site. In addition, automobiles and equipment
may be removed from the garage and repaired in the driveway by right as long as all materials and equipment are returned to the garage or indoor storage area by sundown.

c. **Outdoor Storage and Repair.** On lots that are a minimum of 6,000 square feet, one vehicle is allowed to be stored and repaired outside by right as long as the vehicle is owned by a resident on site, and the vehicle is being stored and repaired on the rear half of the property, behind a six foot fence or landscaping that fully screens the storage/work area from the view of adjacent property owners and nearby public streets. The outdoor storage of vehicles in this manner counts toward the Outdoor Storage limitations of Subsection 7.b.

7. **Material Storage.**

a. **Inside Storage.** There shall be no limit to the amount of material or equipment stored when all materials and equipment are stored inside an enclosed structure.

b. **Outside Storage.** All outside areas shall be fully screened from public view and shall take up no more than 10% of the property area. Storage material shall be placed no higher than the screening material, and shall be located in such a manner as to not become a hindrance for emergency personnel that may require access to the property. Storage areas must also be kept free of weeds and debris that may cause a fire hazard. Automobile and equipment storage is included in this category. Neatly stacked firewood is not included in this category and is therefore exempt from the screening requirement of this Subsection.

8. **Home Occupations.** Businesses that qualify as “Home Occupations”, may be operated out of the home subject to the requirements of Section 28.38.070.
28.38.060 Guest House

A. **Applicability.** The standards and restrictions set forth in this Section shall apply to Guest Houses as defined in Article 8.

B. **Administrative Permit Approval.** An Administrative Permit for a Guest House, processed pursuant to Section 28.52.010, may be approved if all of the following conditions are met.

1. **Existing Single Family Dwelling.** A Single Family Dwelling already exists on site.

2. **Floor Area Limitation.** The proposed guest house is not more than 600 square feet (measured from the outside of the exterior guest house walls including all enclosed habitable or potentially habitable space).

3. **Secondary Dwelling Limitation.** If a detached Secondary Dwelling exists on site, the Guest House must be attached to the Primary Dwelling and designed in such a way as to retain the appearance of one dwelling unit.

4. **Limitation on Use.** As defined under Article 8, a guest house:
   a. May contain a living area, a maximum of two bedrooms, and one bathroom. The living area may include a wet bar and a refrigerator no larger than 5 cubic feet in size;
   b. The Guest House may not contain laundry facilities, a Cooking Facility (or the room to install a Cooking Facility), a refrigerator in excess of 5 cubic feet, or a sink other than the bathroom and wet bar sinks;
   c. Shall be used for temporary, non-commercial sleeping quarters by visitors of the property owner or lessor (ie, it cannot be rented out); and
   d. Shall not have an electric meter separate from the primary dwelling.
   e. The above restrictions must be recorded in the property’s deed.
28.38.070 Home Occupations

A. **Applicability.** The standards and restrictions set forth in this Section shall apply to Home Occupations as defined in Article 8.

B. **Intent.** This Section describes opportunities for home-based businesses compatible with many residential and agricultural uses in order to encourage employers to offer home workplace alternatives, and promote the economic self-sufficiency of City residents, while minimizing conflicts with adjacent property owners, maintaining the residential character of neighborhoods, and protecting the public health, safety, and welfare.

C. **General Provisions.** Home Occupations shall be allowed by right, unless otherwise indicated below, in all Residential and Agricultural Zones if they are in compliance with the following standards:

1. **Business Location.** All business is conducted within a structure permitted by Section 28.38.050, and the appearance of the structure is not altered in a way that would make it stand out in the neighborhood.

2. **Business License.** As with all businesses in the City, a Business License is required to operate a business out of the home.

3. **Visibility.** The activity shall not be visible from a right-of-way or road easement, nor shall it require vehicles of the property owner to be routinely parked on the street.

4. **Residency Requirement.** The business shall be owned and operated by a person or persons residing on the premises.

5. **Visitors and Employees.** The business owner may have on-site meetings with other business personnel who provide support service to the home occupation, such as accountants and transcribers. In addition, up to two full or part-time employees, under the direct payroll and supervision of the business owner, shall be allowed to work on site if a “Change of Use” is processed with the Building Department pursuant to Building Code Section 1101B.6 (Commercial Facilities Located in Private Residences).

6. **Retail Sales** may occur on the premises by appointment only, or when conducted by telephone, mail, or Internet, with delivery occurring off-site.

7. **Off-Site Disturbances.** As part of the Home Occupation, no equipment or process shall be used that create noise, vibration, dust, glare, fumes, odors, or electrical interference detectable to the normal senses off-site unless an Administrative Permit is issued pursuant to Section D (below). In the case of electrical interference, no equipment or process shall be used that creates visual...
or audible interference in any radio or television receivers, or that causes fluctuations in line voltage off-site.

8. **Commercial delivery vehicles** that are normally associated with residential uses may be utilized for the pick up or delivery of materials related to the home occupation.

9. **Heavy Commercial Vehicles**, as defined in Article 8 (Vehicle, Heavy Commercial) are not permitted to deliver or pick up products or be stored on site except in AG zones or by Use Permit issued pursuant to Section E (below).

10. **Goods or materials** used or manufactured as part of the home occupation shall not be visible from a right of way or road easement when stored.

11. **Business Signs**. Signs advertising a home business are not permitted in any zone except under the following conditions:

   a. **In AG and RR Zones**. Signs advertising on-site animal or agriculturally related businesses are permitted by right with the approval of a Sign Permit processed pursuant to Section 28.52.020. Said signs are limited to one sign up to 10 square feet in size, and may be mounted on the side of a building, or placed on posts or a free-standing wall not over four feet in height (which would be the maximum overall height of the sign when measured from grade) unless otherwise approved by an Administrative Permit or Use Permit processed pursuant to Sections D or E (below).

   b. **In R3 Zones**. Signs advertising on-site businesses are permitted by right, upon approval of a Sign Permit, processed pursuant to Section 28.52.020. Said signs are limited to one sign up to 10 square feet in size, and may be mounted on the side of a building, or placed on posts or a free-standing wall not over four feet in height (which would be the maximum overall height of the sign when measured from grade) unless otherwise approved by an Administrative Permit or Use Permit processed pursuant to Sections D or E (below).

   c. **All Other Uses and Zones**. Signs advertising on-site businesses are not permitted unless they have been approved as part of an Administrative Permit or Use Permit processed pursuant to Sections D or E (below).

12. **Training and Tutoring**. Student instruction shall be provided by appointment only, subject to the following standards:

   a. **Student instruction** shall be allowed between the hours of 8:00 AM and 8:00 PM.
b. **Group lessons** shall be limited to a maximum of six students per group lesson at any one time, once per day, on parcels less than one acre, or twice per day on parcels one acre or greater, provided adequate parking is available. Parking space that meets on-site residential requirements, as well as available parking space along the road frontage may be used.

c. **Student concerts, recitals, performance events, and showings** are permitted on site if they are limited to forty attendees, are held between the hours of 9 AM and 9 PM, are held no more often than four times per year. Any such events that exceed these limits must have an approved Special Event Permit subject to permit requirements and restrictions of Section 28.37.040.

13. **Home Occupations Involving Animals.** All Home Occupations involving live animals must comply with the Animal Regulations in Section 28.31. In addition, the following restrictions apply.

   a. **Stables and Equestrian Facilities.** All businesses providing Stable or Equestrian Facilities as defined by Article 8 must comply with the requirements of Section 28.37.030. In the AG and RR Zones on lots with a minimum size of 5 acres, the following uses are allowed by right:

      i. **Large Animal Training,** Where the animals are boarded on site.

      ii. **Riding Lessons,** where lessons are given on a private or semi-private basis using animals boarded on site, with no more than two students in the ring at any one time, and no more than three training sessions per day.

      iii. **Large and Medium Animal Boarding,** where the number of animals does not exceed those permitted by the Animal Regulations.

   b. **Animal Boarding.** All animal boarding requires the approval of an Administrative Permit (for up to 6 dogs or 8 cats of any size and age, or up to 20 Small Animals, exclusive of the animals owned by the business owner) , or a Use Permit processed pursuant to Section D or E below. This Subsection does not apply to businesses that board Large and Medium Animals (see Stables and Equestrian Facilities above).

   c. **Dog Training.** Permitted by right subject to the Training and Tutoring standards of Subsection 12 (above), provided that no animal is left unattended unless they are in a secure enclosure meeting the requirements of the Animal Regulations.
d. **Dog and Cat Grooming.** Permitted by right where no more than four dog or cat clients are on the premises at any given time, and clients do not drop off animals before 9 AM or pick them up after 6 PM, no animals are boarded overnight except in compliance with Subsection b (above), and no animal is left unattended unless they are in a secure enclosure meeting the requirements of the Animal Regulations.

14. **Home Occupations Involving the Repair or Use of Machinery.** All Home Occupations involving the repair or use of any machine (other than hand tools) must secure an Administrative Permit (if all work will be conducted indoors) or a Use Permit (if any portion of the work will be conducted outdoors) processed pursuant to Sections D and E (below).

D. **Administrative Permit Approval.** Where required by Section C an Administrative Permit may be approved for a Home Occupation if all of the following conditions are met.

1. It can be seen with certainty that the use, as proposed or conditioned, will have no detrimental impact on the surrounding neighborhood, or all of the contiguous property owners or their tenants have signed a petition approving the use;

2. Adequate parking is available for the use;

3. New facilities that need to be constructed for the use will be able to conform to all applicable Site Planning and Design Standards for the zone and its use;

4. Provisions have been made for trash removal, sanitary facilities and site clean-up, and all applicable animal regulations are met.

5. The business owner has signed a statement agreeing to abide by the conditions and limitations of the Administrative Permit, and understands that failure to comply with the Permit may result in the closure of the business and the removal of all business materials and equipment at the owner’s expense.


E. **Use Permit Approval.** Where required by Section C, or where a use does not meet all of the “by right” requirements of Section C, Home Occupations in Residential and Agricultural zones may be allowed a Use Permit if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.
28.38.080 Housing, Commercial Caretaker

A. **Applicability.** The standards set forth in this Section shall apply to Commercial Caretaker Housing as defined in Article 8.

B. **Intent.** Commercial Caretaker Housing is intended to be made available as an Accessory Use where the Primary Commercial, Industrial, Recreational, or Civic Use on site involves operations, equipment, or resources that require 24-hour security.

C. **Administrative Permit Approval.** This use may be approved by Administrative Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. **Occupancy.** At least one of the occupants of the housing unit shall be an employee of the business, operation, or institution that qualifies for such housing in compliance with this Section.

2. **Location of Housing Unit.** The housing unit shall be located on the same lot as the Primary Use that requires 24 hour security.

3. **In RC and OS Zones.** The Decision Making Authority must confirm that the use, as conditioned, will not interfere with the resource protections intended by the zone.

4. **Housing Maintenance.** All housing, whether permanent or temporary, shall meet the Development Standards for the zone and be subject to all applicable building, fire, and health codes.
   a. **Permanent housing** shall be constructed and maintained to conform to State Department of Housing and Community Development regulations for employee housing.
   b. **Mobilehomes** used for such housing shall be maintained in compliance with the applicable requirements of the Manufactured Housing Act (Health and Safety Code Section 18000, et seq.)
   c. **Recreational vehicles** and temporary structures may only be utilized where the housing is required for a temporary business site. For example, to provide security for a construction site.

5. **Removal of Housing Unit.** A Commercial Caretaker Housing unit shall remain in use concurrent with the existence of the use that justifies the housing unit. Upon termination of the allowed use, the housing unit shall be removed (if a temporary structure), or converted to another allowed use (if a permanent structure).
28.38.090 Housing, Transitional

A. Applicability. The standards set forth in this Section shall apply to Transitional Housing as defined in Article 8.

B. General Standards. All transitional housing shall conform to the development standards for its zone and under this Ordinance. For those facilities housing six or fewer persons, an Administrative Permit is required. For facilities housing seven or more persons a Use Permit is required.

C. Administrative Permit Approval. This use may be approved by Administrative Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. Location. The facility is located at least 1,000 feet from another transitional housing facility, as measured in a straight line without regard to intervening structures, between the nearest point of each property line.

2. Fencing. A six-foot high solid fence shall be provided along all side and rear property lines.

3. Landscaping. Landscaping shall be regularly maintained and irrigated.

4. Signage. No signage is permitted.

5. Outdoor Activities. All outdoor activities shall be conducted between the hours of 8 AM and 9 PM.

6. Business License. A valid business license is required prior to operation and shall be maintained as long as the use is in operation.


D. Use Permit Approval. This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. Findings. Standard Use Permit findings can be made.

2. Conditions. All of the conditions for the Administrative Permit are with the following exceptions:

   a. Signage. One Permanent Sign, not to exceed six square feet, is permitted to identify the use. The Use Permit should identify the location and type of signage permitted, and a Sign Permit should approve the design.
28.38.100 Mobile/Manufactured Home Park

A. **Applicability.** The standards set forth in this Section shall apply to Mobile/Manufactured Home Parks as defined in Article 8.

B. **Use Permit Approval.** Mobile/Manufactured Home Parks (called “Parks” for the purposes of this Section) may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.

2. **Zone.** The Primary Zone for the property must be R3, and the zone must be in conformance with the General Plan.

3. **Minimum Area.** The minimum area of the Park shall be four acres.

4. **Signs.** Park entrance signs shall comply with the provisions under Section 28.46 (Sign Standards). The location, size and type of sign permitted shall be specified in the Use Permit, and a sign permit shall be issued approving sign design.

5. **Water Supply and Sewage Disposal.** The City Public Works Division shall determine whether adequate water supply and/or septic capability is available to serve the project.

6. **Structures and Recreational Facilities.** The following standards apply to on-site structures:

   a. **Commercial Caretaker’s Residence.** One Caretaker’s residence is permitted per Park.

   b. **Park Businesses.** In addition to the Park office, the only business use permitted in the Park is one retail sales business and/or one restaurant sized to serve Park residents. The location, size and type of business must be approved as part of the Use Permit.

   c. **Other Structures.** Parks may include minor accessory recreational uses or structures such as swimming pools and tennis courts and small storage structures for grounds keeping equipment and supplies. All other structures (other than the Mobile/Manufactured Homes) are limited to restrooms/showers and one clubhouse which may contain one commercial kitchen facility, all of which are for the exclusive use of Park residents and guests staying in the Campground/RV Area.
7. **Conditions.** The following must be applied to the project:

   a. **Compliance with State Law.** All Parks shall be developed in compliance with the minimum standards of the Mobile Home Parks Act (Health and Safety Code 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the Department of Housing and Community Development (Code of Regulations, Ordinance 25) including, but not limited to, lot size and setback standards, infrastructure requirements, operations, maintenance, and inspections within a mobile home park.

   b. **Fencing.** A fence, wall, landscaping screen, earth mound or other screening approved by the Director, or otherwise required by this Ordinance, shall be required as needed for protection of both the occupants of the Park and the public health, safety and welfare.

   c. **Access.** Park access roads shall have clear and unobstructed access to a public roadway. There shall be no direct access from an individual Mobile/Manufactured Home site, campsite, RV Space or On-Site Business onto a public roadway.

   d. **Trash Collection Areas.** Trash collection areas shall be adequately distributed and enclosed by a six foot high landscape screen, solid wall or fence, which is accessible on one side but prevents scavenging by animals.

   e. **Camp Ground/RV Use.** Where a Campground and/or RV area is provided inside the Park, the maximum length of stay in the Campground/RV Area shall be 90 days in any twelve month period.

   f. **Parking.** The Park shall provide off-street parking spaces for each Mobile Home and RV/Campsite Space in accordance with Section 28.45 (Parking Standards).

   g. **Signage.** One Permanent Freestanding Sign, meeting the requirements of the Sign Standards of Section 28.46, is permitted to identify the park. If a retail and/or restaurant business is on site in compliance with this section, it may have one wall sign, not to exceed 10 square feet, to advertise to park residents. The retail/restaurant sign may not be oriented toward a public street outside the park as it is intended to serve Park patrons only. In addition, the retail/restaurant business may not be advertised on the Freestanding Sign. The Use Permit should identify the size, location and type of all signage permitted, and a sign permit should approve the design of each sign.
28.38.110 Rooming House

A. **Applicability.** The standards set forth in this Section shall apply to Rooming Houses as defined in Article 8.

C. **General Standards.** Rooming Houses must meet the following General Standards where allowed by the Land Use Matrix in Section 28.22:

1. **Blood Relations.** Persons legally related to the owner or lessee of the property are exempt from these standards.

2. **Signage.** Unless approved by a Use Permit, signage is not permitted to identify a Rooming House business.

3. **Residential Zones.** Rooming Houses are permitted by right in all Single Family Dwellings under the following conditions:
   a. The owner or lessee of the structure must live on site.
   b. No more than two bedrooms may be leased at any given time, and the occupancy of each bedroom is limited to two people.
   c. One off-street parking space must be provided for each bedroom that is rented out, in addition to one off-site parking space for the owner/lessee.
   d. Rooms must be leased on a monthly basis.

4. **C1, RC and OS Zones.** Rooming Houses are permitted by Use Permit.

B. **Use Permit Approval.** This use may be approved by Use Permit where allowed by the Land Use Matrix in Section 28.22 if all of the following conditions are met:

1. **Findings.** Standard Use Permit findings can be made.

2. **Residency.** The owner or lessee of the structure must live on site.

3. **Location.** In C1 Zones, Rooming Houses may not occupy the first floor of a building.

4. **Business License.** A valid business license is required prior to operation and shall be maintained as long as the use is in operation.

5. **Signage.** One sign, consistent with the Sign Standards, is permitted to identify the use. The Use Permit shall identify the size, location and sign type, and a sign permit shall approve the design.
ARTICLE 4 – SITE PLANNING AND DEVELOPMENT STANDARDS

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  28.40.020 Agricultural Site Planning and Development Standards
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SECTION 28.48 – SNOW MANAGEMENT STANDARDS RESERVED

SECTION 28.49 – DRAINAGE AND FLOOD CONTROL STANDARDS RESERVED
SECTION 28.40 – OVERVIEW

28.40.010 Content of Article

This Article contains the site planning and development standards that apply to all development within the City unless otherwise indicated.

28.40.020 Agricultural Site Planning and Development Standards

All Agricultural Use Types listed in the Land Use Matrix (Table 28.22.020) are subject to all Site Planning and Development Standards of this Article with the exception of: Animal Raising and Keeping, and Crop Production.

28.40.030 Civic, Commercial, Industrial, Public Utility, and Recreation and Open Space Site Planning and Development Standards

All Civic, Commercial, Industrial, Public Utility, and Recreation and Open Space Use Types are subject to all Site Planning and Development Standards of this Article.

28.40.040 Residential Site Planning and Development Standards

All Multi-Family Dwellings (as defined by Article 8) are subject to all Site Planning and Development Standards of this Article.

Single Family Dwellings, Secondary Dwellings and Guest Houses (as defined in Article 8), and all accessory structures normally associated with Single Family Dwellings, are only subject to the General Development Standards of this Article unless otherwise indicated by the Land Use Restrictions of Article 3.
28.41 General Development Standards

28.41.010 Content and Applicability

This Section identifies development standards that apply to all zones in order to provide consistent application of development standards throughout the City.

28.41.020 General Development Standards Matrix

Table 28.41.020 lists the General Development Standards that apply to each Primary Zone unless modified by this Section, a Use Permit (which can only impose more restrictive Standards), the Land Use Restrictions of Article 3, or a Variance Permit. A more detailed description of each of these Standards follows this Matrix.

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>AG</th>
<th>RR</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>C1</th>
<th>C2</th>
<th>M1</th>
<th>M2</th>
<th>RC</th>
<th>OS</th>
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<tbody>
<tr>
<td>Lot Size (min)</td>
<td>2 acres</td>
<td>14,500 sq. ft.</td>
<td>6,000 sq. ft.</td>
<td>6,000 sq. ft.</td>
<td>None</td>
<td>5,000 sq. ft.</td>
<td>5,000 sq. ft.</td>
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<tr>
<td>Lot Width, min. (ft)</td>
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<td>60</td>
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<td>50</td>
<td>50</td>
<td>100</td>
<td>None</td>
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<td>Corner Lot</td>
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<td>70</td>
<td>70</td>
<td>None</td>
<td>70</td>
<td>70</td>
<td>70</td>
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<td>Residential Density</td>
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<td>3</td>
<td>7.25</td>
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<td>13</td>
<td>13</td>
<td>29</td>
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<td>max</td>
<td>max</td>
<td>max</td>
<td>max</td>
<td>max</td>
<td>max</td>
<td>max</td>
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<td>Setbacks: (in feet)</td>
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<td></td>
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<td></td>
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<tr>
<td>Secondary Front</td>
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<td>20</td>
<td>20</td>
<td>20</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>5</td>
<td>5</td>
<td>5</td>
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<td>0</td>
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<tr>
<td>Side, Street</td>
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<td>15</td>
<td>15</td>
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<td>0</td>
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<tr>
<td>Rear</td>
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<td>10</td>
<td>15</td>
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<td>Lot Coverage (max.)</td>
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<td>20%</td>
<td>40%</td>
<td>50%</td>
<td>60%</td>
<td>100%</td>
<td>75%</td>
<td>75%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Building Height (max)</td>
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<td>35</td>
<td>45</td>
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<td>50</td>
<td>75</td>
<td>100</td>
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<tr>
<td>- accessory structures</td>
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<td>35</td>
<td>35</td>
<td>35</td>
<td>45</td>
<td>45</td>
<td>50</td>
<td>75</td>
<td>100</td>
<td>100</td>
<td>45</td>
</tr>
</tbody>
</table>

Notes:
1. Except where property line abuts a residential zone, then minimum 10’ setback is required.
2. Minimum lot size and width required by City Code Section 23-14(a) and (b) respectively.
3. Residential uses are prohibited on the first floor in the C1 zone, and limited to Commercial Caretaker Housing in non-residential zones pursuant to the Land Use Matrix.
4. Residential only allowed as a Mix-Use Development where residential is a secondary use to a primary recreation use.
28.41.030 Minimum Lot Size and Width

A. Lot Area and Width Defined. The minimum area and width of lots shall be as defined in Table 28.41.020 for each zone.

B. Measurement of Lot Width. Lot width shall be measured in accordance with the following:

1. Standard Lot. The lot width shall be measured at the edge of the right-of-way or road easement.

2. Cul-de-sac/Curved Road. Where a lot is located at the end of a cul-de-sac or on the outside curve of a road, the lot width shall be measured at the minimum front setback line as established by the development standards of the zone.

