

# EXHIBIT “A”

The following are modifications to Article X of Chapter 16.12 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

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## 16.08.205 - Dwelling unit.

"Dwelling unit" means any building or portion thereof, including a mobile home or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by this code and the ~~Uniform~~ Building Code, for not more than one family.

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## 16.08.270 - Grading.

"Grading" means excavating, filling, leveling or smoothing, or combination thereof, for which a grading permit is required by ~~the Uniform Building Code Chapter 15.06 of this code~~. "Major grading" is grading in excess of one hundred (100) cubic yards, whereas "minor grading" is one hundred (100) cubic yards or less.

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## 16.08.332 - Housing supportive.

"Housing supportive" means ~~housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.~~ housing with no limit on length of stay, that is occupied by persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people; and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

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## 16.08.333 - Housing transitional.

~~"Housing transitional" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.~~ housing configured as rental housing developments, with supportive services for up to twenty-four months but not less than six months. Transitional housing is designated and targeted for recently homeless persons and is intended to move recently homeless persons to permanent housing as quickly as possible and recirculate the assisted housing to another eligible program recipient. This type of housing includes self-sufficiency development services, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing

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#### **16.08.877 "Vehicle Repair Facility-Major"**

"Vehicle Repair Facility-Major" means any facility offering any of the vehicle repair services as defined in Vehicle Repair Facility (Minor) and also including engine and transmission overhauls, vehicle restorations, upholstery, paint and body work, heavy duty truck and tractor repair, RV repair, and other similar services as determined by the Development Services Director or his or her designee.

#### **16.08.879 – Vehicle Repair Facility-Minor.**

"Vehicle Repair Facility-Minor" means any facility that offers minor vehicle repairs, including lubrication, battery service, brake and wheel service, tire installation, engine adjustments, tune-ups, front-end alignment, exhaust system repair, stereo installation, window tinting, spray-on bed lining, smog servicing, and other similar services as determined by the Development Services Director or his or her designee.

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## **Chapter 16.12 - PERMITS AND PROCEDURES**

### **ARTICLE I. - GENERAL PROCEDURES**

#### **16.12.005 - Development review procedures.**

- A. Land use applications will be reviewed and approved in accordance with four basic procedures:
1. Noticed public hearing by the city council and/or planning commission, in which the reviewing authority hears public testimony for and against the land use proposal, reviews evidence and renders its decision;
  2. Administrative review with notice, in which a posted and/or published notice is given to affected and interested parties, followed by a decision by the reviewing authority. The notice shall be designed to ensure that all interested parties are aware of the pending decision and are given a chance to comment before the reviewing authority renders its decision. The reviewing authority shall be the development review committee;

3. Administrative review without notice, used when land use decisions made by the reviewing authority are based upon standards that have been adopted by the city as law or policy, and the reviewing authority is allowed to render a decision without giving notice to surrounding property owners and other parties. The reviewing authority shall be the development review committee;
  4. Ministerial or Tenant improvement review, used when a proposed land use is to be located within a facility that meets the city's development standards, or when the existing facility has been previously approved for the same or similar use. The reviewing authority is not required to give notice prior to rendering a decision. The reviewing authority shall be the building official, or his or her designee, with concurrence with other city agencies.
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#### **16.12.060 - Approval period for land use decisions.**

- A. Any land use decision made in accordance with the provisions of this title shall be subject to the following time limitations:
  - B. Unless substantial construction in reliance upon building permits has occurred or division of land authorized by the land use decision has taken place or been recorded within the time specified for each land use application type within this title, the land use decision shall become null and void.
  - C. For non-residential projects, where circumstances warrant, the development review committee may grant extensions of time for a period of time not to exceed twelve (12) months each. The development review committee shall consider each extension of time on its own merits and may amend the conditions as necessary to bring the project into compliance with the development standards in effect at the time of review of the extension. The development review committee may refer such request for extension to the planning commission for action.
  - D. Public projects shall not be subject to a time limitation unless specific time limits are included within conditions placed upon the project's approval. When time limits are placed within the conditional approval of a public project, extensions of time may be granted whenever warranted; provided, no single action is taken to grant an extension greater than twelve (12) months.
  - ~~E. All entitlements subject to this section effective between January 1, 2007 and the effective date of approval of this amendment shall be granted one automatic twelve-month extension of time.~~
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#### **16.12.065 - Issuance of building permits.**

- A. General Provisions.
    1. Except as specified in the Uniform-California Administrative Code and the Uniform Building Code, it is unlawful to construct, erect, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, unless a building permit for each building or structure has first been obtained from the department of building and safety for such work.
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## ARTICLE II. - SITE PLANS AND REVISED SITE PLANS

### 16.12.080 - Purpose of provisions.

The purpose of the ~~land use application~~site plan review process is to assist the property owner in obtaining the best utilization of the property in accordance with sound land use planning and design criteria, and to enable the planning agency to ensure that the proposed development is in conformance with the intent and provisions of the general plan and all applicable city regulations and policies.