3. Flag Lot. For a flag lot, the measurement requirements under Paragraph A above shall be taken across the narrowest portion of the lot not containing the access strip.

4. Corner Lot. The lot width shall be measured at the edge of the right-of-way or road easement that is selected as the primary front yard in the building plans.

28.41.040 Setbacks

A. Requirements and Exceptions. All structures and buildings shall be located on a lot so as to conform to the setback requirements established for the zone in which the lot is located as set forth in Table 28.41.020, except as provided in:

1. This Section,
2. The Land Use Restrictions of Article 3,
3. A Use Permit (where setbacks can be made more restrictive, but not less restrictive), or
4. As provided by an approved Variance Permit.

B. Measurement of Setbacks. Setbacks shall be measured from the closest of either a property line, the edge of a road easement, or the edge of a right-of-way line (whichever is more restrictive) to the nearest point of the foundation or support of a building or structure, on a line perpendicular to the property line, road easement, or right-of-way line.

C. Exceptions to Table 28.41.020. The following structures are exempt from the Setback Standards:

1. Fences, walls, gates, arbors and trellises subject to Section 28.41.060;
2. Signs, subject to Section 28.46.
**28.41.050 Height Limits**

A. **Requirements and Exceptions.** All structures and buildings shall conform to the maximum height requirements established for the zone in which the lot is located as set forth in Table 28.41.020, except as provided in:

1. This Section,
2. The Land Use Restrictions of Article 3,
3. A Use Permit (where height limits can be made more restrictive, but not less restrictive), or
4. As provided by an approved Variance Permit.

B. **Measurement of Building Height.** The height of a building is determined by calculating the average finished grade of each building wall, and measuring the height between this average finished grade and the highest point of the building, as shown in Figure 28.41.050.A below. Where a retaining wall supporting a drop in grade is within a five foot horizontal distance from the exterior wall, the height of the retaining wall shall be included in the building height. If each building wall has a different height, then the average height of all four walls is calculated to determine the actual building height, as shown in Figure 28.41.050.A.

![Figure 28.41.050.A](image_url)

C. **Exceptions to Building Height Requirements.** Chimneys; church spires; elevator, mechanical and stair housings; flag poles; towers; vents; and other similar structures which are not used for human activity, may be up to 20 percent higher than the maximum height requirements in all zones where the excess height is not prohibited by Section 28.23.040 (Airport Safety Overlay Zone). The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use
intended for human activity. No structure permitted by this section shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within or on such structures in conformance with Section 28.36.010.

28.41.060 Fences, Walls, Retaining Walls, Gates and Trellises

The following criteria shall apply to fences, walls, retaining walls, gates and trellises (collectively referred to as “fences” for this purpose of this section).

A. Measurement of Fence Height. Fence height shall be measured as the vertical distance between the natural or finished grade at the base of the lowest side of the fence, and the top edge of the fence material, as shown in Figure 28.41.060.A below:

![Figure 28.41.060.A Example: Fence Measurement](image)

B. Materials. Agricultural Fencing types, as identified in Article 8, are only permitted in Agricultural and Rural Residential zones.

C. Front Yards. In all zones fences shall be allowed up to a height of four feet in both primary and secondary front yard setbacks, and Arbors (used as an entry element) may be as high as eight feet in height.

D. Side and Rear Yards. In all zones, fences that are erected within five feet of a retaining wall shall be allowed within required side and rear yard setbacks to a maximum cumulative height of seven feet.

E. Agricultural Zone Fence Height. On lots that are located in the AG (Agricultural) zone, Agricultural Fencing, as defined in Article 8, shall be allowed in any setback area provided it does not exceed 8 feet in height.

F. Retaining Walls. For the purposes of calculating fence or wall height, the height of a retaining wall is included in the calculation if the fence or wall is located on top
of or within five feet of the retaining wall. A sloped area, if it exists between the retaining wall and the fence or wall shall be included in the height calculations as noted in Figure 28.41.060.B below:

![Figure 28.41.060.B Example: Retaining Wall/Fence Measurements](image)

G. **Fences and Gates In or Across Rights-of-Way.** Fences and gates shall not be allowed within a public road easement or City maintained right-of-way. Decorative entryways to a private road system may be allowed by Administrative Permit subject to the following:

1. Gates are to be located to ensure they will not swing into any other right-of-way when operated, and

2. Their installation must be consistent with applicable fire and building codes, and shall be equipped with an emergency access lock system approved by the fire department; and

3. The gate will not impede public access to a public resource, such as a public park, or interfere with existing or planned traffic circulation patterns; and

4. One pedestrian access shall be provided at each gated entrance; and

5. A maintenance agreement shall be established and recorded for the gated development, unless this is already provided for in recorded CC&R’s for the
property. The agreement shall identify, and at all times keep in effect, a legal entity responsible for maintaining the gate(s) and associated features.

**H. Prohibited Fencing Materials.** Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury shall be prohibited. These regulations shall not apply to fencing required by court order, permitted by a Use Permit, or when being used for animal husbandry and/or grazing operations.

**I. Fence Height Limits Outside Setback Areas.** Fences and walls not located within any of the required setback areas are limited in height only by the building height limitations of the zone in which they are located.

**J. Exceptions.** The fence height and material regulations of this Section may be modified by Administrative Permit, processed pursuant to Section 28.52.010, subject to the following conditions:

1. **Maximum Height Limit.** In no case may approved fence heights exceed 8 feet.

2. **Established Need.** Applicant must demonstrate a clear need for the change based on personal or property protection.

3. **Public Notice.** A 300 Foot Notice shall be issued pursuant to Section 28.51.030D and recipients given a minimum of 14 days to respond to the proposal prior to a decision being made.

### 28.41.070 Detached Garages, Carports and Other Accessory Structures

Unless exempted by Section 28.41.040C, no detached garage, carport or other accessory structure shall project past the house in the front half of the lot unless a Variance is granted pursuant to Section 28.52.050.
SECTION 28.42 – SITE PLAN REQUIREMENTS

28.42.010 Applicability

All development projects, except Single Family Residential development projects, require Site Plan Approval processed pursuant to Section 28.52.030 unless the review is waived by the Director pursuant to Section 28.42.020.

28.42.020 Site Plan Waiver

Site Plan review may be waived by the Director when the project involves:

A. **Interior alterations** not materially changing the character or use of the property; or

B. **Minor or temporary exterior alterations** not materially changing the character or use of the property (including Temporary Storage Yards and Special Event Permits); or

C. **A Sign Permit** that will not cause significant alterations to or change the character of the exterior of the property; or

D. **A Variance** to the Development Regulations where it can be seen with certainty that approval of the Variance would not substantially change the character or use of the property.

28.42.030 Relationship to Other Permits and Contracts

A. **Building Permits.** Site Plans show not only the layout of the site, but also illustrate how the project will look in profile through the use of elevation drawings, color and material boards and other illustrations. They also provide the basis upon which landscape, lighting, parking and signage proposals can be evaluated. Therefore, they are critical to the approval of new development, and substantial renovations.

B. **Use Permits and Variances.** Site plans provide visual information to help evaluate how well a project will fit into the community by helping to confirm the visual impacts of a project, and whether or not it meets the Site Planning and Development Standards of this Article. It also helps inform Use Permit and Variance process by helping to suggest mitigation measures, maintenance standards, and other conditions that should be included in Use Permit and Variance approvals.

C. **Maintenance Agreements.** Since Site Plan approvals are not recorded documents, conditions of their approval do not “run with the land” as they do with Use Permits and Variances. Instead, conditions in a Site Plan are considered met once the building permit is signed off and a Certificate of Occupancy is approved. Therefore, any conditions that need to remain exactly as they were approved or need ongoing maintenance must be recorded in a Maintenance Agreement to ensure they are carried forward into the future.
SECTION 28.43 – LANDSCAPE STANDARDS

28.43.010 Content

This section is adopted in compliance with the California Water Conservation Landscape Act, Government Code Section 65595(c)(1), to provide water conserving landscape standards for all new or substantially remodeled commercial, industrial and high density residential development within the City.

28.43.020 Applicability

All new or Substantially Improved industrial, commercial and high density residential development projects, including government projects, are subject to the landscape standards identified in this section unless they are specifically exempted by Section 28.43.040. Landscape Plan review shall be administered though the Site Plan Review process pursuant to Section 28.52.030, the Use Permit process pursuant to Section 28.52.040, or through any other discretionary permit that requires it as indicated in Section 28.52.

28.43.030 Landscape Standards

All Landscape Plans shall meet the following criteria.

A. Preparation by Licensed Professional. The landscape plan shall be developed by one of the following professions licensed in the State of California: a Landscape Architect, a Landscape Contractor (who will also do the installation), or a Nurseryperson [as required by Section 5640 (et al) of the California Business and Professions Code]. The preparer’s name, contact information and license number shall appear on all plan sheets.

B. Document Size. Plans shall be submitted for review in a format large enough to read, but not less than 11” x 17”.

C. Landscape Area Defined. A minimum of 10% of the project area shall be landscaped with a combination of plants and hardscape in conformance with this section. While the Landscape Area must include the footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walkways, or areas designated for non-development (e.g., open spaces and existing native vegetation), these areas cannot be counted toward the 10% minimum Landscape Area requirement.

D. Content of Plan: The plans shall include all of the following.

1. A Site Plan showing the entire lot (including areas designated for non-development), drawn to scale, and showing the footprint of all buildings and structures.

2. A plant key, including botanical and common names for all plants and the
nature and type of plant (i.e. evergreen tree, deciduous tree, perennial shrub, flowering ground cover, evergreen groundcover, annual flower, etc)

3. A material key indicating the location and type of hardscape used in the plan.

4. A landscape design plan that includes:
   a. A square footage measure of landscaped area.
   b. Appropriate landscape treatment of water retention basins and snow management areas.
   c. Drought tolerant landscaping appropriate to the area, with at least 50% of the landscape plants being evergreen to avoid a bare landscape in winter months.
   d. Not more than 50% of the required landscape area covered in rock. Where rock is utilized, various sizes should be utilized to provide interest. Artificially colored rock is not encouraged.
   e. Limited use of turf and other water intensive plants. If used at all, turf shall be restricted to active use or play areas.

1. Trees planted throughout the development at a minimum density equivalent to 1 for every 300 square feet of landscaped area. Where a calculation results in a fraction of a tree, the number of trees required shall be rounded to the nearest whole number. Trees may be clustered in groups or planted individually. At least 50% of the trees must be evergreen trees to avoid a bare landscape in winter months.

5. An irrigation plan, including:
   a. The use of automatic irrigation equipment designed for water conservation.
   b. Placement and calibration of irrigation equipment to minimize landscape irrigation overspray and runoff.
   c. A list of water conserving management practices specifically tailored to site conditions that can be included in a landscape maintenance agreement for the project. Such a document should include:
      i. Recommendations for the timing and duration of irrigation.
      ii. List of annuals and perennials that will need to be replanted, and recommendations as to when this should occur.
iii. List of plants that will need regular trimming to maintain healthy growth, the degree to which they should be trimmed, and when this should occur.

iv. Instructions for periodic mulching to ensure healthy plant growth and water conservation.

v. What irrigation equipment will need periodic maintenance and adjustment, and when this should occur.

vi. Any other information that will aid in conserving water.

6. A grading plan showing the finished elevation of all landscaped areas in 1 foot contour lines.

**28.43.040 Exemptions**

The following projects are exempt from this Section.

A. Any project that does not require discretionary review.

B. Any project within the Downtown Historic District (-DH) Overlay Zone.

C. Uses requiring a temporary permit. (For example: Staging Areas for construction, or Special Event permits)
SECTION 28.44 – OUTDOOR LIGHTING STANDARDS

28.44.010 Content

This Section provides standards consistent with prudent safety practices for the elimination of excess nighttime light and glare.

28.44.020 Outdoor Lighting Standards

The following standards shall be applied to all new and Substantially Improved Commercial, Industrial, and High Density Residential projects, including government projects, through the Site Plan Review process pursuant to Section 28.52.030, the Use Permit process pursuant to Section 28.52.040, or through any other discretionary permit that requires it as indicated in Section 28.52.

A. Building Illumination. All entry points to primary buildings and secondary structures (like a trash enclosure or shed) shall be lit at night for the convenience and security of employees and customers.

B. Hours of Operation. All exterior lighting, including internally lit signs, shall be set on timers programmed to automatically go off no later than one hour after closing and go on no earlier than one hour before opening unless otherwise approved through a Variance or Use Permit as provided for in Section 28.52.

C. Shielding Off-Site Areas. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way as illustrated in Figure 28.44.020.

Figure 28.44.020 – Light Source Not Directly Visible Outside Property Perimeter

^ Property Line

Source: Dark Sky Society
28.44.030 Exemptions

The following lighting shall be exempt from the provisions of this Section:

A. **Airport lighting** that is required for the safe and efficient movement of aircraft during flight, take off, landing, and taxiing. All other outdoor lighting at airport facilities shall comply with the provisions of this Section.

B. **Emergency lighting** used by law enforcement or other emergency personnel.

C. **Construction lighting** used by public agencies for nighttime public works or road construction projects.

D. **Flag lighting** used for the illumination of the United States flag subject to the requirements for nighttime illumination of the *United States Flag Code*.

E. **Special Event lighting** that has been approved through an Administrative Permit or Use Permit. Said lighting shall be designed to eliminate glare and minimize light pollution as much as possible in compliance with this Section.

F. **Security Lighting** placed on a motion sensor is exempt from the timing requirement identified in Subsection 28.44.020B.

G. **Parking Lot Lights** needed to guide employees safely to their cars may be turned off using a delayed timer 30 minutes after the last employee leaves.

28.44.040 Effect on Existing Outdoor Lighting

Lighting lawfully in place prior to the effective date of this Section may remain in use except as provided below:

A. Any nonconforming lighting that is replaced, re-aimed, or relocated must meet the standards of this Section.

B. Nonconforming lighting that directs light toward streets in such a manner as to cause potentially hazardous glare to motorists or cyclists shall be either replaced or redirected so as to meet the requirements of Subsection 28.44.020.C.
SECTION 28.45 – PARKING STANDARDS

28.45.010 Content

This Section contains standards for off-street parking requirements for residential and non-residential uses.

28.45.020 Off-street Parking Requirements and Design Standards

A. Required Parking. Off-street parking shall be provided in accordance with Table 28.45.020 below, unless otherwise provided in this Section.

1. Rounding. Where a calculation for the parking requirement results in a fraction of a space, the number of parking spaces required shall be rounded to the nearest whole number.

2. Gross Square Footage. All square footage (SF) numbers in the table refer to gross square footage of all enclosed structures on site unless otherwise indicated. Trash enclosures (of any size) and free-standing sheds of 120 square feet or less are not considered enclosed structures for the purpose of this section.

B. Uses Not Listed. Where the parking requirement for a use is not specifically listed in the parking schedule, the parking requirement for that use shall be determined by the Director based on the most similar use or activity for which parking requirements are established.

C. Combined Uses. In situations where a combination of uses or activities are developed on a single site (for example, a hotel that also provides restaurant facilities and a separate bar area or coffee house), parking shall be calculated for each separate use according to the parking schedule, except as otherwise provided by the parking schedule.

D. On Street Parking in Commercial Zones. Where additional on-street parking is created due to improvements made by the project (for instance, the addition of curbs and gutters, where there were none previously), the new on-street parking created by this improvement may be counted toward the off-street parking requirement as part of the Site Plan Review process at the discretion of the Planning Commission.

E. Off Street Parking in –DH Overlay Zone. Because of its special historic nature and the ample parking provided by the Downtown Historic District’s street grid pattern, commercial businesses located in the -DH, Downtown Historic District, Overlay Zone are exempt from providing off-street parking.

F. Accessible Parking Requirement. The number of parking spaces required by Table 28.45.020 is inclusive of the accessible parking required by California Building Code Section 1129B (which shall be used to determine the number, location and design of
all accessible parking provided within a development).

G. **Design Standard.** Standard vehicle off-street parking areas shall conform to the dimensions and design standards illustrated in Figure 28.45.020. As noted in Subsection F, accessible parking shall be provided pursuant to the requirements and design standards of California Building Code Section 1129B.

**Figure 28.45.020 – Standard Parking Illustration**
# Table 28.45.020 Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>CIVIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Assembly</td>
</tr>
<tr>
<td>1 space per 4 seats, or 1 per 50 SF of spectator area if seats are not fixed.</td>
</tr>
<tr>
<td>Community Services</td>
</tr>
<tr>
<td>1 space per 400 SF</td>
</tr>
<tr>
<td>Food Distribution Center</td>
</tr>
<tr>
<td>1 space for every 500 SF of indoor area</td>
</tr>
<tr>
<td>Schools:</td>
</tr>
<tr>
<td>Preschool, or Nursery School</td>
</tr>
<tr>
<td>1 space per employee + 1 space for every 5 children to serve as drop off and visitor parking.</td>
</tr>
<tr>
<td>Elementary, middle school</td>
</tr>
<tr>
<td>1 space per employee + 1 space for every 5 students to serve as drop off and visitor parking.</td>
</tr>
<tr>
<td>High school</td>
</tr>
<tr>
<td>1 space per employee plus 4 per classroom;</td>
</tr>
<tr>
<td>College, Specialized Education or Trade School</td>
</tr>
<tr>
<td>1 space per full-time employee, plus 1 space for every 2 seats in the classroom, or 1 per 100 SF of classroom area if seats are not fixed.</td>
</tr>
</tbody>
</table>
### Table 28.45.020 Off-Street Parking Requirements (continued)

<table>
<thead>
<tr>
<th>COMMERCIAL USE TYPE</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All Commercial Use Types</strong>&lt;br&gt;(except those listed below)</td>
<td>1 space per 300 SF or as required by Use Permit</td>
</tr>
<tr>
<td><strong>Automotive and Equipment</strong>&lt;br&gt;(unless otherwise listed below)</td>
<td>1 space for every three employees, but in no case less than one space per 1000 SF of gross floor area or as approved by Use Permit</td>
</tr>
<tr>
<td><strong>Fuel Sales</strong></td>
<td>2 spaces for every three employees plus additional parking as required for secondary uses.</td>
</tr>
<tr>
<td><strong>Sales and Rental</strong></td>
<td>2 spaces for every three employees plus one space for every 2000 SF of total ground and building area used for sales and storage</td>
</tr>
<tr>
<td><strong>Farmer's Market</strong></td>
<td>As required by Administrative Permit</td>
</tr>
<tr>
<td><strong>Lodging:</strong>&lt;br&gt;Bed and Breakfast</td>
<td>1 space per guest room; plus 1 residential parking space for resident owner</td>
</tr>
<tr>
<td>Hotel/Motel and Health Resort/Retreat</td>
<td>1 per guest room; plus 50% of the parking requirements for internal, secondary uses where conference facilities, meeting rooms, restaurants, bars, and/or similar uses are provided as a part of the hotel/motel complex, subject to Planning Commission approval.</td>
</tr>
<tr>
<td><strong>Restaurants, Bars and Theaters</strong></td>
<td>1 space for every 6 seats (indoors or out)</td>
</tr>
<tr>
<td><strong>Retail Sales</strong>&lt;br&gt;(including Adult Business, Animal Sales, and Food and Beverage Retail Sales)</td>
<td>1 space per 250 SF of indoor area plus 1 space for every 2000 SF of outdoor area.</td>
</tr>
<tr>
<td><strong>Funeral home, mortuary</strong></td>
<td>1 space per 4 seats; plus 1 for each vehicle maintained on the premises.</td>
</tr>
<tr>
<td><strong>Laundries, Self-Service</strong></td>
<td>1 space per 4 washers.</td>
</tr>
<tr>
<td><strong>Medical Services:</strong>&lt;br&gt;Hospital or Long term care facility</td>
<td>As required by Use Permit.</td>
</tr>
</tbody>
</table>
### Table 28.45.020 Off-Street Parking Requirements (continued)

<table>
<thead>
<tr>
<th>INDUSTRIAL</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All Industrial Use Types</strong>&lt;br&gt;(except those listed below)</td>
<td>2 spaces for every 3 employees, but in no case less than 1 space per 2000 SF of total ground and building area, or as approved by a Use Permit</td>
</tr>
<tr>
<td><strong>Storage, Self</strong>&lt;br&gt;w/outdoor access to units by vehicle drive aisles</td>
<td>1 space for each full-time employee, Plus 2 spaces for office visitors.</td>
</tr>
<tr>
<td>w/indoor access to units or no vehicle drive aisle within 20 feet of units</td>
<td>1 space for each full-time employee, Plus 1 per each 30 storage units, or fraction thereof.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RECREATIONAL</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arcade and other Indoor Entertainment not listed below</strong></td>
<td>1 space per 200 SF or as approved by Use Permit</td>
</tr>
<tr>
<td><strong>Billiard hall</strong></td>
<td>2 space per table</td>
</tr>
<tr>
<td><strong>Bowling Alley</strong></td>
<td>2 spaces per lane</td>
</tr>
<tr>
<td><strong>Campground (including RV park)</strong></td>
<td>1 space per campsite, plus 1 guest space for every 4 sites</td>
</tr>
<tr>
<td><strong>Golf course</strong></td>
<td>2 space per hole; plus 1 space for every 2 driving range tees</td>
</tr>
<tr>
<td><strong>Health/Fitness club</strong></td>
<td>1 space per 300 SF or as approved by Use Permit</td>
</tr>
<tr>
<td><strong>Park, including sports parks and amusement complexes</strong></td>
<td>1 space per 2,000 SF of land area or as approved by Use Permit</td>
</tr>
<tr>
<td><strong>Riding stable</strong></td>
<td>1 per 4 stalls. Plus at least 20% of the spaces shall measure 9ft x 35ft to accommodate vehicles with horse trailers.</td>
</tr>
<tr>
<td><strong>Swimming pool</strong>&lt;br&gt;(Public or membership)</td>
<td>1 space per 200 SF of pool area</td>
</tr>
<tr>
<td><strong>Tennis courts/Racquetball</strong></td>
<td>2 spaces per court</td>
</tr>
</tbody>
</table>
### Table 28.45.020 Off-Street Parking Requirements (continued)

<table>
<thead>
<tr>
<th>RESIDENTIAL USE TYPE</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Care and Day Care Facilities</td>
<td>1 space per employee + 1 space for every 5 program participants to serve as drop off and visitor parking.</td>
</tr>
<tr>
<td>Dwelling, Single Family (attached or detached)</td>
<td>2 per unit, may be provided in tandem for each unit (minimum 1 covered)</td>
</tr>
<tr>
<td>Dwelling, Multi-Family</td>
<td>Studio/1 bedroom: 1 per unit+ 2 per unit (minimum 1 covered)+ + 1 guest space for every 5 units. Guest spaces shall be marked “Reserved for Guests” or “Visitor Parking”.</td>
</tr>
<tr>
<td>Dwelling, Secondary</td>
<td>1 per bedroom, up to 2 maximum. May be in tandem, but not mixed with spaces required for primary residence.</td>
</tr>
<tr>
<td>Guest house</td>
<td>No additional spaces</td>
</tr>
<tr>
<td>Housing, Commercial Caretaker</td>
<td>1 per unit</td>
</tr>
<tr>
<td>Housing, Mixed Use Development</td>
<td>Studio/1 bedroom: 1 per unit 1.5 per unit 2 or more bedrooms: A minimum of 75 percent of the normally required commercial parking as otherwise required in this article if residential spaces are made available to the commercial customers, subject to approval of the Planning Commission.</td>
</tr>
<tr>
<td>Housing, Transitional</td>
<td>1 space for an employee plus 1 space for every 2 program participants to serve as participant parking, drop off and visitor parking.</td>
</tr>
<tr>
<td>Mobile/Manufactured Home Park</td>
<td>2 per Mobile Home space, may be in tandem for each space + 1 guest space for every 5 units. Guest spaces shall be marked “Reserved for Guests” or “Visitor Parking”.</td>
</tr>
<tr>
<td>Rooming House</td>
<td>1 per room available for rent, plus 1 for resident owner</td>
</tr>
</tbody>
</table>
SECTION 28.46 – SIGN STANDARDS

28.46.010 Content and Applicability

As noted in Article 8, a sign is “a structure or device designed or intended to convey information to the public, or to identify or direct attention to a business, profession, commodity, service, event or entertainment venue in written or pictorial form”.

This section specifies design and placement standards, as well as permit requirements, for signs within the City limits. It applies to all signs unless they are specifically exempted under Section 28.46.040 or another section of this Ordinance. No sign shall be authorized, constructed, placed, maintained, altered or moved except in conformity with this section.

28.46.020 Permitted Sign Types and Their Standards

Signs are categorized first by their permanence, then by their location, and finally by the type of support they use. Sign types are as follows:

A. Temporary and Portable Signs. As noted in Article 8, these signs are intended to be removed and deployed as needed, therefore they are not permanently fixed in place. The amount of time they are permitted to be displayed depends upon their intended use. All Temporary and Portable Signs require the approval of a Sign Permit and must meet the conditions specified under their sign-type (below) as well as Section 28.46.030 unless otherwise indicated below, or unless otherwise approved by a Use Permit or Variance pursuant to Section 28.52.040 or 28.52.050 respectively. Temporary and Portable Signs fall into the following categories:

1. Real Estate Advertising Signs.

   a. Small. Real Estate signs do not require a Sign Permit, as long as they:

      (1) Do not exceed six square feet in size,
      (2) Are only posted when the property on which they are placed is available for purchase, and
      (3) No more than two such signs are placed on site unless a Sign Permit is issued for the excess signs.

   b. Other. Real Estate signs not meeting the size requirements of Subsection 1.a require a Sign Permit, processed pursuant to Section 28.52.020, and must conform to the following conditions:

      (1) They may not exceed 250 SF in size,
      (2) They must be placed so as not be a safety hazard,
      (3) They must be maintained in good condition, with no visible signs of wear, and
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(4) They must be removed within 10 days of close of escrow, or whenever the Sign Permit is set to expire, whichever comes first.

2. **Sandwich Board Signs.** All Sandwich Board Signs require Sign Permit approval processed pursuant to Section 28.52.020, and must conform to the following conditions.  
   a. Limit: 1 per business.
   b. Although the sign may be double-sided it may not exceed 42” in height and 30” wide.
   c. Signs placed on the sidewalk must allow a minimum of 60 inches of sidewalk clearance.
   d. Sandwich Board Sign Permits shall expire within one year of issuance unless a longer time is approved by the Decision Making Authority.
   e. All Sign Permits shall indicate that, as a condition of approval, an encroachment permit is also required from Cal Trans if the sign is placed within Cal Trans right-of-way.

3. **Vehicle Signs.** Vehicle Signs are exempt from the design requirements of Section 28.46.30.A, but require a Sign Permit unless otherwise indicated by this section. Vehicle Signs fall into two categories:
   a. **Small.** Vehicle Signs not more than twelve square feet in size. Small Vehicle Signs do not require a Sign Permit as long as:
      (1) The vehicle is in good working order, and
      (2) Not more than three such signs appear on the same vehicle.
   b. **Large.** Vehicle Signs not meeting the size requirement of Subsection (1) are not permitted to park in a public parking area for more than two hours, or on a private lot where they are visible to the public, without a Sign Permit unless they fall into the exclusions indicated in Section 28.46.040.C.

4. **All Other Temporary and/or Portable Signs.** All other Temporary and Portable Signs (including banners, pennants and flags, balloons and balloon figures, search lights, and similar eye-catching devices) require a Sign Permit if they are displayed for longer than three days in any given month, or they encroach into a public right-of-way. The Sign Permit shall be conditioned to allow the signs for a specific period of time, and require the signs be kept in good repair, not block the public right-of-way, and be completely removed at the end of their permit life.
D. **Permanent Signs.** These signs are fixed in place and are intended to stay in place for a long period of time, typically the life of the business. All permanent signs require the approval of a Sign Permit, and must meet the conditions specified under their sign-type (below) as well as Section 28.46.030 unless a Use Permit or Variance is approved pursuant to Section 28.52.040 or 28.52.050 respectively. Sign-types are as follows:

1. **Free-Standing.** In addition to any other sign on the Lot, one Free-Standing Sign (whether Monument Sign or Pole Sign) is permitted on Lots with at least 200 linear feet of street frontage unless otherwise prohibited by this Ordinance. Additional Free-Standing signs may be approved by Use Permit where a finding is made that the sign is necessary to adequately advertise a business. Free-Standing Signs include:

   a. **Monument Sign.** Conditions for approval:
      
      (1) May not exceed 8 feet in height
      (2) The area of the sign face shall not exceed 50 square feet on one side (two sides permitted without Use Permit approval).

   b. **Pole Sign.** Conditions of approval:
      
      (1) May not exceed 20 feet in height.
      (2) The area of the sign face shall not exceed 50 square feet on one side (two sides permitted without Use Permit approval)
      (3) No Pole Sign shall project over the public right-of-way or sidewalk.
      (4) Pole Signs erected over a private vehicular drive shall be placed so as to provide not less than fifteen (15) feet vertical clearance.

2. **Building Signs.** These signs include:

   a. **Projecting or Blade Signs.** Conditions of approval:
      
      (1) Permitted as an identification sign which may be used alone or in addition to Wall Signs.
      (2) Sign area is limited to four square feet on each side unless additional area is approved by a Use or Variance Permit.
      (3) Projecting signs shall be placed perpendicular to the building frontage and shall not extend above the level of the building eaves of a sloped roof or highest point on a flat roof.
      (4) These signs may not be internally lit unless approved by a Use Permit.

   b. **Roof Sign.** Conditions of approval:
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(1) Permitted only on buildings that do not possess adequate areas or the visibility for the location of other types of signs.
(2) Not permitted on buildings with sloped and mansard roofs unless the sign fascia is placed at a plane parallel to the building wall while the back of the sign is screened from view by either recessing the sign into the roof slope or by providing screening to the rear of the sign to create a boxed-in-area
(3) May not exceed 60 square feet of sign face.
(4) May not be used in conjunction with any other permanent sign type.

c. Wall Sign. Conditions of approval.

(1) May not project more than 6 inches from the surface of the building to which it is attached,
(2) May not exceed 60 total square feet of sign face (divided among all the business on site), with an additional 20 square feet of sign face permitted for each business in excess of three businesses on site,
(3) Wall Signs may be placed on the same lot with a Free-Standing Sign, and
(4) Where no Free-Standing Sign is present, an additional 60 square feet of wall sign may be placed on a building if this additional signage faces at least 90 degrees away from all other wall signs.

28.46.030 General Design, Placement and Maintenance Criteria

All Permanent Signs shall conform to the following standards and conditions unless waived through the Use Permit process:

A. Materials and Colors. Signs shall be harmonious with the materials, color, texture, size, shape, height, location and design of the building, property or neighborhood of which it is a part.

B. Illumination. Signs may be internally or externally illuminated pursuant to the following conditions:

1. When reflectors, flood lights, or spotlights are used to illuminate signs, they shall be installed, focused and maintained to concentrate their illumination upon the sign face or outdoor advertising structure face and shall not cause glare upon the street or adjacent private property or cause sky reflected glare.

2. Signs shall be illuminated at the lowest level consistent with adequate identification and readability of the sign.

3. Sign lights, whether internally or externally lit, shall be placed on a timer to automatically turn off, and remain off, when the store is closed for business.
4. Signs operated by electricity that are intended to attract attention by flashing on and off, or simulating any motion through a series of rapid light or content changes, are not permitted unless they are emergency or roadway signs utilized by public works or emergency personnel, or they are window signs of not more than four square feet in total area per business.

5. LED signs designed to provide changing content with a high resolution screen must be approved by Use Permit.

C. **Sign Maintenance and Removal.** Sign Permits, including Use Permits approving sign placement, shall be conditioned to ensure that all signage is maintained in good condition (without peeling paint, faded lettering, or damage), and that obsolete signs and damaged signs are removed in their entirety, including all structural supports. The determination of whether or not a sign is obsolete or damaged beyond repair shall be made by the Director, and said determination may be appealed to the Planning Commission and then to the City Council pursuant to Section 28.52.090.

Sign maintenance and removal shall be the responsibility of the property owner, not the business interest that may have originally paid for the sign.

D. **Retention of Sign Structure.** When a sign face has been determined to be obsolete pursuant to Subsection C, the structure of the sign may be retained by approval of an Administrative Permit if there is a high likelihood that the sign structure can be reused and the sign face is replaced with a neutral facing or cover satisfactory to the Director.

E. **Off-premises Signs.** Permanent Signs that advertise a use, product or service that is conducted or available at a location other than the Lot on which the sign is located, or otherwise conveys information unrelated to an authorized activity on the Lot on which the sign is located, are prohibited except as approved though a Use Permit.

### 28.46.040 Exemptions

The following signs are exempt from these standards.

A. **Directional signs** that do not mention a business name or contain a business logo. Typical directional signs include signs that show the way to an exit, entrance, restroom area, picnic area, or parking area. They are not intended to provide any other information other than directional information.

B. **Emergency or roadway signs** intended to provide drivers with information relating to traffic conditions and safety concerns while driving.

C. **Portable Vehicle Signs** not otherwise meeting the requirements of this section are exempt from this Ordinance if they are affixed to a vehicle that is (1) not parked in a location visible from a public right-of-way for more than two hours a day, or (2) is being driven through town.
D. **Window Signs**, the combined total of which do not exceed ten percent of the total window area (including windows in doors) facing dedicated right-of-ways.  
*Note: Merchandise located within one foot of window or door glass is considered window signage for the purposes of this Section.*

E. **Historic markers**, not exceeding three (3) square feet in area, placed flat against the side of a building and made of incombustible material, that identify the name and history of a building or an historic event that occurred in the near vicinity.

F. **Flags.** Federal, State and City flags, as well as official flags of clubs and other civic organizations.

G. **Holiday and Special Event Signage and Decorations** placed in use no more than 60 days before the event and removed no more than 30 days after.

H. **Political Signs** that are placed no more than 90 days before the election and removed within 10 days after the election.

### 28.46.050 Penalty for Violation

Signs erected in violation of this section shall be cited, and, if the violation is left uncorrected in the time-frame provided, shall be removed at the expense of the property owner, and if left unpaid for greater than 30 days, the cost shall be placed as a lien against the property.

### 28.46.060 Effect on Existing Signs

A. **Temporary Signs.** Temporary Signs have no Grandfathering Rights. Regardless of the history of these signs, they are required to conform to this Ordinance as written.

B. **Permanent Signs.** Permanent Signs legally placed prior to the adoption of this ordinance may continue pursuant to the Grandfathering Rights described in Section 28.62 *(Nonconforming Uses, Structures and Lots).*
SECTION 28.47 – NOISE STANDARDS

28.47.010 Content and Applicability

These standards are intended to ensure projects do not expose noise sensitive areas to noise impacts in excess of the standards established in the Noise Element of the General Plan. The noise standards in this Section apply to all high density residential, commercial, industrial and recreational projects.

28.47.020 Noise Standards

The following noise standards are to be maintained in noise sensitive residential, open space and office-residential areas:

A. **General Standard.** Land uses located outside of the M2 Primary Zone shall do everything possible to maintain outdoor noise levels at or below 60 dB L_{dn} when measured at the property line.

B. **M2 Standard.** Land uses located within the M2 Primary Zone shall implement every measure necessary and practicable to:

   Ensure outdoor noise levels do not exceed 65 dB L_{dn} when measured at the property line.

   Be consistent with recommendations of the California Office of Noise Control.
SECTION 28.48 – SNOW MANAGEMENT STANDARDS – RESERVED
SECTION 28.49 – DRAINAGE AND FLOOD CONTROL STANDARDS RESERVED
ARTICLE 5 – PLANNING PERMIT PROCESSING

SECTION 28.50 – OVERVIEW
28.50.010 Content of Article and Applicability
28.50.020 Decision Making Authority and Hearing Requirements
28.50.030 General Review Procedures

SECTION 28.51 – GENERAL APPLICATION PROCEDURES
28.51.010 Content
28.51.020 Application Forms, Submittal Process, and Fees
28.51.030 Public Notice
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SECTION 28.52 – PERMIT REQUIREMENTS AND PROCEDURES
28.52.010 Administrative (AD) Permit
28.52.020 Sign (S) Permit
28.52.030 Site Plan Review (SP) Permit
28.52.040 Use (UP) Permit
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SECTION 28.53 – PROCESSING ADJUSTMENTS IN LAND PARTITIONING
28.53.010 Content and Applicability
28.53.020 Lot Line Adjustment
28.53.030 Lot Merger, Voluntary
28.53.040 Road Vacation RESERVED

SECTION 28.54 – PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS
28.54.010 Content
28.54.020 Effective Date of Permit Approvals
28.54.030 Permits to Run with the Land
28.54.040 Maintenance Agreements
28.54.050 Performance Guarantees
28.54.060 Time Limits, Extensions, and Permit Expiration
28.54.070 Revisions to an Approved Permit or Authorization
28.54.080 Resubmittals
28.54.090 Revocation or City Mandated Modification of a Permit
SECTION 28.50 – OVERVIEW

28.50.010 Content of Article and Applicability

This Article provides the general authority and procedures necessary to file and process applications for development permits, use entitlements, and adjustments in land partitioning not otherwise subject to the Subdivision Map Act (including lot line adjustments, lot mergers, road vacations and certificates of compliance).

28.50.020 Decision Making Authority and Hearing Requirements

The Decision Making Authority for each type of application, along with the appeal route, and hearing and notification required for said application, shall be as indicated in Table 28.50.020 (Application Review and Hearing Matrix).

28.50.030 General Review Procedures

The general review procedures listed in Table 28.50.020 fall into one of three categories:

A. Director-level Review. This level of review is reserved for minor ministerial permits involving development applications, use entitlements and adjustments in land partitioning where determination of the application is based upon standards that have been adopted by the City as law or as policy, and it can be foreseen that the application will have little impact on any group other than the applicant(s) involved. Because of the application’s ministerial nature and limited impact, the Director is authorized to render a decision without the requirement of a public hearing. Where notice is given, it will be limited to contiguous property owners who will be encouraged to comment before a specified date when a decision will be rendered. All Director-level decisions are appealable.

B. Commission or Council Review Without Hearing. This level of review is reserved for minor ministerial permits involving development applications and use entitlements where determination of the application can clearly be foreseen to have little impact on any group other than the applicant(s) involved, but where Decision Making Authority falls with the Planning Commission (PC) or City Council (CC) pursuant to the Review and Hearing Matrix, or because the Director has deferred action to the PC or CC. Because of the limited impact of these applications, the PC and/or CC shall render a decision based upon standards that have been adopted by the City as law or as policy without the requirement of a public hearing, but may send limited notice to surrounding property owners and other parties as a courtesy.

C. Commission or Council Review With Hearing. This level of review is reserved for applications that are likely to impact persons other than the applicants. In this case, a public hearing with public notice as indicated in the Review and Hearing Matrix will be conducted. During the course of the public hearing, the applicable Decision Making Authority shall invite public testimony, review evidence, and then render its decision in compliance with Section 28.51.060 (Conditions of Approval).
### Table 28.50.020 Application Review and Hearing Matrix

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>ZO Section</th>
<th>Decision Making Authority</th>
<th>Public Notice⁡</th>
<th>Hearing Required (Government Code)</th>
</tr>
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<tr>
<td></td>
<td></td>
<td>Director¹</td>
<td>PC¹</td>
<td>CC</td>
</tr>
<tr>
<td>Administrative Permit</td>
<td>28.52.010</td>
<td>D</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Certificate of Compliance</td>
<td>28.53.020</td>
<td>D</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Home Occupation Permit</td>
<td>28.52.010</td>
<td>D</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>General Plan Amendment</td>
<td>28.63.030</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>Lot Line Adjustment</td>
<td>28.53.020</td>
<td>D</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Lot Merger</td>
<td>28.53.030</td>
<td>D</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Ordinance Amendment or Zone Change (includes text changes)</td>
<td>28.63.020</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>Road Vacation - Standard</td>
<td>28.53.050</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>Road Vacation - Summary</td>
<td>28.53.050</td>
<td>R</td>
<td>R</td>
<td>D</td>
</tr>
<tr>
<td>Sign Permit</td>
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<td>D</td>
<td>A</td>
</tr>
<tr>
<td>Site Plan Review</td>
<td>28.52.030</td>
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</tr>
<tr>
<td>Use Permit</td>
<td>28.52.040</td>
<td>R</td>
<td>D</td>
<td>A</td>
</tr>
<tr>
<td>Variance</td>
<td>28.52.050</td>
<td>R</td>
<td>D</td>
<td>A</td>
</tr>
</tbody>
</table>

**Notes:**
1. This Decision Making Authority may defer action and refer any permit or application to the next higher authority for determination at their discretion.
2. Where public notice is indicated, notice shall also be given pursuant to Section 28.51.030.A, B, G and H. This does not apply to Courtesy Notices.