(Ord. 192 Exh. A (§ 83.02.010), 1994)

(Ord. No. 2012-14, § 3(Exh. A), 8-7-12)

### 16.12.085 - ~~Approval required~~General Provisions.

A. No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any development projects which require an approved land use application, without having first complied with the provisions of this article.

B. In granting any site plan review or revised site plan review, the reviewing authority shall affix those conditions which it deems necessary in order to safeguard the public health, safety and general welfare of the area.

C. The Development Review Committee shall review requests for a site plan review or revised site plan review at an administrative hearing with notice pursuant to Section 16.12.010.

***(Note: For the purposes of this staff report, the following table was moved to Section 16.12.455)***

~~The following table summarizes the type of uses and their approval requirements.~~

<b>Ministerial Approval</b>	<b>Administrative Review with Notice</b>	<b>Planning Commission Hearing</b>	<b>City Council Hearing</b>
<b>Interior Remodels</b>	<b>Appeals of Ministerial Approvals</b>	<b>Appeals of DRC Approvals</b>	<b>Appeals of PC Approvals</b>
<del>Alterations to building exteriors not resulting in significant changes of use, drainage patterns, parking, traffic, easements, or</del>	<del>Additions to existing multiple residential, commercial or industrial structures which will result in an increase in total floor area of 25</del>	<del>Retail Commercial, Industrial, Office or administrative/professional and/or wholesale and service commercial uses subject to a Conditional Use Permit. Alcohol Conditional Use Permits</del>	<del>Development Code Amendments</del>

greater impacts on infrastructure and public services, as determined by the reviewing authority with concurrence from the city agencies	percent or greater or expansion of 1,500 square feet or greater		
Repair and maintenance of structures or parking areas, unless constrained by existing waste disposal systems and existing drainage patterns and/or easements	Revisions to previously approved site plans comprising of more than 25 percent expansion to the building area or developed area of the site	Public Facility Reviews	Specific Plan Amendments
Replacement and or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair is consistent with the design, use and intensity of the original structure and with the zoning and general plan	Intensification of land use and/or establishment of new or different pattern of land uses as determined by the reviewing authority.	Recommendation on Development Code Amendments	General Plan Amendments
Expansions to multiple	Projects that have been	Specific Plan Amendments	Development Agreements/Amendments

residential, commercial or industrial buildings or structures less than 25 percent in total floor area or less than 1,500 square feet whichever is greater	recommended for administrative review		
Revisions to previously approved land use comprising less than 25 percent expansion to the building or developed area of the site	Tentative Parcel Maps	Development Agreements	Density Bonus Agreements
Single-family residential development 1—4 dwelling units or fewer		Density Bonus Agreements	Planned Developments
Multiple-family dwelling with two units (duplex)	Three or more dwelling units on a single parcel with at least one multiple-family dwelling	Density Bonus Agreements	Planned Developments
Lot line adjustments		Any project requiring an EIR	
Lot mergers		Tentative Tracts	

Certificate of Corrections			
Certificate of Compliance			

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## ARTICLE III. - CONDITIONAL USE PERMITS

### 16.12.130 - Revisions and modifications.

Revisions or modifications of conditional use permits can be requested by the applicant.