A = Decide Appeal  
D = Make Decision  
R = Review and Recommend  
**Courtesy** = Notice only required by this Ordinance, not State Code.
SECTION 28.51 – GENERAL APPLICATION PROCEDURES

28.51.010 Content

This Section establishes the application requirements and noticing provisions necessary to process applications for planning permits and adjustments in lot lines for all zones.

28.51.020 Application Forms, Submittal Process, and Fees

All applications shall comply with the following requirements and be processed according to these general procedures:

A. Who Can File. A permit application may be filed by:

1. The lawful owner(s) of record of the lot affected by the application, or their duly authorized agent. Evidence of authorization shall be submitted with the application.

2. A person with lawful power of attorney or other acceptable authority from the lawful owner of record. Evidence of authorization shall be submitted with the application.

3. Action of the City Council.

B. Concurrent Application Submittal. When more than one land use decision is required for a single project, all applications may be filed concurrently. The Decision Making Authority shall act on the different parts of a combined application on their own merits, and may approve one application without approving the other(s).

C. Application Content. An application package shall include:

1. All forms requested by the Department;

2. The written consent of the lawful owner or owners of record, including any applicable documents identifying an “authorized agent” or person with “power of attorney” as indicated in Subsection “A” above;

3. All the information and materials necessary to render a decision on the request; and

4. The required application fee, pursuant to a fee schedule adopted by the Council.
D. Omissions. Approvals granted for an application that was based on an application containing a material misrepresentation or omission of material facts known to the applicant may result in revocation or unilateral modification of conditions of a permit or approval by the City, as provided in Section 28.54.090 (Revocation, etc.).

E. Expiration of Application. The application shall expire and be deemed withdrawn, stopping all processing and requiring the filing of a new application for project consideration, if:

1. An application has been determined to be incomplete and:
   a. The required information is not submitted within 30 days from the date of determination of incompleteness, and
   b. The applicant has not requested a delay in processing. All processing delay requests must be in writing, and must specify the date processing is requested to commence.

2. An applicant has requested that processing be delayed or stayed for a period of more than six months.

28.51.030 Public Notice

When required by this Article, public notice shall be prepared in one or more of the following ways.

A. Posting. When a provision of this Ordinance requires notice to be posted pursuant to this Subsection, the notice shall be posted outside the City Clerk’s Office. In the case of public hearings, the notice shall be posted at least 10 days prior to the hearing, and shall include the information specified in Government Code Section 65094.

B. Established Mailing List. When a provision of this Ordinance requires notice be given pursuant to this Subsection, the notice shall be mailed to any person who has filed a written request to receive public notices with the City Clerk. The City Clerk may charge a fee which is reasonably related to the costs of providing this service, and the City Clerk may require each request to be annually renewed. In the case of public hearings, the notice shall be mailed at least 10 days prior to the hearing, and shall include the information specified in Government Code Section 65094.

C. Contiguous Properties. When a provision of this Ordinance requires notice be given pursuant to this Subsection, the notice shall be mailed or delivered to any person who owns or rents property that shares a lot line with the real property listed in the pending application. No fee shall be charged for this service, except as approved by the Council as part of the fee paid by the applicant as part of the intake process. In the case of public hearings, the notice shall be mailed at least 10 days
prior to the hearing, and shall include the information specified in Government Code Section 65094.

D. **300 Foot Notice.** Pursuant to Government Code Section 65091, when a provision of this Ordinance requires notice be given pursuant to this Subsection, notice shall be mailed or delivered to any person who owns or rents property within 300 feet of the real property listed in the pending application. No fee shall be charged for this service, except as approved by the Council as part of the fee paid by the applicant as part of the intake process. In the case of public hearings, the notice shall be mailed at least 10 days prior to the hearing, and shall include the information specified in Government Code Section 65094.

*Source of Addresses:* The City shall use the records of the County Assessor or Tax Collector for owner mailing addresses, and the site address for renter addresses unless a more reliable source of address information is readily available.

*Newspaper Ad in Lieu of Mailing.* If the number of owners to whom notice would be mailed or delivered pursuant to this section is greater than 1,000 (as may be the case for large projects) the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least 10 days prior to the hearing.

E. **Publication in Newspaper.** Pursuant to Government Code Section 65091, when a provision of this Ordinance requires notice be given pursuant to this Subsection, notice shall be published one time in at least one newspaper of general circulation within the City. In the case of a public hearing, the notice shall be published at least 10 days prior to the hearing. Hearing notices shall include the information specified in Government Code Section 65094.

F. **Internet, Optional Posting.** If the City has an active website or blog, staff shall try to post notices of projects, including the availability of environmental documents, on the website on the same day they are mailed to the public. This action is considered a courtesy posting and is subject to staff availability.

G. **Mailing to Owner/Applicant.** Any notice published or posted pursuant to this section shall also be mailed to the owner of the subject real property, the owner's duly authorized agent (if any), and to the project applicant (if different from the owner or authorized agent).
28.51.040 Conditions of Approval

In approving an application, the Decision Making Authority may establish reasonable conditions to its approval that are found to be necessary to mitigate impacts created by the proposed project, that are consistent with the General Plan, Zoning Ordinance, and other applicable laws, ordinances, standards, or regulations, and that protect the public health, safety, and welfare.

A. Conditions of approval may be revised in compliance with Section 28.54.070 (Revisions to an Approved Permit or Authorization).

B. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit or authorization in compliance with Section 28.54.090 (Revocation, etc.).

C. The Decision Making Authority may require recordation of the conditions of approval where conditions require ongoing maintenance, or the use or approved change run with the land (such as in a Use Permit or Variance).

28.51.050 Post-Decision Notice

A. Within 10 days of a final decision on an application required by this Article, the City shall provide notice of its final action to the applicant and to any person(s) who specifically requested notice of the City’s final action and has provided a self-addressed stamped envelope.

B. The notice shall contain the final decision by the Decision Making Authority, any conditions that may have been imposed, and the findings made to support the decision.
SECTION 28.52 – PERMIT REQUIREMENTS AND PROCEDURES

28.52.010 Administrative (AD) Permit

A. Applicability. An Administrative Permit is required in cases where staff level review is needed to ensure established City requirements are met by a development or use, and/or where a record of the use is needed for notification, emergency or public safety purposes, but where no discretionary action is required. Administrative Permits cannot be used to authorize uses not otherwise permitted in the zone, nor can they modify any development criteria for the zone. They can only be used to ensure authorized uses meet all applicable development and operating requirements.

B. Application Materials. In addition to the general application materials required by Section 28.51, the applicant shall provide:

1. Project Description. A clear description of the use under consideration for an Administrative Permit, and how the proposed use will meet the conditions specified for it in the Land Use Restrictions.

2. Items Specified in Land Use Restrictions. Any other material specified for the use in the Land Use Restrictions.

C. Relationship to CEQA. Administrative Permits are ministerial in nature since their review is limited to consideration of compliance with the established standards identified in the Land Use Restrictions and other applicable development regulations in accordance with Subsection A (above). They are therefore exempt from CEQA pursuant to California Code of Regulations Section 15268.

D. Public Notice and Hearing Requirements. Since decisions are ministerial in nature, no public notice or public hearing is required by the State. However, as a courtesy, this Ordinance does require some Administrative Permits have a Contiguous Properties notice where specified in the Land Use Restrictions.

E. Administrative Permit Approval Criteria. When issuing an Administrative Permit, the Director must find that the proposal, including its uses and structures, comply with the Land Use Restrictions, as well as any other provisions, standards or requirements of this Ordinance, or any other regulations adopted by the City through ordinance or resolution.

F. Renewal. Administrative Permits must be reviewed and renewed annually unless a termination date has been established as part of the permit.
28.52.020 Sign (S) Permit

A. Applicability. A Sign Permit is required for all commercial, industrial, high density residential, and recreational uses that wish to advertise their location, products or services in any way. This review is intended to ensure that all advertising signs in the City meet the Sign Standards of Article 4, Section 28.46, and all other applicable standards set by this Ordinance or any other applicable regulations adopted by the City through ordinance or resolution. A Sign Permit cannot be approved to advertise a use not legally established in the zone.

B. Application Materials. In addition to the general application materials required by Section 28.51, the applicant shall provide:

1. Project Description. A clear description of the type of sign being requested, where it will be located and what size it will be.

2. Site Plan. (Required for a Free-Standing Sign only) Provide a site plan (which may be hand-drawn as long as it is drawn to scale) showing all property within the boundaries of the Legal Lot where the sign is proposed, the footprint of all the key structures on the lot (including parking areas), and the location of any road easements.

3. Elevations. (required for a Building Sign only) Provide an elevation drawing (which can be hand-drawn as long as it is drawn to scale) showing the entire face of the building upon which the sign is to be located and drawing the sign on the building to scale.

4. Illustrations. (all signs) Provide illustrations of the proposed sign, complete with outside dimensions, and sign-face dimensions, color and material samples, and any other information that will help identify and illustrate the sign requested for approval.

C. Relationship to CEQA. Sign Permits are ministerial in nature since their review is limited to consideration of compliance with the established standards identified in Article 4, Section 28.46 (Sign Standards) and other applicable development regulations in accordance with Subsection A (above). They are therefore exempt from CEQA pursuant to California Code of Regulations Section 15268.

D. Public Notice and Hearing Requirements. Since Sign Permits are ministerial in nature, no public notice or public hearing is required.

E. Sign Permit Approval Criteria. When issuing a Sign Permit, the Commission must find that the proposal complies with the Sign Standards outlined in Article 4, Section 28.46 of this Ordinance, and any other applicable provisions, standards or requirements of this Ordinance, or any other regulations adopted by the City through ordinance or resolution. Once approved, Sign Permits may be renewed administratively as long as no material changes are made to the approved sign.
28.52.030 Site Plan Review (SP) Permit

A. Applicability. A Site Plan Review Permit is required for all new or Substantially Improved commercial, industrial, or high density residential projects. This review is intended to ensure that these projects meet the Site Planning and Development Standards of Article 4, and all other applicable standards set by this Ordinance or any other applicable regulations adopted by the City through ordinance or resolution.

A Site Plan Review Permit cannot authorize a use not otherwise allowed in the zone, nor can it change any General Development Standards of the zone.

B. Application Materials. In addition to the general application materials required by Section 28.51, the applicant shall provide:

1. Site Plan. A site plan, drawn to scale, showing all property within the boundaries of the Legal Lot where the project is proposed, all structures and easements within and adjacent to the lot, and the footprint of all improvements for the lot. Landscape drawings shall also be included along with a planting pallet that conforms to the requirements of the Landscape Standards in Article 4. The site plan shall also clearly show required parking, drainage areas and other features required by Article 4.

2. Elevation Drawings. Architectural elevations of all sides of all structures proposed for construction or exterior modification. These must be drawn to scale and include a reasonable likenesses of materials and lighting used in construction or renovation.

3. Materials Board. A sample of each of the key materials used in the hardscape and building construction, including paint and roofing colors.

C. Relationship to CEQA. Site Plan Review Permits are ministerial in nature since their review is limited to consideration of compliance with the established standards identified in Article 4 (Site Planning and Development Standards), the Land Use Restrictions, and other applicable development regulations in accordance with Subsection A (above). They are therefore exempt from CEQA pursuant to California Code of Regulations Section 15268.

D. Public Notice and Hearing Requirements. Since Site Plan Review Permits are ministerial in nature, no public notice or public hearing is required. However, due to the high level of public interest in these projects, a courtesy notice of the pending Commission meeting will be distributed in accordance with Table 28.50.020.

E. Site Plan Approval Criteria. When issuing a Site Plan Review Permit, the Commission must find that the proposal, including its uses and structures, comply with the Site Planning and Development Standards outlined in Article 4 of this Ordinance, and any other provisions, standards or requirements of this Ordinance, or any other regulations adopted by the City through ordinance or resolution.
F. **Maintenance Agreement.** When approving a Site Plan Permit it should be remembered that the permit will not be recorded with the County Recorder and all conditions specified within the permit will terminate once the development is approved for occupancy. Therefore, the Decision Making Authority may want to consider requiring a Maintenance Agreement be recorded prior to occupancy as part of the Conditions of Approval for the Site Plan to ensure improvements are maintained as envisioned.
28.52.040 Use (UP) Permits

A. Applicability. A Use Permit (UP) is required for activities that may be appropriate in the applicable zone, but where their potential for adverse effects on the site and surroundings cannot be determined without a site specific review. Since strict standards cannot be set for these uses that would fit every situation, significant discretion must be exercised in placing these uses. In addition to permitting the identified use in a zone, a Use Permit can also authorize or require changes to setbacks, building heights, parking requirements, and any other development standard or criteria otherwise applicable to the zone if findings can be made to support the changes pursuant to Subsection F (below).

B. Application Materials. In addition to the general application materials required by Section 28.51, the applicant shall provide:

1. Project Description. A clear description of the operation under Use Permit review is required. This is critical for business operations as uses and processes not clearly indicated as approved by the Use Permit cannot be allowed on site.

2. Site Plan. A site plan, drawn to scale, showing all property within the boundaries of the Legal Lot where the project is proposed, all structures and easements within and adjacent to the lot, and the footprint of all improvements for the lot. Landscape drawings shall also be included along with a planting pallet that conforms to the requirements of the Landscape Standards in Article 3. The site plan shall also clearly show required parking, drainage areas and other features required by Article 3, and identify any areas of significance for the use requested as part of the Use Permit (for example: outdoor storage areas, outdoor work areas, construction equipment parking, outdoor repair areas, etc.)

3. Elevation Drawings. Architectural elevations of all sides of all structures proposed for construction or exterior modification. Drawn to scale and including reasonable likenesses of materials and lighting used in construction or renovation.

C. Relationship to CEQA. The approval of a Use Permit is a discretionary project and is subject to the requirements and procedures of CEQA.

D. Public Notice and Hearing Requirements. Use Permits require a public hearing and notice as identified in Table 28.50.020.

E. Relationship to Other Permits.

1. Administrative Permits and Sign Permits. Administrative and Sign Permits must be processed separately from Use Permits, where they are
required, as they are renewed annually and do not establish rights that run with the land.

2. **Site Plan.** Projects requiring a Use Permit are not required to file for a separate Site Plan Review as the review for compliance with all but the Sign Standards of Article 4 are incorporated into the Use Permit review process.

3. **Variance.** Variances may be processed concurrently with Use Permits if changes to the General Development Standards are required. However, Variances must be processed as a separate application due to the unique findings that must be made.

**F. Use Permit Approval Criteria.** In addition to findings of consistency with the requirements and standards of this Ordinance, including the Site Planning and Development Standards outlined in Article 4, the Decision Making Authority shall make the following findings before approving a Use Permit application:

1. The proposed use is consistent with the General Plan; and
2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and
3. The proposed use is specifically allowed by a Use Permit pursuant to this Ordinance; and
4. The proposed use will not be disruptive to the intended Primary Use of the Zone.

**G. Permitted Conditions.** The Decision Making Authority may impose such conditions as it deems necessary to secure the purposes of this Ordinance including, but not limited to:

1. Requiring tangible guarantees or evidence that such conditions are being, or will be, complied with.
2. Requiring a Maintenance Agreement to ensure improvements will be maintained in accordance with the Use Permit.
3. Establishing a termination date for the Use Permit.
4. Establishing a termination condition linked to closure of a business or other clearly definable event.

**H. Permit Runs With The Land.** When approving a Use Permit it should be remembered that the permit will be recorded with the County Recorder and all conditions and permitted uses will run with the land unless a termination date, or termination condition, is included with the Use Permit.
28.52.050 Variance (V) Permit

A. **Content.** This Section describes the process for City consideration of requests to modify certain standards of this Ordinance.

B. **Applicability.** Pursuant to California Government Code Section 65906, Variances from the terms of the Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A Variance shall not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

C. **Application Materials.** In addition to the general application materials required by Section 28.51, the applicant shall provide:

1. **Variance Request.** A clear description of the Zoning Ordinance condition that is presenting a problem for development and why. The applicant should also provide a proposed alternative to the condition. For instance, if a property has a drainage issue that prevents construction in a large portion of the lot, and that condition combined with Ordinance setback requirements prevents the construction of a reasonably sized residence on the property, what would remedy the problem? Reducing side yard setbacks to 5 feet? Allowing construction within 10 feet of the front lot line? The request should be specific.

2. **Site Plan.** A site plan, drawn to scale, showing all property within the boundaries of the Legal Lot where the project is proposed, all structures and easements within and adjacent to the lot, and the footprint of all improvements for the lot.

D. **Relationship to CEQA.** Variances are discretionary projects and subject to the requirements and procedures of CEQA.

E. **Public Notice and Hearing Requirements.** Variance applications require a public hearing and notice as identified in Table 28.50.020.

F. **Relationship to Other Permits.** Variance applications are required to be presented at a public hearing and can be processed concurrently with Use Permits. Projects that do not require a public hearing, like Site Plans and Sign Permits, may be
processed concurrently with a Variance application by progressing through the hearing process as a subordinate application.

G. **Variance Approval Criteria.** Pursuant to California Government Code Section 65906, a Variance shall be granted by the Decision Making Authority only where all of the following circumstances are found to apply:

1. There are special circumstances or exceptional characteristics or conditions relating to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the vicinity and the same zone;

2. The strict application of the zoning regulations as they apply to the subject property would deprive the subject property of the privileges enjoyed by other property in the vicinity and the same zone;

3. A Variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and

4. The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan, and not detrimental to the public health, safety, and welfare or injurious to the neighborhood.

H. **Conditions of Approval.** In approving a Variance, the Decision Making Authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required in Subsection G, above.

I. **Permit Runs With The Land.** When approving a Variance it should be remembered that the permit will be recorded with the County Recorder and the Variance granted by the permit and the conditions associated with it will run with the land.
28.52.090 Appeals

A. Applicability. Any decision by a Decision Making Authority may be appealed as indicated in Table 28.50.020 provided:

1. The appeal is filed in writing, along with the applicable fee, within 10 working days from the date of the decision. Fees for each level of appeal shall be established by resolution of the Council.

2. The appellant shall clearly identify in the appeal letter the specific reasons for the appeal and the relief requested.

B. Hearing Date Established. The hearing on an appeal shall be set no more than 30 days from receipt of a completed appeal form and fee. If the Commission or Council meeting is canceled for any reason on the date on which the appeal would normally be heard, the appeal shall be heard on the first regularly-scheduled meeting following the canceled meeting date, but before the lapse of Time to Render Decision pursuant to Subsection C below.

The 30-day time limitation may be extended by mutual consent of the appellant(s), the applicant, if different from the appellant, and the appeals body. Once the date and time for the hearing is established in this manner the hearing may be continued only by such mutual consent.

C. Time to Render Decision. The Commission and/or the Council shall render its decision on the appeal within 60 days of receipt of filing. The 60-day time limitation may be extended by mutual written consent of the appellant(s), the applicant, if different from the appellant, and the appeals body. Once the date and time for the decision is established the date may be continued only by such mutual consent.

D. Consideration of Issues. The hearing body for the appeal shall consider all issues raised by the appellant and may consider other issues related to the project being appealed.

E. Withdrawal of Appeal. In any appeal action brought in compliance with this Section, the appellant(s) may withdraw the appeal at any time prior to the commencement of the public hearing. However, in doing so, they are barred from bringing the appeal up again at a later date. For the purposes of this Section, the public hearing shall be deemed commenced upon the taking of any evidence, including reports from staff.

F. Exhaustion of Remedies. No person shall seek judicial review of a City decision on a planning permit or other matter relating to enforcement of this Ordinance until all appeals to the Commission and Council have been exhausted in compliance with this Section.
SECTION 28.53 – PROCESSING ADJUSTMENTS TO LAND PARTITIONING

28.53.010 Content and Applicability

This section describes the process for City consideration of requests to make adjustments to land partitions (including property lines and road easements), where such actions are specifically excluded from the State Subdivision Map Act. Actions subject to the Map Act are to be addressed under City Code Ordinance 23.
28.53.020 Lot Line Adjustment

A. Applicability. This procedure is to be used where a property owner or owners wish to move one or more lot lines between four or fewer existing adjoining parcels. In this application, land is taken from one or more parcels and added to adjoining parcels. While merging lots is permitted in a Lot Line Adjustment, the project shall not result in a greater number of parcels than originally existed prior to the adjustment.

Pursuant to California Government Code Section 66412(d), Lot Line Adjustments fitting this definition are excluded from the Subdivision Map Act.

B. Relationship to CEQA. Lot Line Adjustments are ministerial in nature since their review is limited to consideration of compliance with the established standards for lot width and setbacks identified for the zone in the Ordinance. They are therefore exempt from CEQA pursuant to California Code of Regulations Section 15268.

C. Public Notice and Hearing Requirements. Since all lot line decisions are ministerial in nature, no public notice or public hearing is required.