#### A. Revisions/Modifications by Applicant.

1. A CUP application shall be approved for the establishment or expansion of alcohol uses, as specified in Section 16.16.320 of the Development Code the Main Street and Freeway Corridor Specific Plan. Such request shall be processed as a new conditional use permit, pursuant to the provisions contained in this section, and is subject to the applicable fees.
2. Revised CUP. A major revision or modification to an approved conditional use permit such as, but not limited to, change in conditions, expansions, intensification, location or hours of operation, may be requested by the applicant. Such request shall be processed through application of a new conditional use permit, pursuant to Section 16.12.005(A)(2). The applicant shall supply necessary information as determined by the city, to indicate reasons for the requested change.
3. Minor Revisions. A revisions or modification to an approved conditional use permit such as, but not limited to, minor changes in the site design, parking or building placement, which will not increase or change the use or intensity of the site, may be acted on by the reviewing authority through the administrative review without notice procedure, by applying for a letter of substantial conformance or site plan review without application, pursuant to Section 16.12.005(A)(3). The applicant shall supply necessary information as determined by the planning division to indicate reasons for the revisions and/or modifications.

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## ARTICLE V. - ZONE CHANGES, GENERAL PLAN AMENDMENTS, AND SPECIFIC PLAN AMENDMENTS

### 16.12.175 - Purpose of provisions.

Whenever the public necessity, convenience, general welfare, good planning practices, or the policies set forth in the general plan justify such action, land use boundaries may be amended through the procedures established in this title.

### 16.12.180 - General provisions.

- A. A change in the boundaries of any land use designation may be initiated by the owner or the authorized agent of the owner of property by filing an application for a general plan amendment or specific plan amendment as prescribed in this section. If the property for which the general plan or specific plan amendment is proposed is in more than one ownership, all the owners or their authorized agents must join in filing the application. If deemed appropriate to expand the boundaries of any proposed general plan or specific plan amendment, notice shall be given to all property owners within the proposed expansion boundaries. Prior to any action on the proposed general plan or specific plan amendment, written authorization from all property owners shall be on file in the planning division.
- B. A change in the boundaries of any land use designation may be initiated by the consensus of the city planning commission or city council.
- C. An application for a general plan or specific plan amendment to change the zoning of the property may be filed concurrently with any other application(s) on the same property.
- D. Following the denial of an application for a general plan or specific plan amendment, an application for the same or substantially the same general plan or specific plan amendment shall not be accepted within one year of the date of denial.
- E. A change in land use shall be indicated by listing on the general plan map the number of the ordinance amending the map.

#### **16.12.190 - Action by planning commission.**

- A. The planning commission shall hold a public hearing on each application for a general plan or specific plan amendment. The hearing shall be set and notice given as prescribed in Section 16.12.010. The hearing may be continued from time to time.
- B. The planning commission shall determine whether the amendment is consistent with the objectives of this code and with the general plan, and shall recommend to the city council that the general plan or specific plan amendment be granted, granted in modified form or denied.
- C. Notwithstanding the provisions of Section 16.12.055(C), an application for a general plan or specific plan amendment which has received a recommendation for denial shall be referred without appeal to the city council when accompanied by an amendment to the development code or development regulations of said specific plan.
- D. When the commission determines, following a public hearing on a proposed general plan or specific plan amendment, that a change to a land use classification other than the proposed classification specified in the hearing notice is desirable, the commission may recommend an alternate classification. The commission must determine that the recommended alternative is more appropriate for the subject property and is consistent with the general plan and the intent of the development code. If it is more intense than the recommended alternative, a new public hearing is required.

#### **16.12.195 - Action by the city council.**

- A. After the recommendation of the planning commission for approval on a proposed general plan or specific plan amendment, or if an appeal of a denial has been filed, the city council shall hold at least one public hearing. The hearing shall be set and notice given as prescribed in Section 16.12.010. The hearing may be continued from time to time.
- B. Following the closing of a public hearing, the council shall make specific findings as to whether the change is consistent with the objectives of this code and the general plan. If the



council finds that the change is consistent, it shall introduce an ordinance amending the land use map.

- C. The city council may approve, modify or disapprove a recommendation of the planning commission on a land use change not previously considered by the planning commission; provided, it has requested and considered a report of the commission on the modification. Failure of the commission to report within forty (40) calendar days after receipt of the council request shall be deemed concurrence.

#### **16.12.200 - Required findings for approval.**

Prior to taking an action to approve or recommend approval of a change in land use, the reviewing authority shall find as follows:

- A. The proposed change in zone is consistent with the general plan;
- B. The site of the proposed change in land use designation is suitable for any of the land uses permitted within the proposed designation;
- C. The proposed general plan or specific plan amendment is reasonable and beneficial at this time;
- D. The proposed general plan or specific plan amendment ~~in-district-classification~~ will not have a substantial adverse effect on surrounding properties or the community in general.