D. Lot Line Adjustment Approval Criteria. Government Code Section 66412(d) indicates the City is to limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, and zoning and building ordinances. Pursuant to the aforementioned section, the City is not permitted to impose conditions or exactions on its approval of a lot line adjustment except:

1. To conform to the local general plan, and zoning and building ordinances,

2. To require the prepayment of real property taxes prior to the approval of the lot line adjustment, and

3. To facilitate the relocation of existing utilities, infrastructure, or easements, if needed.

E. Conditions of Approval. Pursuant to Government Code Section 66412(d), as part of the approval:

1. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment.

2. The lot line adjustment shall be reflected in a deed, which shall be recorded.

3. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.
28.53.030 Lot Merger, Voluntary

A. Applicability. This procedure is to be used where a property owner or owners wish to voluntarily merge one or more adjoining parcels. Pursuant to Government Code Section 66499.20 ¾, the City hereby authorizes the merger of contiguous parcels under common ownership without reverting to acreage through the voluntary merger process outlined in this section.

Note: Lot Mergers are treated as a special kind of Lot Line Adjustment in California’s Government Code. Pursuant to Section 66412(d), Lot Line Adjustments (and therefore Mergers) are excluded from the requirements of the Subdivision Map Act.

B. Relationship to CEQA. Lot Mergers are ministerial in nature since their review is limited to consideration of compliance with the general plan, and zoning and building ordinances. They are therefore exempt from CEQA pursuant to California Code of Regulations Section 15268.

C. Public Notice and Hearing Requirements. Since voluntary lot merger decisions are ministerial in nature, no public notice or public hearing is required. It should be noted that this is not the case for involuntary lot mergers required by City Ordinance (pursuant to Article 1.5 of the California Government Code).

D. Lot Merger Approval Criteria. Government Code Section 66412(d) indicates the City is to limit its review and approval to a determination of whether or not the parcel(s) resulting from the lot merger will conform to the local general plan, and zoning and building ordinances. Pursuant to the aforementioned section, the City is not permitted to impose conditions or exactions on its approval of a lot merger applications except:

1. To conform to the local general plan, and zoning and building ordinances,
2. To require the prepayment of real property taxes prior to the approval of the lot merger, and
3. To facilitate the relocation of existing utilities, infrastructure, or easements, if needed.

E. Conditions of Approval. Pursuant to Government Code Section 66412(d), as part of the approval:

1. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot merger.
2. The lot merger shall be reflected in a deed, which shall be recorded.
3. No record of survey shall be required for a lot merger unless required by Section 8762 of the Business and Professions Code.
28.53.040 Road Vacations RESERVED
SECTION 28.54 – PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

28.54.010 Content

This Section contains general requirements for the implementation of the approved permits and authorizations required under this Article including time limits for permit implementation, procedures for granting time extensions or revisions to an approved permit, and revocation of permit approvals.

28.54.020 Effective Date of Permit Approvals

Final action on any permit or authorization approval of the Commission shall become effective eleven working days from the decision by the Decision Making Authority where no appeal of the approval has been filed in compliance with Section 28.52.090 (Appeals). A decision by the Council is final and effective on the date of the action, unless otherwise required by State law. A properly filed appeal shall stay the issuance of any such permit or authorization until the appeal is decided.

28.54.030 Permits to Run with the Land

Any Use Permit or Variance Permit approval that is granted in compliance with Sections 28.51 and 28.52 (General Application Procedures and Permit Requirements, etc.) shall be deemed to run with the land through any change of ownership of the subject site from the effective date of the permit, providing it is in compliance with Subsection 28.54.050.A, when applicable, and with any licensing requirements by the new property owner. All active conditions of approval shall continue to apply after a change in property ownership.

28.54.040 Maintenance Agreements

Any Maintenance Agreement required by a project as a condition of approval shall be recorded and shall be deemed to run with the land through any change in ownership of the subject site from the time of recordation.

28.54.050 Performance Guarantees

A. Deposit of Security. As a condition of approval of any permit, and upon a finding that the public health, safety, and welfare warrants it, the Decision Making Authority may require a form of surety in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of the aforementioned permits or authorizations.
1. The applicant may elect to provide adequate surety for the faithful performance of a condition(s) of approval if the Director determines that the condition(s) may be implemented at a later specified date due to reasons beyond the applicant’s control, such as the inability to install required landscaping due to poor weather conditions.

2. The surety shall be in the form of cash, certified or cashier's check, letter of credit, performance bond, or other form of surety executed by the applicant and a corporate surety authorized to do business in California and approved by 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 applicant and surety, in the 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 applicant after deduction of the cost of the work.

3. The Director's determination may be appealed to the Council by the applicant, by filing an appeal with the City Clerk within 10 days after the decision to withhold the bond, in compliance with Section 28.52.090 (Appeals).

28.54.060 Time Limits, Extensions, and Permit Expiration

A. Time Limits. A permit or authorization that is not exercised within 24 months from the effective date shall expire and become void unless a condition of approval or other provision of this Article establishes a different time limit or unless an extension of time is approved in compliance with Subsection B, below.

1. The permit or authorization shall be deemed "exercised" when the applicant has commenced actual construction or alteration under an active building permit and at least one inspection has been conducted and approved by the Building Official or, in cases where a building permit is not required, has substantially commenced the approved activity or allowed use on the site in compliance with the conditions of approval.

2. After it has been exercised, a permit or authorization shall remain valid as long as either a building permit remains active for the project or a final
Certificate of Occupancy has been granted, in compliance with Subsection C (Permit Expiration).

3. The expiration of a permit or authorization associated with a tentative subdivision or parcel map, specific plan or development agreement, shall coincide with the term of that entitlement, and not be subject to the time extension in Section B below.

B. Time Extensions. The City may extend the time limit for a permit or authorization in compliance with the following procedures:

1. The applicant shall file a written request for an extension of time with the Department at least 30 days before the expiration of the permit or authorization, together with the required filing fee established through resolution of the Council.

2. A permit or authorization may be extended for a total of 36 months beyond the expiration of the original decision granting approval.

3. Action on a request for extension of a permit shall be referred to the original Decision Making Authority, except as provided in Subparagraph 3.a, below. The time limit for exercising a permit or authorization may be extended by one of the following methods:

   a. The Director finds that:

      (1) Substantial progress has been made in implementing the permit; or the applicant has established, with substantial evidence, that circumstances beyond the control of the applicant, such as poor weather during periods of planned construction, have prevented exercising the permit or authorization; or

      (2) Not more than 36 months will be necessary to exercise the permit, in compliance with Paragraph A.1 above; or

   The original Decision Making Authority finds that:

      (1) No change in conditions or circumstances has occurred that would have been grounds for denying the original application; and

      (2) The applicant has been diligently pursuing implementation of the permit.

4. Modified conditions may be imposed when a time extension is granted that update the permit where required to protect the public health and safety or to comply with provisions of State or Federal law.
C. Permit Expiration.

1. All permits authorized by this Section shall automatically expire by operation of law when time frame established in Subsection A has elapsed, unless a time extension has been approved under Subsection B.

2. When it is discovered that a permit has expired, the Department shall send notice of such termination to the property owner and/or applicant. Failure to send such notice shall not affect the expiration of the permit.

3. After the expiration of a permit or authorization, whether through denial of a request for a time extension, failure to request a time extension, or other cause, no further work shall be done on the site until a new permit or authorization and any subsequent building permit or other City permits are first obtained.

28.54.070 Revision to an Approved Permit or Authorization

All structures and uses shall be constructed or otherwise established only as approved by the Decision Making Authority, and in conformance with all conditions of approval, except as provided herein. Modifications of the conditions of approval provided for in this Section, including alteration of the project design, expansion, reduction, or phasing of the development, or further disturbance of the site, may be allowed as follows:

A. An application for a revision to an approved permit or authorization may be submitted to the Department either before or after the commencement of construction or establishment of an approved use. The application shall consist of a written description of the proposed modifications, appropriate supporting documentation, plans, or other information deemed necessary by the Director to evaluate the proposed change.

B. The Director may approve a minor modification(s) when the findings can be made that the modification(s):

1. Does not involve a feature of the project that was specifically addressed in the conditions of approval, mitigation measures, or findings for approval of the project;

2. Does not result in an expansion of the project;

3. Does not substantially alter the original approval decision; and

4. Does not result in changed or new impacts to the surrounding environment that would necessitate modifications to the CEQA document approved for the project.
C. Revisions to a permit or authorization which result in an expansion or substantial alteration of the project, or which may affect a condition of approval, mitigation measure, or finding that was specifically addressed by the Decision Making Authority, may only be approved by said authority following a public hearing.

D. Director approval of minor modifications shall be processed using the Director-level Review procedures of Section 28.50.030.A. If the Director determines that the request requires a public hearing by the Decision Making Authority of original jurisdiction, notice shall be given in compliance with the same notifying requirements of the original application.

E. The Decision Making Authority may modify or impose new conditions to the permit revision when necessary to carry out the original permit or when necessary to protect the public health and safety or to comply with provisions of state or federal law.

F. Appeal of a decision on a Revision to an Approved Permit or Authorization shall be processed in compliance with Section 28.52.090 (Appeals).

### 28.54.080 Resubmittals

A. For a period of 12 months following the date of the disapproval 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, or any portion of the site, except where the Director determines that substantial new evidence or proof of changed circumstances warrants further consideration.

B. 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 Section 28.52.090 (Appeals).

### 28.54.090 Revocation or City Mandated Modification of a Permit

Any permit authorized under this Article may be revoked or modified by the City when it is found that conditions required for the approval of the permit have been violated, have lacked substantial compliance, or when the use is determined to be a public nuisance.

A. The following procedures shall be used for revocation or mandated modification of previously approved permits or authorizations:

1. The Decision Making Authority of original jurisdiction shall hold a public hearing to revoke or modify a permit or authorization granted in compliance with the provisions of this Article. Where the Decision Making Authority
was the Director, the hearing shall be referred to the Commission for determination.

2. Notice shall be provided to the owner of the property, as shown on the City’s current equalized assessment roll, and to the applicant for the permit or approval if different from the property owner on which the use or structure authorized by the permit being considered for revocation exists for the permit or approval being considered for revocation.

3. Notice shall be mailed through the U.S. Postal Service, certified, first class, and postage paid, at least twelve days prior to the public hearing for all permits being considered for revocation.

4. Any permit or authorization may be revoked or modified by the review authority if any one of the following findings can be made:

   a. Circumstances under which the permit or authorization was granted have been changed by the applicant to the extent that one or more of the findings that justified the original approval can no longer be made;

   b. The permit or authorization was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the testimony presented by the applicant during the public hearing;

   c. One or more of the conditions of approval have not been substantially fulfilled or have been violated;

   d. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or

   e. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare; or the manner of operation constitutes and/or is creating a public nuisance.

5. As an alternative to revocation, the City may mandate modification of a permit or authorization including the duration of the permit or authorization, any operational aspect of the project, or any other aspect or condition determined to be reasonable and necessary to ensure that the project is operated in a manner consistent with the original findings for approval.

6. The City’s action to revoke a permit or authorization shall have the effect of terminating it and denying the privileges granted by the original approval.
B. Appeal. Any permit revoked by the Decision Making Authority may be appealed in compliance with Section 28.52.090 (Appeals).

C. Use after Revocation. When an approved permit or authorization has been revoked, no further development or use of the property authorized by the revocation shall be continued, except in compliance with the approval of a new permit or authorization required by this Ordinance.
ARTICLE 6 – ZONING ORDINANCE ADMINISTRATION

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SECTION 28.60 – OVERVIEW

28.60.010 Content of Article

This Article provides the administrative structure to manage and implement the Zoning Ordinance. It establishes the Planning Agency and identifies Planning Agency member responsibilities as required by State law; describes rights and responsibilities relating to nonconforming uses, structures and lots; provides procedures for amending the Ordinance and the General Plan; and identifies duties and procedures relating to code enforcement.

SECTION 28.61 – ADMINISTRATIVE RESPONSIBILITIES

28.61.010 Planning Agency Established and Functions Defined

This Section establishes the Planning Agency as provided by California Government Code Section 65100, comprised of the Council, the Commission, the Director and the Department. As required by California Government Code Section 65103, the Planning Agency shall perform all of the following functions:

A. Prepare, periodically review, and revise, as necessary, the General Plan.

B. Implement the General Plan through actions including the administration of adopted community design standards, specific plans, and ordinances.

C. Annually review the capital improvement program of the City and the public works projects of other local agencies for their consistency with the General Plan.

D. Promote public interest, understanding, and comment on the General Plan and regulations relating to it.

E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the General Plan.

F. Promote the coordination of local plans and programs with the plans and programs of other public agencies.

G. Perform other functions as provided by the Council, including conducting studies and preparing plans other than those required or authorized by California Government Code Section 65000, et seq.
28.61.020 Director and Department

The Director shall have the responsibility and authority to perform those duties assigned by the Council, to include the administration and enforcement of the provisions of this Ordinance. Except where otherwise provided by this Ordinance, the aforementioned responsibilities may also be carried out by Department staff under the supervision of the Director, to include but not be limited to the following:

A. **Project Review.** Perform staff-level project review, and make recommendations of approval, conditional approval, or denial to the proper Decision Making Authority under Table 28.50.020 (Application Review and Hearing Matrix).

B. **Document Preparation.** Prepare documents for the implementation of State Planning and Land Use Law (Government Code Section 65000 et seq.) and other miscellaneous planning related laws. These documents shall include administrative policies, procedures, ordinances, resolutions, project application filing forms (along with any necessary information and requirements), and other public information documents.

C. **Ordinance Interpretation.** When the need arises, interpret the Zoning Ordinance in conformance with Section 28.11.

28.61.030 Planning Commission

The Commission shall serve as the hearing body assigned to consider and approve or deny development applications under this Ordinance as either the Decision Making Authority of original jurisdiction or on appeal, in compliance with Table 28.50.020 (Application Review and Hearing Matrix). The Commission shall serve as an advisory agency to the Council on legislative actions including zone changes and general plan amendments, and any other matter specifically provided by this Ordinance.

28.61.040 City Council

The Council shall act as the Decision Making Authority for land use applications that require a public hearing and legislative action, and for those that are referred or appealed to the Council in compliance with Table 28.50.020 (Application Review and Hearing Matrix).
SECTION 28.62 – NONCONFORMING USES, STRUCTURES, AND LOTS

28.62.010 Content and Applicability

This Section shall be known as the “Grandfathering Rights” Section within this Ordinance. It applies to those existing uses and structures that were lawfully established before the adoption of this Ordinance, but which would be prohibited, regulated or restricted differently under the terms of this Ordinance, as amended.

Unless otherwise stated in this Ordinance, this Section specifies the manner in which these legal nonconforming uses and structures may be continued or expanded. It also establishes criteria by which such uses or structures may be abated or removed in an equitable, reasonable, and timely manner without infringing on the constitutional rights of property owners.

28.62.020 Continuation, Transfer, or Sale

Change of ownership, tenancy or management of a legal nonconforming use, structure or lot shall not affect its legal nonconforming status, provided the specific use and intensity of use do not change, except as allowed in this Section.

28.62.030 Legal Nonconforming Structures

A legal nonconforming structure may be continued and maintained as follows:

A. **Use.** A legal nonconforming structure may be used or converted to any use that conforms to the zone district in which it is located and complies with the most recent City adopted Building Code. Such structure will not lose its nonconforming status if it has been vacant for any time.

B. **Structural Repairs and Alteration.** A legal nonconforming structure may be repaired or altered, including structural alterations to bearing walls, columns, beams and girders, or may be increased in area or volume if the addition complies with this Ordinance and the most recent City adopted Building Code.

C. **Structural Restoration.** A legal nonconforming structure, or any part of it, may be restored up to its pre-damage size and placement if it is involuntarily damaged by fire, other catastrophic event, if:

   1. The damage is not “Substantial Damage” as defined in Article 8, and
   2. Repairs are completed within three years.
28.62.040 Legal Nonconforming Uses

A legal nonconforming use may be continued and maintained as follows:

A. **No Increase In Use.** There can be no increase in intensity of use (or of area, space, or volume occupied or devoted to a legal nonconforming use) except as allowed in this Section.

B. **Automatic Loss of Status.** A legal nonconforming use that has ceased or been abandoned for a continuous period of six months, or more, shall automatically lose its nonconforming status, and the continued use of that property or structure shall conform to the regulations of the zone district in which it is located except for the following Agricultural uses:

1. **Crop Production.** If the legal nonconforming use is cultivated agricultural land, the use shall not be considered abandoned if it is part of a managed agricultural operation where such land is planned for continued cultivation.

2. **Animal Keeping.** If a legal nonconforming use involves the keeping of animals, then the number of animals, types of animals, and minimum lot area for animals not in conformance with the zone district in which they are located, may be continued until the owner or occupant removes them for a continuous period of one year or more. This exemption does not pertain to animal shelters or enclosure requirements as noted in Section 28.31.020C, which are required regardless of conditions existing before the adoption of this Ordinance.

C. **Shared Use.** Additional uses are allowed on property that contains a legal nonconforming use provided those uses meet all requirements and regulations of the zone district in which they are located, and do not result in the nonconforming use expanding as restricted in this Section.

D. **Voluntary Conversion.** Subsection B notwithstanding, if a legal nonconforming use is converted to a conforming use (or is terminated and replaced by a conforming use), no previous nonconforming use may be resumed.

E. **Mobility of Use.** Legal nonconforming uses may not terminate in one location and move to a new location where they are still a nonconforming use. The status of a use being Legal Nonconforming is restricted to their original location.

F. **Structural Repairs and Alterations.** Repairs and alterations may be made to structures containing legal nonconforming uses, including structural alterations to bearing walls, columns, beams and girders, or an increase in area or volume of the structure so long as the total of all alterations (over time) do not increase the area available to the legal nonconforming use by more than 20% of its original area. All work shall meet the requirements of the most recent City adopted Building Code.
G. **Termination Due to Structural or Facility Damage.** A legal nonconforming use that is involuntarily discontinued because of accidental damage to the structure or facilities upon which it depends may be resumed in the same location once the damage is repaired as long as Substantial Damage (as defined in Article 8) was not sustained by the structure and repairs are completed within 3 years.

### 28.62.050 Changes or Expansion of Legal Nonconforming Uses

The Commission (subject to right of appeal to the Council) may allow changes or expansions to legal non-conforming uses as set forth in this Section. Procedures adopted for Use Permits according to Article 5, shall be used, except that the findings set forth in this Section shall be made by the Commission prior to approval.

A. **Substitution of Use.** A legal nonconforming use may be changed to another non-conforming use of the same or less intensive nature.

B. **Structure Defining Use.** A structure occupied by a legal non-conforming use that has ceased or been abandoned according to this Section may be allowed to be used for the same or less intensive use if the structure or structures cannot feasibly be used for any use consistent with the zone district in which it is located.

C. **Increasing Intensity of Use.** A legal nonconforming use may be enlarged, expanded, or extended when such use (not the expansion of such use) is necessary due to economic market demands for the goods, products, or services provided.

D. **Time Limit Extensions.** The time limits specified in this Section may be extended if it is found that (1) unusual conditions exist, that could not otherwise have been foreseen, to warrant such an extension, and (2) not providing the extension would cause undue hardship on the operator of the use or their clients.

E. **Required Findings.** The Commission shall make all of the following findings regarding changes or expansions to legal nonconforming uses:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to public convenience or welfare.

2. The change or expansion of the nonconforming use will not have a negative impact on the surrounding conforming uses and the area overall.

3. Other property where the use would be conforming is unavailable, either physically or economically.

4. No other reasonable remedies are available to bring the use into conformance.
28.62.060 Legal Nonconforming Lots

Legal Nonconforming Lots are those lots legally created as defined in Article 8 under “Legal Lot” that do not conform to current lot area and/or dimension standards for the zones in which they are located. Nonconforming lots shall be subject to the following:

A. The uses allowed in the zone shall be allowed on a nonconforming lot.

B. Development standards for the zone in which the lot is located, including setbacks, shall be applied to all development on the lot.


Any structure for which the City has issued a building permit that is still in effect, or any conforming use or building which was legally under construction before the effective date of any ordinance rendering the structure or use nonconforming, may be completed and used according to approved plans, specifications or permits as follows:

A. For nonconforming uses, the use shall be commenced within six months of the effective date of the ordinance rendering such use nonconforming.

B. For nonconforming structures, the construction shall be commenced within six months and completed within two years of the effective date of the ordinance rendering such structure nonconforming.

28.62.080 Determination of Nonconforming Status—Burden of Proof

A. Non-Conforming Lots and Structures. Where the City asserts that:

1. An existing lot or structure is either (1) a legal nonconforming lot or structure and therefore subject to this section, or (2) that a lot or structure cannot be built upon or used because it did not conform to the codes in effect at the time it was created, the City shall have the burden of proof.

2. An existing legal non-conforming structure was “Substantially Damaged” (as defined by Article 8), and therefore should not be allowed to be repaired or rebuilt, the applicant/owner shall have the burden of proof that this is not the case.

B. Non-Conforming Uses. Where the City asserts that an existing use is:

1. A legal nonconforming use, and therefore subject to this section, the burden of proof shall be on the City.

2. No longer a legal non-conforming use pursuant to this Section, due to the termination of the use by either replacement or a lapse of time, the operator of the use shall have the burden of proof that their use did not terminate.
28.62.090 Public or Private Nuisance

Nothing contained within this Section shall be construed to allow a legal nonconforming use to be conducted in such a way as to constitute a public or private nuisance, or a danger to the public health and safety.
SECTION 28.63 – AMENDMENTS AND ZONE CHANGES

28.63.010 Content

This Section provides for amendments to this Ordinance by changing either its provisions or the zone district applicable to a parcel(s) through the respective text amendment or zone change application process.

28.63.020 Ordinance Amendment and Zone Change Process

A. Initiating Text Amendment. The text amendment process may be initiated by one of the following:

1. An applicant affected by the proposed text amendment may file an application with the Department (accompanied by a fee established by resolution of the Council);

2. The Director, upon signing a Determination Letter pursuant to Section 28.11, may seek to have the Determination reviewed and incorporated into the Zoning Ordinance, however the Director is hereby required to initiate such a text amendment within 90 days of distributing five Determination Letters pursuant to Article 7;

3. Resolution of Intention of the Council; or


B. Initiating Zone Amendment. A zone change application, affecting one or more zone districts applied to one or more parcels, may be initiated by one of the following:

1. The owner(s) of the property for which the zone change is sought.

2. Resolution of Intention of the Council; or


C. Text Considerations. Before amending the text of the Zoning Ordinance, consideration shall be paid to its organization, as described in Section 28.63.040, to ensure the new or amended language preserves or improves the integrity, readability, clarity and cross-referencing ability built into the document.

D. Commission Hearing. Once initiated, as provided for in Paragraph A or B above, and after the completion of the application requirements, environmental review, and noticing procedures as provided for in Section 28.51 (General Application Procedures), the Commission shall hold a public hearing on the request, and then
make a report of its findings and a recommendation to the Council. The Commission’s report shall include an environmental determination and a general plan conformity finding along with the reasons for their recommendation.

E. **Council Hearing.** Following the Commission hearing, the Council shall hold a public hearing on the request. The Council may approve, modify, or disapprove the recommendation of the Commission, in part or in whole, providing the Council finds that the proposed text or zone change amendment is consistent with the General Plan. Any substantial modification to the proposed request made by the Council that was not previously considered by the Commission shall be referred back to the Commission for further findings and recommendation on that specific modification.

F. **Effective Date.** A text or zone change amendment shall become effective on the 30th day following the adoption of an ordinance by the Council.

G. **Reconsideration.** No application for an amendment which is denied by the Council shall be reconsidered by the Commission or the Council within one year from the date it was previously considered by that body or the Council.

### 28.63.030 General Plan Amendments

Amendments to the General Plan hereinafter referred to as “Plan Amendments”, shall be processed in the same manner as amendments to this Ordinance in compliance with Government Code Section 65358, except that the Plan Amendments, if approved by the Council, shall be adopted by resolution rather than ordinance. A Plan Amendment shall become effective on the 30th day following the adoption of a resolution by the Council.

### 28.63.040 Zoning Ordinance Text Organization

This Ordinance is organized as follows:

A. **Ordinance Relationship to City Code.** This ordinance makes up one Chapter (Chapter 28 in this case) of the City of Alturas City Code. For easy referencing, all section numbers of the Ordinance start with the Chapter number “28”.

B. **Articles.** Articles are divided by subject as follows:

   **Article 1** describes the legal authority the City has to enact the Zoning Ordinance, its legal components (the text and the maps), and its relationship to superior documents that take precedence over its content, like the City’s General Plan. This Article also describes the overriding rules that apply to the entire Zoning Ordinance, like the rules of interpretation, severability, and hold harmless agreements.
Article 2 describes the Primary and Overlay Zones and their uses. If a new zone is proposed for the City, this is where it should be placed.

Article 3 describes in detail the Land Use Restrictions governing certain Land Uses as identified in the Land Use Matrix in Article 2.

**NOTE ON LAND USE RESTRICTIONS:** Any use type that is intended to be approved pursuant to an Administrative Permit must be included in the Land Use Restrictions, along with detailed operating and development standards that, if met, will allow the use to operate in the zone indicated. Any use type that cannot be standardized in this manner cannot be approved through the Administrative Permit’s ministerial process, and will require the authorization of a Use Permit.

Article 4 lists all the Site Planning and Development Standards that might apply to development projects within the City. As noted in the Overview, only the General Development Standards apply to single family residential projects, but all the standards apply to all commercial, industrial, high-density residential projects regardless of zone.

Article 5 describes planning application processing in general terms (applicable to all applications) and in specific terms based on application type. When new permits or permit processing requirements are added to the ordinance, this is where they should be placed. All new permits should utilize the general processing requirements provided by this Article to the greatest extent possible.

Article 6 addresses the administration of the Zoning Ordinance and its enforcement, including the rules relating to the treatment of lots, structures and uses that no longer conform to their zone due to the adoption of this ordinance or future changes made to it. Any amendment that impacts the administration and enforcement of this ordinance should be placed here.

Article 7 is used for holding Director and Planning Commission interpretations of the Ordinance until such time as the Ordinance can be amended to incorporate them directly. This should be done from time to time to ensure interpretations are administered consistently.

Article 8 contains the definition of terms used in this document, including the definition of all land use types. It is not intended to contain conditions of approval, just the definition of the term used.

C. **Section Numbers.** Understanding how sections are formatted and reserved is important to maintaining the organizational integrity of this document.

1. **Format.** Section numbers begin with the Chapter number (in the case of this ordinance that is always “28”, as noted in Subsection A). This number is
followed immediately by a period and then the article number where the section is to be found. The article number is then followed by a zero to start section number sequencing within the article. All section numbers then appear in sequence within the Article (unless a Section Number is being reserved for future use as noted below). Using this format ensures each section and Subsection of the ordinance has a unique and easily located reference number.

2. **Reservation of Sections.** Because the Zoning Ordinance internally references sections and Subsections throughout the document, adding new sections to the ordinance should be done without changing existing section numbers if at all possible. This can be difficult to do while trying to retain the organizational integrity of the document. To help accommodate new information and regulations, section numbers have been reserved in this document in two ways:

   a. **Outright Reservation.** Where a section is intended to be developed and adopted at a later date, a section number has been inserted and named, and then indicated as “RESERVED” under the Table of Content and the title page of the Article in which it appears.

   b. **Inferred Reservation.** Where it is likely that a section number may need to be inserted in the future between established section numbers due to the nature of the Article’s Content, some section numbers in the Article have been skipped to allow for this. See the section numbering for Section 28.52 for an example.

D. **Subsections.**

   1. **Format.** Subsection numbers are developed by adding a period to the end of the pertinent section number followed by a three digit code. The code sequence typically starts with “010” and continues in integrals of ten (example “020”, “030” and so forth until the end of the Section. This allows for inferred reservation of Subsections should additional information need to be added at a later date. Detailed information within a Subsection can be further broken down with Subsections starting with capital letters, then numbers, then small letters, all indented for clarity in reading.

   2. **Reservation of Subsections.** The standard format allows significant room for inferred reservation of Subsections. For example, should a new Subsection need to be added between existing Subsection “28.52.010” and 28.52.020” a number in between can be chosen. For instance, “28.52.015” can be used to keep the information in the desired sequence while still allowing for the inferred reservation of Subsection numbers before and after it.
SECTION 28.64 – CODE ENFORCEMENT

28.64.010 Content

This Section contains provisions to ensure compliance with the requirements of this Ordinance and any conditions of permit approval.

28.64.020 Conformance by City Officials

All departments, officials, and employees of the City that are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and all other ordinances and shall issue no permit or license for uses, buildings, or purposes where they would be in conflict with the provisions of this Ordinance.

28.64.030 Administration and Enforcement

It shall be the duty of the Director to administer the provisions of this Ordinance in compliance with City Code. The Director shall be aided in this enforcement responsibility by the officers and authorized representatives of the City agencies, departments, and offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this Ordinance.

28.64.040 Abatement of Nuisance and Penalty for Violation

Any structure erected, constructed, altered, enlarged, converted, moved, or maintained, or any land or structure that is used contrary to either the provisions of this Ordinance or any condition of approval imposed through discretionary authorization, shall be declared unlawful and be subject to the provisions of City Code. Any act or omission made unlawful under this Ordinance shall also include abetting, aiding, allowing, causing, or permitting the act or omission.

28.64.050 Subsequent Permits

A. Where a structure or use of a lot is not in compliance with the provisions of this Ordinance, no subsequent permit shall be issued by the City for any other structure or use on the same lot until such time as the illegal structure or use is brought into compliance or otherwise abated, except where such a permit would bring the illegal structure or use into compliance.

B. Where a non-permitted sign advertising a use, whether on the site of the use or on a different lot of land, is erected, constructed, or otherwise installed, the City shall
not issue any permit for the use which the sign is advertising and shall cease any processing of associated permit applications until such time as the sign is removed.

28.64.060 Remedies Cumulative

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

28.64.070 Investigation Fee

Upon determination that a violation of the provisions of this Ordinance has occurred, the property owner shall be liable for the costs incurred by City staff for investigation and enforcement, as set forth in the adopted fee resolution, as may be amended from time to time. Said costs shall be set as a lien against the property.
ARTICLE 7 – ZONING ORDINANCE INTERPRETATIONS

SECTION 28.70 – OVERVIEW
28.70.010  Content of Article and Applicability
28.70.020  Distribution and Filing of Determination Letters
28.70.030  Referencing Determination Letters
28.70.040  Automatic Consideration of Text Amendment

SECTION 28.71 – DIRECTOR DETERMINATION LETTERS
-FILED CHRONOLOGICALLY-

SECTION 28.71 – PLANNING COMMISSION DETERMINATION LETTERS
-FILED CHRONOLOGICALLY-
ARTICLE 7 – ZONING ORDINANCE INTERPRETATIONS

SECTION 28.70 – OVERVIEW

28.70.010 Content of Article and Applicability

This Article is a library of recent Director and Planning Commission Interpretations (aka Determination Letters) of the Zoning Ordinance made pursuant to Section 28.11. Over time, these decisions will be incorporated into the Zoning Ordinance’s main text and deleted from this Section following the procedure listed in Section 28.70.050. Until they are, they can be referenced here, and have the full force and effect of the Zoning Ordinance.

28.70.020 Distribution and Filing of Determination Letters

Once written and executed, Determination Letters are to be distributed to the City Council, Planning Commission, City Clerk and other City staff. The letters are also to be offered as part of any Zoning Ordinance sales. Determination Letters should be filed in this Article, in chronological order, behind the Section page for the appropriate decision making body.

28.70.030 Referencing Determination Letters

When needed, Determination letters may be referenced by the Section Number (28.71 for Director Determination Letters and 28.72 for Planning Commission Determination letters) and then by the date and title of the determination.

28.70.040 Automatic Consideration of Text Amendment

The placement of five Determination Letters in this Article shall cause the Director to initiate a review of all Determination Letters for inclusion in the Zoning Ordinance. Said review shall be presented to the Planning Commission in the form of a text amendment proposal within 90 days of the distribution of the fifth letter.

The amendment process shall then proceed as outlined in Section 28.63.020. Once action is taken by the City Council to either incorporate or dismiss the contents of the Determination Letter, the Letter shall be removed from this section and archived.
SECTION 28.71 – DIRECTOR DETERMINATION LETTERS

THE PAGES THAT FOLLOW ARE THE DETERMINATION LETTERS OF THE PLANNING DIRECTOR THAT HAVE NOT YET BEEN INCORPORATED INTO THE ZONING ORDINANCE.

NEITHER THE PLANNING COMMISSION NOR THE CITY COUNCIL IS BOUND BY THESE DETERMINATIONS.
SECTION 28.72 – PLANNING COMMISSION DETERMINATION LETTERS

THE PAGES THAT FOLLOW ARE THE DETERMINATION LETTERS OF THE PLANNING COMMISSION THAT HAVE NOT YET BEEN INCORPORATED INTO THE ZONING ORDINANCE.

THE CITY COUNCIL IS NOT BOUND BY THESE DETERMINATIONS.
ARTICLE 8 – DEFINITIONS

SECTION 28.80 – DEFINITIONS

28.80.010 Content
28.80.020 Notation
28.80.030 Specialized Terms and Phrases

28.80.010 Content

This Article contains definitions of terms and phrases used in this Zoning Ordinance that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Article conflict with definitions in other provision of the City Code, these definitions shall control only the provisions of this Zoning Ordinance. If a word is not defined in this Article, or in other provision of the City Code, the Director shall determine the correct definition, subject to appeal to the Commission, and, if requested, to the Council.

28.80.020 Notation

The capitalization of a word or phrase in this Ordinance, where the word or phrase does not begin a sentence, typically means that it is a specialized term or phase that is defined in this Article.

28.80.030 Specialized Terms and Phrases

Accessory Structures. See Structure, Accessory

Accessory Use. See Use, Accessory.

Adjacent. Physically touching or bordering upon; sharing a common property line.

Adult Business Establishment. (Commercial Use Type) For the purpose of this Ordinance, an Adult Business Establishment is a sexually oriented business whose primary purpose is the sale or display of matter that, because of its sexually explicit nature, may, pursuant to state law or local regulatory authority, be offered only to persons over the age of 18 years. (See Section 28.34.010 for detailed restrictions)

Adult Day Care. See “Day Care Facility”

Agricultural Equipment Storage. See “Storage Yards”
Agricultural Fencing. Fencing constructed of woven or mesh wire, barbed wire, electrified wire, board construction, and similar materials creating a barrier at least 50 percent open, as described in the California Food and Agricultural Code Section 17121 for the purpose of containing livestock and/or controlling predators.

Agricultural Product Processing. (Agricultural Use Type) The handling of agricultural products whereby the nature of the product is minimally changed or altered, such as making juices, jams, and sauces from fruit; cut and split firewood from trees; and meat from the slaughtering of animals (in the case of animal slaughter, the animals must be raised on the premises or on land in the vicinity under common ownership).

Agricultural Support Services. (Agricultural Use Type) Agriculturally related services, such as processing, packing, and storage of agricultural products; sales, rental, maintenance, and repair of farm machinery, equipment and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching (including livestock equipment); custom farming services; agriculturally-related building supply, agricultural waste handling and disposal services (not including waste processing – See “Composting”); and other similar related services. (See Section 28.32.010 for detailed restrictions)

Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry; and related accessory uses for packing, treating, or storing of produce or animal products that are secondary to normal on-site agricultural activities.

Alley. A right-of-way intended as a secondary access point to properties. Alleys tend to be of minimal width as they are not intended as regular transportation corridors for through traffic.

Animal Auction House/Yard. See Animal Sales and Service

Animal Enclosure. A fenced or secure area in which animals are allowed to wander loose and/or exercise. All animal enclosures intended to be used to secure animals that are unattended shall include a water source, feeding area, and an “Animal Shelter”. Size requirements for the Animal Enclosure depend upon the animal and are specified in Section 28.31.030 (Animal Categories), along with Animal Shelter requirements.

Animal, Exotic. Any bird, mammal, fish, amphibian, or reptile not normally domesticated in the state of California, as determined by the California Department of Fish and Game.

Animal Husbandry Project. (Agricultural Use Type) The raising of farm or game animals (such as cattle, horses, goats, sheep, hogs, chickens, rabbits, and birds), as a school, 4-H, Grange, or FFA project conducted by students through the twelfth grade and under the direct supervision of a qualified, responsible adult advisor or instructor. (See Section 28.31 for detailed restrictions)
Animal Kennel. See “Kennel, Private” or “Animal Sales and Service, Kennel, 
Commercial”.

Animal Raising and Keeping. (Agricultural Use Type) The keeping, feeding or raising of animals as a commercial agricultural venture, avocation, hobby or school project, including the processing of products or byproducts. (See Section 28.31 for detailed restrictions)

Animal Sales and Service. (Use Type varies, see below) Commercial establishments engaged in animal sales and/or animal-care services, where animals are likely to be on-site in cages or holding pens overnight or for a sustained period of time during the day. This use does not include stores selling pet products without live animals (See Retail Sales), or animal training centers that do not provide overnight holding facilities (See Specialized Education and Training). Animal Sales and Service does include:

Animal Auction Houses or Yards. (Agricultural Use Type) Large-scale, indoor or outdoor facilities used for short-term holding and sale of animals, typically livestock. (See Section 28.32.030 for detailed restrictions)

Animal Sales. (Commercial Use Type) The sale of dogs, cats, and other small animals typically kept as pets. Does not include livestock. Does not include pets raised on site where the number of pets does not fall under the definition of a Private Kennel. Typical establishments that have animal sales are pet stores. (See Section 28.34.020 for detailed restrictions)

Kennel, Commercial. (Commercial Use Type) Indoor and outdoor boarding of dogs, cats, and similar small animals not owned by the business owner. Includes training centers and veterinary services with overnight animal holding areas. Does not include Private Kennels (see Kennels, Private). (See Section 28.34.020 for detailed restrictions)

Pet Grooming. (Commercial Use Type) Bathing and grooming services for dogs and cats along with limited indoor boarding (only as required to hold the animal being groomed between drop-off and pick-up). No overnight boarding or outdoor boarding is permitted.

Veterinary Clinics. (Commercial Use Type) A fully enclosed veterinary facility providing acute and long-term medical care for household pets and other animals. A clinic may include facilities for indoor boarding and grooming of dogs, cats and other small animals and incidental sale of pet food and supplies. Does not include outdoor kennels (see Kennels, Commercial) or large animal enclosures unless specifically authorized by the zone.

Animal Shelter. A building, coop, or hutch (depending upon the size and habits of the animal) designed to shelter animals from rain, wind and snow. In the case of Small Animals, the shelter should also protect from predation.
**Antenna.** Any system of wires, poles, rods, parabolic antenna, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a building or structure. (See Section 28.36.010 for detailed restrictions)

**Apartment.** See “Dwelling, Multi-Family.”

**Appeal.** A formal request by the applicant, or another interested party, for the Decision Making Authority to reconsider and either uphold or overturn the decision of an earlier Decision Making Authority, in compliance with Section 28.52.090 (Appeals).

**Arbor.** See “Structure”.

**Automotive and Equipment.** (Commercial Use Type) Establishments that are primarily engaged in sales or service of automobiles, motor vehicles, trucks, small engines, or heavy equipment. The following are Automotive and Equipment use types:

- **Fuel Sales.** The retail sale of petroleum products and other motor vehicle fuels. Fuel Sales may be combined with uses such as “Restaurants” and “Retail Sales and Service” if those uses are otherwise allowed in the zone.

- **Paint and Body Shops.** The repair and painting of motor vehicle, aircraft, and similar vehicle bodies.

- **Repair and Maintenance, Large Equipment.** The repair and servicing of motor vehicles, construction equipment, farm machinery, aircraft, boats, automobile and heavy equipment repair garages, muffler shops, car stereo installation, car wash and detailing services. These uses do not include fuel sales (see “Fuel Sales,” above), or body repair and/or painting (see Paint and Body Shops, above).

- **Repair and Maintenance, Small Equipment.** The repair and servicing of small equipment typically used outside. This includes work on small engines such as chain saws, lawn mowers, and other gasoline powered gardening equipment. This does not include repair of equipment normally used within a building (See “Maintenance and Repair, Furniture and Appliance”).

- **Sales and Rental.** The sales or rental from the premises of automobiles, trucks, heavy construction equipment, motorcycles, recreational vehicles, trailers, farm machinery, aircraft, or boats, and may include sales of parts and repair services as an incidental use. Does not include maintenance, repair, bodywork, or painting.

- **Vehicle Storage.** The storage of operable vehicles, boats and trailers. Typical uses include recreational vehicle storage lots, fleet storage lots, impound lots, and construction vehicle storage areas. It also includes storage of vehicles incidental to a commercial use, such as delivery, taxicab, bus and towing services. This category does not include the long-term storage of inoperable vehicles (see Salvage and Wrecking Yard).
Wrecking/Dismantling Yard. See “Salvage and Wrecking Yard”.

Banks and Financial Services. (Commercial Use Type) Institutions such as banks, credit unions, lending institutions, trust companies, credit agencies, brokers and dealers in securities and commodity contracts, investment companies, vehicle finance agencies, and similar financial services.

Bars and Drinking Establishments. (Commercial Use Type) Establishments such as bars, taverns, pubs, stand-alone tasting rooms, and similar establishments where alcoholic beverages are sold and consumed on-site, where any food service is subordinate to the sale of alcoholic beverages. Uses may include indoor entertainment such as live music and dancing.

Bed and Breakfast Inns. See Lodging Facilities.

Business Support Services. (Commercial Use Type) Establishments providing other businesses with services associated with ongoing business operations. Typical uses include blueprinting, office equipment repair, computer services, small equipment rental (indoor), film processing, advertising services, and photocopying.

Cabana. See “Pool house”.

California Environmental Quality Act (CEQA). Those statutes set forth in the California Public Resources Code section 21000 et seq., and the “CEQA Guidelines” set forth in the California Code of Regulations (CCR), Ordinance 14, Section 15000 et seq.

Campground. (Recreation and Open Space Use Type) Any area or tract of land where one or more lots or campsites are rented or leased, or held out for rent or lease, to accommodate tents, trailers, and/or RV’s for transient occupancy (30 days or less). (See Section 28.37.010 for detailed restrictions)

Caretaker Unit. See “Housing, Commercial Caretaker”

Cemeteries. (Civic Use Type) Burial grounds, columbaria, and mausoleums. Does not include mortuaries or funeral homes (See “Funeral and Internment Services”).