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### **ARTICLE IX. - NONCONFORMING USES, BUILDINGS AND STRUCTURES<sup>[2]</sup>**

#### **16.12.315 - Provisions.**

- A. The definitions for a nonconforming use, building, and structure are located in Sections 16.08.555 thru 16.080.557.
- B. Continuation, Maintenance, and Alterations.
  - 1. Continuance of Nonconforming Buildings and Structures:
    - a. A nonconforming building or structure may continue to be utilized, except as otherwise provided for in this article.
    - b. A nonconforming building or structure may be altered, structurally altered, or repaired provided that no alterations or repairs increase the degree of the nonconforming building or structure. Any exterior alteration changing the architecture or the look of the nonconforming building or structure shall be reviewed and approved by the reviewing authority.
    - c. Routine maintenance may be performed on a nonconforming building or structure.
    - d. No nonconforming building or structure shall be altered or restored so as to displace any conforming use, building or structure.
  - 2. Continuance of Nonconforming Uses.
    - a. Nonconforming uses may be allowed to continue, provided that the use does not substantially increase the levels of vehicular traffic and parking demand, except as otherwise provided in this section.

- b. Change of ownership, tenancy or management of a nonconforming use shall not affect its legal nonconforming status, provided that the use and intensity of the use does not change.
- c. If a nonconforming use is discontinued for a continuous period of twelve (12) months or longer, it shall lose its legal nonconforming status, and the continued use of the property shall require compliance with the provisions of the Development Code.
- d. A nonconforming use may not be intensified, enlarged, or expanded in anyway, and may not occupy any part of the structure or site, which it did not occupy at the time it became a nonconforming use except as otherwise provided in Section 16.12.315 (C) below.

C. Expansions and Additions.

1. Expansions and Additions to Nonconforming Buildings and Structures:

- a. Expansions and additions to a nonconforming building or structure are not permitted, except as otherwise provided for in this article.
- b. Any expansion or addition shall be subject to the process and requirements outlined in Article 1 (General Procedures) Article II (Site Plans and Revised Site Plans) and Article III (Conditional Use Permits) of Chapter 16.12 of this municipal code; and
  - i. The reviewing authority shall determine the extent the nonconforming buildings or structures must conform. The reviewing authority may permit an expansion and addition to the nonconforming building or structure, if all the findings in Section 16.12.320 can be made; and
  - ii. ~~If circumstances in Section 16.12.085(5) do not exist,~~ an expansion to a nonconforming use is greater than 25% in total floor area, or greater than 1,500 square feet, the expansion and addition shall be forwarded to the planning commission; and
  - iii. Expansions and additions not requiring a site plan review or conditional use permit shall comply with parking, landscaping, and trash enclosure requirements. Architectural improvements shall be required on existing buildings or structures. The extent of architectural improvements shall be proportional to what is being proposed; and
  - iv. The proposed expansion and addition shall conform to the provisions of this development code.
- c. Additional development of any property on which a nonconforming building or structure exist shall require that all new buildings or structures conform to the provisions of this development code.
- d. No nonconforming building or structure shall be expanded or added so as to displace any conforming use, building or structure.

2. Expansions and Additions to Nonconforming Uses:

- a. No expansions or additions shall be permitted for buildings or structures containing nonconforming uses otherwise not permitted in the zone, except as otherwise provided for in this article, and for uses with insufficient parking.
- b. Additional development of any property on which a nonconforming use exist shall require that all new uses conform to the provisions of this development code.

- c. In a multiple unit building containing conforming and nonconforming uses, the limitations in this article shall solely apply to the nonconforming uses and their unit when they are within an otherwise conforming building.

H. Exceptions.

- a. The reviewing authority may permit an abandoned use to reestablish, or allow an expansion and addition to a building or structure containing a nonconforming use if all the findings in Section 16.12.320 can be made. If ~~circumstances in Section 16.12.085(5) do not exist, an expansion to a non-conforming use is greater than 25% in total floor area, or greater than 1,500 square feet,~~ the expansion and addition shall be forwarded to the planning commission; and
- b. All expansions and additions shall be subject to Section 16.12.315(C)(1)(b).
- c. All lawfully existing residential structures located in commercially designated or zoned property as of the effective date of this article shall be exempt from the restriction on reconstruction following the destruction of the structure. However, the reconstruction shall conform to Section 16.12.320(A) and (B).
- d. A use, building or structure shall not be considered nonconforming solely on the basis of the lot not meeting the minimum lot size, width, and depth. Development on the lot may occur provided it meets all development code standards as well as sewage and water requirements.