Child Day Care Center. See “Day Care Facility”

Child Day Care Facility. See “Day Care Facility”

Child Day Care Home. See “Day Care Facility”

Churches. See “Community Assembly”

Clinic, Medical. See “Medical Services: Clinic”
Co-location. The placement of multiple antennae on a single structure, pole, or tower by different communication providers.

Commercial Caretaker Housing. See “Housing: Commercial Caretaker”.

Commercial Facility. Any structure, building, or property used primarily for the exchange or manufacture of goods and services.

Commercial Kitchen. A food preparation facility that is intended to provide food to the public, including customers, guests, or the general public, for on-site or off-site consumption, that complies with the California Health and Safety Code requirements.

Commercial Recreation. (Recreation and Open Space Use Type) Establishments engaged in providing recreation and entertainment activities for participants and spectators. This use may include secondary and incidental retail sales and food services. (See Section 28.37.020 for detailed restrictions)

The following are Commercial Recreation Use Types:

Arcade. Places open to the public where four or more coin operated amusement devices are installed, including establishments where the primary use is not devoted to the operation of such devices.

Indoor Entertainment. Predominantly spectator uses conducted within a building, typical uses include theaters, concert halls and dance halls.

Indoor Sports and Recreation. Predominantly participant sports and recreation activities conducted within a building, typical uses include bowling alleys, skating rinks, indoor racquetball courts, gymnasiums, indoor batting cages and sport courts, athletic and health clubs.

Large Amusement Complex. Theme park or similar complex which exceeds two acres in size and which includes outdoor amusement attractions such as mechanized or carnival rides or water slides.

Outdoor Entertainment. Predominantly spectator uses conducted outside of or partially within a building, typical uses include amphitheaters, sports arenas, race tracks, and zoos.

Outdoor Sports and Recreation. Commercially operated, predominantly participant sports and recreation activities conducted wholly or partially outside of a building, including, but not limited to golf courses, tennis courts, swimming pools, outdoor batting cages, shooting and archery ranges, ball fields, and sport courts and courses.
**Communication Facilities**. (Public Utility Use Type) Wireless communication facilities, not including home televisions and radio receiving antennas, satellite dishes, or communication facilities for community services provide by a government agency. *(See Section 28.36.010 for detailed restrictions)*

**Community Assembly**. (Civic Use Type) Facilities and activities typically carried on at public and quasi-public meeting areas, including but not limited to places of worship, public and private non-profit meeting halls and club facilities, and community centers. Does not include indoor or outdoor recreation facilities *(see Commercial Recreation)*. *(See Section 28.33.010 for detailed restrictions)*

**Community Care Facility**. (Residential Use Type) For the purpose of this Ordinance, Community Care Facility means any facility, place, or building that is maintained and operated to provide nonmedical, 24 hour residential care for children and/or adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. *It should be noted that this definition is for the convenience of zoning and controlling similar uses (noted below) and differs from the State’s definition pursuant to California Health and Safety Code (HSC) Section 1502(a) in that it does not include day treatment or day care, which is instead addressed in this Ordinance under “Day Care Facilities”, but does include “Residential Care Facilities for the Elderly” as it is a residential use type with similar impacts to other facilities providing 24 hour care. To increase the potential for siting these facilities, this Use Type is further divided into three categories based on the number of clients served: Commercial, Large Residential and Small Residential. *(See Section 28.38.010 for detailed restrictions)*

- **Commercial**. A Community Care Facility located in an area zoned for commercial or high-density residential that typically provides nonmedical residential care for more than 14 individuals.

- **Large Residential**. A Community Care Facility located in a residentially zoned area that provides nonmedical residential care for 7 to 14 individuals.

- **Small Residential**. A Community Care Facility located in a residentially zoned area that provides nonmedical residential care for 6 or fewer individuals.

**Community Services**. (Civic Use Type) Facilities and uses provided by public agencies for the community health, safety, and welfare. Community Services are divided into the following categories:

- **Intensive**. Services that may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, such as sheriff substations, fire stations, correctional facilities, and landfill transfer stations. *(See Section 28.33.020 for detailed restrictions)*
**Minor.** Services such as post offices, libraries, museums, cultural centers, living history facilities and government offices. *(See Section 28.33.020 for detailed restrictions)*

**Composting.** (Agricultural Use Type) The commercial processing of waste products into organic matter suitable for use as a soil amendment and offered for sale. Includes Vermiculture and all other methods of composting. Also includes packaging compost on-site for transport off-site. Does not include composting operations intended to provide compost for on-site propagation or personal use only.

**Concurrent Applications.** Multiple applications for the same project that are processed together, and reviewed and approved, or disapproved, by the same Decision Making Authority.

**Construction, Maintenance and Repair Services.** (Industrial Use Type) Establishments engaged in providing services relating to maintenance and support of off-site development, including, but not limited to construction, landscaping, pest control, professional painting, delivery, janitorial, pool, and security services. *(See Section 28.35.010 for detailed restrictions)*

**Cooking Facility.** Any area within a structure that contains all of the following: a gas or electric range, stove top and/or oven (not including a microwave oven), or a space designed to accommodate a range or stove top and oven; a refrigerator greater than five cubic feet in size; and a standard-sized kitchen sink.

**Corporation Yard.** See “Storage Yard”

**Coverage.** See “Lot Coverage”.

**Covenants, Conditions and Restrictions (CC&Rs).** A set of rules, covenants, or deed restrictions commonly called "CC&Rs," that governs the use of real estate, usually enforced by a homeowners’ association.

**Crop Production.** (Agricultural Use Type) Agricultural and horticultural uses including but not limited to production of grain, field crops, vegetables, fruits, nut trees, herbs, flowers and seed production, nursery stock and ornamental plant production (including those plants, trees, shrubs, and ground covers grown in containers, green houses, shade structures, under cover and in the ground), tree and sod farms. Also includes associated crop preparation and harvesting activities, including but not limited to mechanical soil preparation, irrigation system construction, and spraying. *(See Section 28.32.040 for detailed restrictions) Does not include on-site sales. (See “Produce Stand, Retail Sales”)*

**Day Care Facility** (Residential Use Type). For the purpose of this Ordinance, Day Care Facility means any facility, place or building that is maintained and operated to provide nonmedical care to individuals in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Clients may be either (1) children under 18 years of age, or (2)
adults 18 years and over. This differs from a Community Care Facility, in that clients do not live at a Day Care Facility, as stays are less than 24 hours in duration. *It should be noted that this definition is for the convenience of zoning and controlling similar uses, and differs from the State’s definition pursuant to California Health and Safety Code (HSC) Section 1596.750, which applies only to children.*

To increase the potential for siting these facilities, this use type is further divided into three categories based on the number of clients served: Commercial, Large Residential and Small Residential. The placement of this use is controlled by the Use Matrices in Article 2.

**Commercial.** A Day Care Facility located in an area zoned for commercial or high-density residential that typically provides nonmedical day care services and programs for more than 14 individuals.

**Large Residential.** A Day Care Facility located in a residentially zoned area that provides nonmedical day care services and programs for 7 to 14 individuals.

**Small Residential.** A Day Care Facility located in a residentially zoned area that provides nonmedical day care services and programs for 6 or fewer individuals.

**Density.** The number of dwelling units per net acre of land.

**Drive-through Business.** Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle.

**Dwelling.** (Residential Use Type) A building or portion thereof used exclusively for residential purposes that constitutes an independent living unit, that has interconnected sleeping, eating, and sanitation facilities, but not more than one Cooking Facility (aka: kitchen); and is occupied or intended for use by one household on a long-term basis of more than 30 days. Dwellings may be structures, or modular or mobile units placed on a foundation. Types of dwelling units are further defined as follows:

**Multi-Family.** A structure, or a series of structures, located on a single Legal Lot, designed and intended for occupancy by two or more households living independently of each other, each in a separate dwelling, that may be owned individually or by a single landlord. This use includes apartments, duplexes, triplexes, and condominiums. This use does not include a “Secondary Dwelling.”

**Secondary.** A dwelling unit, either attached or detached to a Single-Family Dwelling, that meets the requirements of Section 28.38.040: Secondary Dwellings.

**Single-Family.** A structure designed exclusively for occupancy by one household and intended as the primary Dwelling on a Legal Lot. This Land Use includes both attached and detached dwelling units as defined below:

**Attached.** Single-Family Dwellings attached together where one or more walls, extending from foundation to roof, separate one Dwelling from the
other, and where each Dwelling is located on its own Legal Lot. This use includes townhouses and row houses.

**Detached.** Single-Family Dwellings not attached to any other residential unit. This use includes mobile homes and modular units when they are placed on permanent foundations.

**Equipment and Material Storage Yard.** See “Storage Yard”

**Equivalent Occupancy.** The number of persons that can occupy a building or use where fixed seating does not exist.

**Exotic Animals.** See “Animals, Exotic”

**Farm Machinery and Equipment, Sales & Maintenance.** See “Automotive and Equipment”

**Farmers’ Market.** (Commercial Use Type) The temporary use of an off-site location for the sale of food and farm produce, nursery plants and flowers, and handicrafts by multiple vendors that is usually conducted from parked vehicles or accessory display tables. (See Section 28.34.070 for additional restrictions)

**Floor Area.** See “Gross Floor Area”.

**Food and Beverage Retail Sales.** (Commercial Use Type) Establishments primarily engaged in the retail sale of food and beverages for off-site consumption. Typical uses include grocery stores, liquor stores, and specialty food stores.

**Food Distribution Center, Free.** (Civic Use Type) Establishments primarily engaged in collecting and distributing free food to those in need. Use includes the short-term warehousing and presorting of food stuffs, including perishable items, but does not include the preparation of food or areas for on-site consumption of food by customers.

**Four H (4H) Project.** See “Animal Husbandry Project”.

**Funeral and Internment Services.** (Commercial Use Type) Establishments engaged in providing services involving the care, preparation or disposition of human remains. Typical uses include funeral parlors, crematories, and mortuaries, but do not include cemeteries.

**Garage.** Fully enclosed parking space for storage of motor vehicles.

**Grazing.** See Animal Raising and Keeping.

**Gross Floor Area.** (GFA) The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of the walls, including basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet, six inches or more; penthouses; interior balconies; and
mezzanines. For the purpose of measurement of residential floor area, gross floor area shall be exclusive of any garage or carport.

**Gross Acreage.** Acreage calculation that includes the entire site or project area, including road easements.

**Guest House.** (Residential Use Type) An accessory residential structure intended for the temporary and occasional housing of a visitor(s) to the primary residents that does not contain a Cooking Facility. *(See Section 28.38.060 for detailed restrictions)*

**Heavy Equipment Storage.** See “Storage Yards”

**Historic Structure.** See “Structure: Historic”.

**Home Occupation.** (Residential Use Type) A business operated out of a residential dwelling or accessory structure or outdoors on the residential lot, by a resident of the premises, and that is compatible with surrounding residential and/or agricultural uses. Home occupations may include, but are not limited to, work performed by telephone, mail, or by Internet, or appointment; home offices; small scale production and repair; handicrafts; parts assembly; or work or craft that is the activity of creative artists, music teachers, academic tutors, trainers, or similar instructors. *(See Section 28.38.050 for detailed restrictions)*

**Hospital.** See “Medical Services: Hospital”

**Housing, Commercial Caretaker.** (Residential Use Type) A permanent or temporary dwelling unit used for caretakers employed on the site of a non-residential use where 24-hour security or monitoring of facilities or equipment is necessary. *(See Section 28.38.080 for detailed restrictions)*

**Housing, Guest.** See “Guest House”

**Housing, Transitional** (Residential Use Type) A dwelling unit or building used for temporary housing for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing differs from an “emergency shelter” in that it includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible (U.S. Department of Housing and Urban Development, HSC 50801). *(See Section 28.38.090 for detailed restrictions)*

**Industrial, General.** (Industrial Use Type) Manufacturing, processing, assembling, or fabricating from raw materials to include, but not limited to, any use involving an incinerator, blast furnace, or similar industrial process or any industrial process conducted wholly or partially outdoors. Examples include lumber mills, batch plants, truss manufacturing, co-generation plants, food and byproducts processing plants, and textile mills. *(See Section 28.35.010 for detailed restrictions)*

**Junkyard.** See “Salvage and Wrecking Yard”.
Kennel, Commercial. See “Animal Sales and Service”.

Kennel, Private. (Residential Use Type) The keeping of more than four domestic dogs or more than six domestic cats of at least six months of age on a residential lot with an occupied Dwelling, where all animals are owned by the residents of the Dwelling. (See Section 28.31 and Section 28.34.020 for detailed restrictions)

Land Use Type. See “Use Type”

Laundries, Commercial. (Commercial Use Type) Establishments engaged in high volume laundry and garment services, not including self-service laundries. Typical uses include garment pressing and dry cleaning, linen supply, diaper service, industrial laundries, and carpet and upholstery cleaners.

Laundries, Self-Service. (Commercial Use Type) A business that provides home-type washing, drying, or ironing machines for hire, to be used by customers on the premises.

Legal Lot. A lot which was created or adjusted prior to March 4, 1972; or created by gift deed or grant deed between the dates of March 4, 1972 and October 10, 1983 where fewer than 5 parcels were created by the same owner from the original lot; or resulting from a division which created lots 40 acres or larger or not less than a quarter of a quarter section after March 4, 1972 but prior to January 7, 1992 where fewer than 5 parcels were created by the same owner from the original lot; or a Final or Parcel Map remainder created prior to January 1, 1980; or created in violation of the Subdivision Map Act or local ordinance and subsequently issued any permit or grant of approval for development; or created through a properly recorded Parcel Map or Final Map; or created through a City lot line adjustment; or where a certificate of compliance has been recorded. Such a lot is deemed a Legal Lot for development purposes. NOTE: A lot defined by an Assessor Parcel Number is not a Legal Lot for development purposes unless it meets the above definition.

Light Manufacturing. (Industrial Use Type) The manufacture, assembly, or packaging of products from previously prepared materials, such as cloth, plastic, paper, ceramic, metals, pre-cut wood, and wood products. It does not include saw and planning mill operations or manufacturing uses involving primary production of wood, metal, or chemical products from raw materials (See “Industrial, General”). It includes, but is not limited to electronics and computer component assembly and cabinetmaking; and can include small-scale, artisanal production of goods, such as soap, cheese, hand-loomed textiles, and garments. (See Section 28.35.010 for detailed restrictions)

Lodging Facilities. (Commercial Use Type) Establishments primarily engaged in the provision of commercial lodging on a transient basis (30 days or less) to the general public. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests. For commercial lodging in excess of 30 days, see “Rooming House”. Types of Lodging Facilities are further defined as follows:
Bed and Breakfast Inn. Any residence that provides guest rooms without individual cooking facilities for paying guests on a transient (less than 30 days) basis, where the Inn’s manager resides on-site in either the Primary or a Secondary Dwelling. (See Section 28.34.040 for detailed restrictions)

Health Resort and Retreat Center. Establishments engaged in recreational, educational, therapeutic, and similar activities, with day use or overnight facilities to serve the guests. The use differs from Commercial Recreation by being focused on self-improvement in a natural setting, although indoor facilities such as conference rooms, lodging, and dining facilities for the guests may be included. It includes, but is not limited to conference, retreat, or outdoor education centers, and health spas. (See Section 28.34.050 for detailed restrictions)

Hotels and Motels. Commercial lodging facilities that provide guest rooms to paying guests without individual kitchen facilities and do not otherwise qualify as a Bed and Breakfast Inn.

Long-Term Care Facility. See “Medical Services: Long-Term Care Facility”

Lot. See “Legal Lot”

Lot Area. The measurement of the area formed within all property lines of a lot.

Lot, Corner. A lot abutting the intersection of two or more road easements or rights-of-way.

Lot Coverage. A calculation of the area covered by all structures on a lot divided by the lot area. All coverage calculations shall include the area of a site covered by buildings or roofed areas, excluding projecting eaves, balconies, and similar allowed features.

Lot Depth. The average horizontal distance between the front and rear property lines.

Lot, Flag. A Lot with less frontage on a road easement or right-of-way than is normally required under the development standards for the zone and where the “flag pole” portion of the lot is used as an access corridor.

Lot, Standard. A lot having its full front yard adjoining a road easement.

Lot, Through. A lot having its front and rear yards adjoining a road easement or right-of-way.

Lot Width. The horizontal distance measured between the side lot lines as described in Section 28.41.030.B (Measurement of Lot Width).

Lot Lines, Front. All property lines adjoining a road easement or right-of-way shall be treated as Front Lot Lines for setback purposes.
**Lot Lines, Rear.** The lot line not intersecting a Front Lot Line that is most distant from and most closely parallel to the front lot line. For lots with more than one Front Lot Line, no lot line shall be designated a rear lot line.

**Lot Lines, Side.** Any lot line not a front or rear lot line.

**Lot, Minimum Size.** Minimum acreage or square footage of a lot required for its zone. See “Lot Area”.

**Maintenance and Repair, Furniture and Appliance.** (Commercial Use Type) All uses that provide maintenance and repair of furniture, appliances, and equipment normally used within a building. Typical uses include sewing machine, refrigerator, and upholstery repair.

**Maintenance and Repair, Light Equipment.** See “Automotive and Equipment: Repair and Maintenance.”

**Maintenance and Repair, Real Estate.** See “Construction, Maintenance and Repair”.

**Manufactured Homes.** A structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purpose of this Ordinance, a “Manufactured Home” is not a “Mobile Home” or a “Recreational Vehicle”.

**Manufactured Home Parks.** See “Mobile/Manufactured Home Park”

**Manufacturing, Light.** See “Light Manufacturing”

**Medical Office.** See “Offices, Medical”

**Medical Services.** (Commercial Use Type) Facilities that primarily provide medical or health care services, but do not include “Medical Offices.” Medical Use types are further defined as follows:

- **Hospital.** Facility that provides in-patient and out-patient medical, surgical, diagnostic, psychiatric, and emergency medical services. It includes, but is not limited to accessory out-patient radiology, laboratory, therapy and training, and pharmaceutical services.

- **Clinic.** Facility that provides any combination of out-patient medical, diagnostic and minor emergency services; that may be open before, during and after typical medical office hours; and that generally accommodates walk-in patients. Clinics differ from Hospitals in that they do not provide in-patient services. Clinics differ
from Medical Offices in both their potential for extended hours and in their focus on the treatment of all ill or injured patients rather than in the preventative, long-term care of a select cliental.

**Long Term Care Facility.** Facilities that provide 24 hour supervised care, including medical care, serving seven or more persons. Typical uses include skilled nursing facilities, and extended and intermediate care facilities licensed by the State Department of Health Services.

**Medical Office.** See “Offices, Medical”.

**Mixed Use Development.** Properties on which various uses (such as office, commercial, institutional, and residential) are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

**Mobile Homes.** A structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purpose of this Ordinance, a “Mobile Home” is not a “Manufactured Home” or a “Recreational Vehicle”.

**Mobile/Manufactured Home Park.** (Residential Use Type) Any site that is improved to accommodate two or more mobile or manufactured homes used for residential purposes, on which the underlying land is rented or leased. This term excludes a single-unit residential lot on which a mobile/manufactured home is placed as a primary dwelling and/or secondary dwelling. It includes sites that were converted from rental or lease to a subdivision, cooperative, or condominium complex. *(See Section 28.38.100 for detailed restrictions)*

**Mobile/Manufactured Home Sales Lots.** (Commercial Use Type) Retail sales establishments providing outdoor display of mobile or manufactured homes for sale to the public.

**Model Home.** A Dwelling in a residential subdivision open for view to prospective buyers as a marketing tool for similar floor plan(s) within the development. Said model home may or may not be furnished and decorated.

**Monopole.** A structure of single pole (non-lattice) design erected on the ground to support telecommunications antennae and connection appurtenances.

**Mortuary.** See “Funeral and Internment Services”

**Net Acreage.** The remaining area within a development lot or subdivision after deleting all portions for proposed and existing public roadways.
**Nuisance.** Any use or structure which is injurious to health and safety, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal, or basin or any public park, square, street, or highway. For the purpose of enforcement of the provisions of this Ordinance, the Director or his designee, subject to appeal, shall make the determination whether a use constitutes a nuisance as defined herein.

**Nursery, Plants.** (Use Type varies, see below)

**Wholesale.** (Agricultural Use Type) A type of “Crop Production”. Production of all types of nursery stock and ornamental plants with no accessory sales of non-plant products. *(See “Crop Production”)*

**Retail.** (Commercial Use Type) Commercial establishments primarily engaged in buying, growing, displaying and selling containerized and non-containerized nursery stock to the general public. Sales may also include garden accessories, garden equipment, and garden or landscaping supplies. Such nursery operations may involve the application of fertilizers, pesticides, herbicides, as well as other appropriate agricultural practices.

**Off-Highway or Off-Road Vehicle Recreation Area.** (Recreation and Open Space Use Type) This is an “Outdoor Sports and Recreation” Land Use, and includes any area where motorized vehicles are driven for commercial recreational use or for competitive speed or skill events, of which all or a portion of the vehicular use is conducted outside of road easements or public rights-of-way. *(See Section 28.37.020 for detailed restrictions)*

**Offices.** (Commercial Use Type)

**Medical.** Establishments engaged in providing out-patient personal health services including prevention, diagnosis, treatment, or rehabilitation by health professionals. Typical uses include, but are not limited to, offices for physicians, dentists, physical therapists, chiropractors, and medical or dental laboratories.

**Professional.** Establishments engaged in providing services such as accounting and bookkeeping services, advertising agencies, architectural and engineering services, attorneys, data processing and computer services, secretarial services, administrative offices, insurance agencies, real estate agencies, public relations, and consulting firms, photography and commercial art studios, telecommuting centers, and writers’ offices.

**Open Space.** Any lot or area of land or water that is devoted to the preservation of a public resource, including, but not limited to: natural resources, the managed production of resources, historic resources, archeological finds, outdoor recreation, and/or public health and safety.

**Outdoor Retail Sales.** *(See “Retail Sales and Service – Outdoor”).*

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**Packing.** See “Wholesale Packing, Storage and Distribution” and “Agricultural Product Processing”.

**Panel Antenna.** Flat, conical or round surface receiving and/or transmitting device typically covering one of three 120-degree sectors, and used to concentrate a radio signal into or from that sector.

**Parking Lot.** (Commercial Use Type) Publicly and privately owned and operated areas available for general public use for the parking of motor vehicles including park and ride lots, leased parking, and hourly or daily parking.

**Parks.** (Recreation and Open Space Use Type) Publicly owned areas dedicated and used for passive and active recreation by the general public. Typical uses are playgrounds, ball fields, and picnic areas. Parks are divided in the following categories:

- **Day Use.** Parks intended for use only during daylight hours.

- **Night Use.** Parks designed and intended for activities to be carried on after sunset, such as lighted ball fields and tennis courts. Does not include overnight stays (see *Campground and Recreational Vehicle Park*).

**Personal Services.** (Commercial Use Type) Establishments engaged in providing services relating to personal improvement or appearance, such as barber shops, beauty salons, therapeutic massage parlors, tailors, shoe repair shops, self-service laundries, and dry cleaners.

**Picnic Area.** Areas providing picnic tables and other facilities for outdoor eating, either as a primary use or accessory to other use types. See “Parks: Day Use”

**Pool House (or Cabana).** A residential accessory structure associated with a private swimming pool, containing changing area(s) and restroom facilities, but which does not contain sleeping quarters or cooking facilities, and is not intended for permanent occupancy.

**Printing and Publishing.** (Industrial Use Type) Establishments engaged in printing by letterpress, lithography, engraving, screen, offset or similar process, but not including xerographic copying and other “quick printing” services. It also includes the publishing of newspapers, books, and periodicals where the printing is done on the premises.

**Produce Stand, Retail Sales.** (Residential Use Type/Home Occupation) Producer owned and operated facility for the sale of produce grown on the same site or as part of a shared multi-farm operation. (See Section 28.38.070 for detailed restrictions.)

**Product Processing.** See “Agricultural Product Processing”, “Light Manufacturing” or “Industrial, General”.

**Public Assembly.** See “Community Assembly”. 
Public Utility Infrastructure. (Civic Use Type) Infrastructure necessary to support public distribution or access to Public Utility Service Facilities (see Section 28.36.020 for detailed restrictions). This Use Type is divided into two categories:

Major. Public utility towers and structures supporting power lines of 50 kilovolts (kV) potential and greater, trunk telephone lines and supporting structures, sewer and water lines of 12 inches or more inside diameter, natural gas pipe of six inches or more inside diameter, sewer and water lift stations, telephone equipment buildings, natural gas storage and distribution facilities, and geothermal energy distribution systems.

Minor. Service facilities such as water, sewer, gas pipelines, and pump stations; telephone and electrical distribution lines 12 kilovolts (kV) or less; and drainage facilities.

Public Utility Service Facilities. (Civic Use Type) Facilities that provide the community with power, water, sewage disposal, telecommunications, and similar services, where said services have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials. Examples include: electrical receiving facilities or substations, sewage treatment facilities, and power generating facilities. This Use Type does not include Public Utility Infrastructure.

Recreation Facilities. See “Commercial Recreation”.

Recreational Vehicle. As defined by California Health and Safety Code Section 18010, a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational or emergency occupancy with a living area of 320 square feet or less and bearing the state or federal insignia of approval for recreational vehicles.

Recreational Vehicle Park. (Recreation and Open Space Use Type) A Campground that specializes in catering to Recreational Vehicles. May be part of a Mobilehome Park. (See “Campground”, also see Section 28.37.010 for detailed restrictions)

Recycling Facilities. (Industrial Use Type) Establishments primarily engaged in the collection and redistribution of post-consumer materials that are no longer useful for their originally intended purpose. Differs from “Salvage and Wrecking Yards” in that materials are not stored for long periods or dismantled to recover reusable parts before crushing and processing for transport. Instead, incoming materials are immediately reduced in size, as needed to prepare them for transport to facilities where they can be processed into new products.

Residential Care Facility for the Elderly. See “Community Care Facility, Residential Care Facility for the Elderly”

Restaurant. (Commercial Use Type) Establishments engaged in the sale of prepared food and beverages for on-premise or off-premise consumption. A Restaurant differs from a
Bar and Drinking Establishment in that the sale of alcoholic beverages is secondary to the sale of prepared food. Typical uses include full-service restaurants, fast-food restaurants, sandwich shops, ice cream parlors, pizza parlors, and mobile restaurants. Restaurants are divided into the following categories for Land Use purposes:

**With Drive-through.** Restaurants which contain one or more drive-up windows for the convenience of motorists, and may or may not contain seating. *(see Section 28.34.060 for detailed restrictions)*

**Without Drive-through.** Restaurants where food and beverages are ordered and served at a table or walk-up counter only.

**Mobile Restaurants.** Restaurants whose food preparation facilities are contained in a mobile unit (including a truck, van or cart). *(see Section 28.34.060 for detailed restrictions)*

**Retail Sales.** (Commercial Use Type) Establishments engaged in the sale of new or used goods and merchandise, excluding Animal Sales, Fuel Sales, Automotive and Equipment Sales, and Food and Beverage Retail Sales. Retail Sales are divided into the following categories:

- **Indoor.** Those retail sales establishments where merchandise is displayed and sales are conducted entirely within a building. Typical sales uses include hardware, auto parts, pharmaceuticals, housewares, furniture, and sporting goods.

- **Outdoor, Permanent.** Those retail sales establishments where a significant amount of merchandise is displayed and sales are conducted entirely or partially outside of a building, such as landscape materials, lumber and construction material, mobile/manufactured home sales lots, and plant nursery sales. Does not include automobile or heavy equipment sales. *(See "Automotive and Equipment, Sales and Rental")*

- **Outdoor, Temporary.** The retail sales of merchandise displayed outside of a building or structure on a specified, temporary basis. Typical uses include sidewalk or parking lot sales, Christmas tree and other seasonal sales lots, Farmer’s Markets, craft fairs and flea markets.

**Riding Stables.** *See “Stables and Equestrian Facilities”*

**Roads.** As used in this Ordinance, roads shall be categorized as follows:

- **Easement.** A grant by the property owner of the use of his/her property to another person, the general public, or an entity such as a homeowner’s association for transit, access, or egress purposes where legal Ordinance to the underlying land is retained by the property owner for all other purposes. A "prescriptive easement" can be claimed after continuous and open use by the non-owner against the rights of the property owner for a period of five years.
Right-of-Way. A strip of land acquired by fee Ordinance or easement that is occupied or intended to be occupied by certain transportation and/or public use facilities, such as roadways, walkways, trails, railroads, and/or utility lines, whether or not the entire area is actually used for such purpose(s).

Rooming House. (Residential Use Type) In a Residential Zone, this is a Single Family Dwelling where two or more individual bedrooms are rented out by the property owner or manager in residence, for a period exceeding 30 days, whether or not meals are provided, provided that no resident thereof requires any element of care. In a Commercial Zone, this use may be located on an upper floor of a commercial structure used as a living unit. (Where care is needed, see Community Care Facility or Medical Services: Long-Term Care Facility)

Salvage and Wrecking Yards. (Industrial Use Type) Establishments engaged in the storage and dismantling of inoperable automobiles and other vehicles, equipment, machinery, or appliances; and the storage, sale, or dumping of recovered material and parts. Differs from Recycling Facilities in that the inoperable products may be stored on site indefinitely (typically outdoors), and parts taken from the inoperable products may be resold rather than reduced to their component materials and remanufactured into new products.

Schools, Private or Public. (Civic Use Type) Educational facilities and institutions including classrooms and associated administration offices, as well as playgrounds and assembly areas where required. Includes elementary and secondary schools (which include pre-schools and HeadStart programs). See also “Specialized Education and Training” and “Trade Schools”.

Secondary Dwelling. See “Dwelling, Secondary”.

Self Storage (aka: Mini-storage). See “Storage, Self”

Senior Housing. See “Community Care Facility”

Setbacks. The distance a building or structure must be from a property line. (See Section 28.41.040: Setbacks)

Shade Structure. Awnings, arbors, gazebos, and similar structures used to provide shade, either attached to another structure or free-standing. See “Structure, Arbor”.

Sign. A structure or device designed or intended to convey information to the public or to identify or direct attention to a business, profession, commodity, service, event or entertainment venue in written or pictorial form. Signs are categorized first by their permanence, then by their location, and finally by the type of support they use. Sign categories include the following:
**Free-standing.** A sign supported by one or more poles, columns, or braces placed in or on the ground and not attached to any building or structure. These signs include:

**Monument Signs.** A Free-standing sign placed upon a monument made of stone, masonry, or similar material and where such monument is not an integral part of a building or wall.

**Pole Signs.** A Free-standing sign placed upon a pole (typically 10 to 20 feet high) to increase the visibility of the sign. A pole sign is often used next to roadways with fast-moving traffic to enable drivers to read the sign from greater distances, or where the face of a Monument sign might be obscured by trees or tall shrubs.

**Off-premises.** A sign that advertises a use, product, or service conducted or available at a location other than the lot on which the sign is located, or that otherwise conveys information unrelated to an authorized activity on the lot on which the sign is located.

**Portable.** A sign not permanently affixed to the ground or to a building. These include:

**Real Estate Signs.** Signs use to advertise the sale of real property.

**Sandwich Board Signs.** A single- or double-faced sign intended to be placed on the ground or carried by a person or animal.

**Vehicle Signs.** Any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a use, product, or service when that vehicle is so parked as to attract the attention of the motoring or pedestrian public.

**Projecting.** A sign that is attached to and projects more than six inches from the wall or face of a building or structure. They are particularly helpful for sites with a high degree of pedestrian traffic and where the view of the primary wall sign may be limited from the sidewalk.

**Roof.** A sign erected upon or attached to a roof or roof eave and extending above any portion of the roof.

**Temporary.** A sign intended for use for a limited period of time, including banners, balloons (including large tethered balloon figures), flags, pennants, wind-jammers, search lights, and similar eye-catching devices, whether or not they include text.

**Wall.** A sign that is attached to (including being painted onto) the wall of a building. These typically lie flat along the face of a wall.
**Single Family Dwelling.** See “Dwelling, Single Family”.

**Slope.** The land gradient described as the vertical rise divided by the horizontal run and expressed in percent.

**Special Events.** (Recreation and Open Space Use Type) Temporary events that are usually held outdoors such as auctions, carnivals, rodeos, concerts, and religious revival meetings.

**Specialized Education and Training.** (Civic Use Type) Private establishments providing training or education programs where all activities are typically carried on inside a building, such as vocational schools, drama, dance or music studios, language schools, computer training centers, animal training centers (without overnight holding facilities), and similar non-industrial type uses. Includes “TEACH” educational programs, some of which involve incidental retail sale establishments primarily intended to provide retail experience to TEACH students. *(See also “Schools”).*

**Stables and Equestrian Facilities.** Stables are divided into the following categories:

- **Private.** (Accessory or Secondary Use to a Residential or Agricultural Use Type) A facility that is used for the shelter, breeding and raising of horses and other domestic farm animals for the exclusive use of the property owner or occupant. This category also includes the boarding and training of horses and other Large Animals as a Home Occupation *(see Section 28.37.030 for detailed restrictions).*

- **Public.** (Recreation and Open Space Use Type) Facility for keeping horses available to the public for hire. This may also include larger facilities that specialize in breeding and raising of horses, and equestrian training, exhibitions, and boarding; and their accessory structures, such as arenas, spectator stands, and training facilities. Commercial stables do not include the keeping or breeding of horses for personal use, training, or horse boarding consistent with a home occupation. *(See Section 28.37.030 for detailed restrictions.)*

**Staging Area.** See “Storage Yards: Equipment and Material – Temporary”

**Start of Construction.** The date the building permit was issued, provided the actual construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. For the purposes of floodplain management, permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main
Structure. For other purposes, permanent construction shall include all of the above activities.

Storage, Self. (Industrial Use Type) A building or group of buildings in a controlled access or fenced compound that contains varying sizes of individual, compartmentalized, and controlled access units, stalls, or lockers for the storage of lessees’ goods or wares. Does not include outdoor storage of any type.

Storage Yards: Equipment and Material. (Industrial Use Type) All uses related to outdoor storage of operable equipment and useable materials including large construction equipment or farm machinery, construction materials, and materials produced or constructed on-site for off-site sales and/or delivery. Parking lots accommodating the personal vehicles of employees or visitors to the site are not included in this definition, nor is the outdoor display of retail goods (see Retail Sales, Outdoor) or automobile storage (see Automotive and Equipment, Vehicle Storage). Equipment and Material Storage Yards are divided into the following categories:

- **Permanent.** Those storage yards that are intended to be used on a permanent or long-term basis including, but not limited to, contractor’s storage yard(s), corporation yards, and incidental outside storage associated with manufacturing, farming, or ranching. (see Section 28.35.010 for detailed restrictions)

- **Temporary.** Those storage yards that serve a single construction project and which shall be removed after a specified period of time. (aka “Staging Area”, see Section 28.35.020 for detailed restrictions)

Structure. Something built or erected from multiple parts, such as a building, bridge, framework, or other object, and is 30 inches or greater in height at its tallest point, as measured from the finished grade directly below said point. Specific types of structures are further defined as follows:

- **Accessory.** A building detached from and customarily associated with the primary building on the same lot. In this instance, “detached” shall mean not sharing a common wall with any portion of the primary building. For example, a breezeway connecting two buildings does not create a shared common wall between them; therefore the buildings are considered detached from each other. (See Article 4, Section 28.40: Accessory Uses and Structures)

- **Agricultural.** (Development Standards) Any structure associated with agricultural activities on a lot including, but not limited to barns, stables, and animal shelters; and storage facilities for animal feed, farm machinery, and chemicals, and not intended for human habitation, a place of employment or public assembly.

- **Arbor.** An open structure that provides a covered shade area without having a solid roof. Often used to support vegetation and/or as an entry statement to a garden or yard.
**Article 8**  

**Definitions**

**Building.** A structure having a roof supported by columns or by walls, and designed for the shelter or housing of any person, animal, use, or personal property.

**Historic.** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Downtown Historic District or a district preliminarily determined by the Secretary to qualify as a registered Downtown Historic District; or

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on the City inventory of historic places, if and when a historic preservation program has been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

**Trellis.** A vertical framework for the support of climbing vegetation that differs from an arbor in that it does not provide a covered area.

**Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

**Substantial Improvement.** Any repair, reconstruction, or improvement to a structure, the cost of which exceeds 50 percent of the market value of the structure, before the “Start Of Construction” of the improvement. This term includes structures which have incurred “Substantial Damage” regardless of the actual repair work performed. The term does not include any alteration of a “Historic Structure” provided the alteration will not preclude the structure’s continued designation as a Historic Structure.

**Tandem Parking.** Two or more parking spaces aligned end to end so that a vehicle occupying one space must move to access the second space.

**Tower, Communications.** A free-standing lattice work structure, pole, monopole, or guyed tower used to support antennae. *(See Section 28.36.010 for restrictions.)*

**Trade Schools.** (Civic Use Type) Private establishments providing vocational training or education programs of an industrial nature where activities can be
carried on inside or outside of a building. Typical uses include, but are not limited
to training in auto repair, welding, or truck driving. (See also “Schools”)

**Trailer Park.** See “Campground” or “Mobile Home Park”

**Transient Lodging Facility.** A commercial Lodging Facility where guests stay no
more than 30 consecutive days. For commercial lodging in excess of 30 days, see
“Rooming House”.

**Transitional Housing.** See Housing, Transitional

**Trellis.** See “Structure”.

**Use, Accessory.** A Land Use customarily associated with and/or necessary for the
operation of a Primary or Secondary Use. For instance, on a residential lot, the dwelling is
intended to be the dominant (aka “Primary”) use on the property, but it is customary to
have an outdoor space or play area available for use by the residents of the dwelling. This
outdoor gathering space would be considered an “accessory use” of the property.

**Use, Primary.** The main Land Use a property is put to. To be a “Primary Use”, the use must
donate the lot. For instance, on a residential lot the Primary Use is intended to be one or
more dwelling units. It is possible to have more than one Primary Use on a property if no
one use is dominant.

**Use, Secondary.** A Land Use that is not related to the Primary Use a property is put to, but
is still a large part of the activity of a lot. A Secondary Use is often a business use. For
instance, a property that has a residential structure that houses a family, but which also has a
large, but not dominant, part of the lot taken up with a business involving the splitting and
storage of wood for sale to the public, would be considered to have an “Agricultural Product
Processing and Storage” Secondary Use. The extent to which a use occupies the property
determines if it is a “Secondary” or “Primary” use, which can often be a judgment call. It is
possible to have more than one Secondary Use on a property.

**Use Type.** A category containing Land Uses of a similar nature. This Ordinance uses seven
different Use Types: Agricultural, Civic, Commercial, Industrial, Public Utility, Recreation
and Open Space (listed together), and Residential. Use Types are not Zones, they are simply
a grouping of similar Land Uses under one category to assist in referencing and sorting Land
Uses. See the Land Use Matrix (Table 28.22.020 in Article 2) for a list of all the Land Uses
used in this Ordinance grouped by Use Type.

**Vehicle, Heavy Commercial.** Vehicles used for commercial purposes that require a
Commercial Driver’s License in compliance with state Department of Motor Vehicle
regulations. These vehicles include, but are not limited to buses or cars that seat ten or more
passengers, tow trucks, dump trucks, truck tractors with or without semi-trailers, flat-bed
trucks, fork lifts, front end loaders, backhoes, logging vehicles, graders, bulldozers, and other
similar construction equipment.

**Vehicle Storage.** See “Automobile and Equipment”
Vermiculture. *See “Composting”.*

**Warehouse.** See “Wholesale Storage and Distribution”.

**Wholesale Packing, Storage and Distribution.** (Industrial Use Type) Establishments engaged in packaging, wholesaling, storage, warehousing, and/or bulk sale distribution where all materials are stored indoors. It does not include uses classified under “Equipment and Materials Storage Yard”.

**Workshop.** A residential accessory structure typically associated with craftwork, hobbies, woodwork, artwork, and similar activities by the property owner or lessor, which does not contain sleeping quarters or kitchen facilities, and is not intended for permanent occupancy.

**Wrecking and Dismantling Yards.** *See “Salvage and Wrecking Yards”*

**Yards.** The area of a lot extending between the property line and its setback line as follows:

- **Front Yard.** An area extending across the full width of a lot between the edge of any road easement or right-of-way and the front setback line for the zone. Where a lot adjoins more than one road, the front yard is the street frontage designated on the building permit application.

- **Rear Yard.** An area extending across the full width of a lot between the rear lot line or point, if a triangular lot, and the rear setback line for the zone.

- **Secondary Front Yard.** The yard running parallel to a property line facing a street or right-of-way that is not designated as the primary front yard.

- **Side Yard.** Area(s) between the front and rear property lines, not including the Front Yard(s) and Rear Yard, that extends between the side property line(s) and the side setback line(s) for the zone.

**Zone, Primary.** A Primary Zone is made up of a collection of Land Uses that are expected to function well together under the right conditions. Each Primary Zone is named for the Primary Land Use that it is intended to protect. For example, the R1 “Single-Family Residential” Primary Zone is intended to protect the needs of single families. While other Land Uses that are not related to the Primary Land Use may be permitted in the zone (like a “Day Care Facility” in the case of an R1 Zone), the needs of the Primary Land Use is always given priority in any discretionary decision relating to that zone.

A Primary Zone differs from an Overlay Zone, in that a Primary Zone is intended to dictate what Land Uses and development requirements are allowed on a property under normal circumstances, while Overlay Zones are intended to take away from or add to the land use and/or development controls that normally apply in a Primary Zone based upon the special needs of the area to which it is applied. *See Zone, Overlay for more information.*
Zone, Overlay. An Overlay Zone functions in concert with the Primary Zone of a property. It is applied to land with unique characteristics where these characteristics require the land use and development requirements of the Primary Zone to be modified to protect the public health, safety and welfare.