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**16.12.360 - Accessory dwelling units.**

D. Requirements for Approval.

- 1. An accessory dwelling unit may only be permitted on lots that are zoned for agricultural, single family, multi-family, or mixed uses and that contain an existing or proposed single-family or multi-family dwelling.
- 2. Accessory dwelling units are exempt from the density limitations of the General Plan and subject to the following:
  - a. Lots with an existing or proposed single-family residence may be permitted one (1) accessory dwelling, and one (1) junior accessory dwelling unit (see Section 16.12.360 F for additional regulations pertaining to junior accessory dwelling units).
  - b. Lots with existing multifamily units may convert non-habitable space within an existing multifamily structure into accessory dwelling units. The number of these types of units shall be limited to -one (1) accessory dwelling or up to 25 percent of the existing multifamily dwelling units, whichever is greater. In addition, no more than two (2) detached accessory dwelling units may be permitted. A detached accessory dwelling may be converted from non-habitable space, or newly constructed.
- 3. An accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling.
- 4. The correction of a nonconforming zoning condition that would result in a physical improvement on the property shall not be a condition of approval for an accessory dwelling unit.
- 5. On lots with an existing or proposed single family residence, the primary dwelling unit or accessory dwelling unit on the property shall be owner-occupied. (This provision is

suspended for all permits until January 1, 2025, unless otherwise amended by California Government Code 65852.2).

6. The accessory dwelling unit shall provide complete and independent living facilities.
  7. The accessory dwelling unit shall not be sold separately and may be rented for periods of not less than 30 days.
  8. The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.
  9. In compliance with the State of California Lahontan Regional Water Quality Control Board, lots that are not connected to sewer facilities shall be a minimum of one gross acre in size or install an approved Supplemental Treatment Septic System.
- E. Design and Development Standards—Accessory Dwelling Units.
1. The accessory dwelling unit may be either attached to or detached from an existing or proposed single-family residence, or converted from an existing accessory building, garage, storage area, or other similar non-habitable area. An accessory dwelling may be converted from non-habitable space within, or detached from, an existing multi-family structure.
  2. A detached accessory unit shall not exceed 1,200 square feet per structure on any parcel. Accessory dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal unit, up to a maximum of one thousand (1,000) square feet, except that if the principal unit has a floor area of 1,600 square feet or less, an attached accessory dwelling unit shall conform to the provisions of Section 16.20.360(E)(6), below. The area of an accessory dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No accessory dwelling unit shall be less than one hundred and fifty (150) square feet in area. Further, a recreational vehicle, does not qualify for use as an accessory dwelling unit.
  3. The entrance to an attached accessory dwelling unit shall be separate from the entrance to the primary unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure.
  4. For new attached or detached accessory dwelling units, a minimum four-foot side yard and four-foot rear yard setback is allowed. The front yard and street side yard standards for the primary unit shall apply to the accessory dwelling unit. In addition, detached accessory dwelling units shall be located to the rear of the primary dwelling unit.
  5. No setback shall be required for the conversion of existing living area, conversion of an existing accessory structure, or for a new structure that is constructed in the same location and to the same dimensions as an existing structure.
  6. The accessory dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.
  - ~~6~~7. No provisions within this Section, including lot coverage or legal nonconformity, shall preclude either an attached or detached 800 square foot accessory dwelling unit that is at least sixteen (16) feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards
  - ~~7~~8. At least one covered or uncovered parking space for the accessory dwelling unit shall be provided by a minimum interior size of nine feet in width and nineteen (19) feet in

depth. Parking can be tandem on an existing driveway. The City shall not impose parking standards for an accessory dwelling unit if the accessory dwelling unit is located within one-half mile of public transit, when the accessory dwelling unit is part of the proposed or existing primary residence or an existing accessory structure, when on-street parking permits are required but not offered to the occupant of the accessory dwelling unit, or when there is a care share vehicle located within one block of the accessory dwelling unit. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

~~89.~~ When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces do not need to be replaced.

~~910.~~ The accessory dwelling unit shall be compatible with the design of the primary unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and shall not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.

~~1011.~~ The construction of an accessory dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots.

F. Junior Accessory Dwelling Units.

1. Purpose-This section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family residence, and requires owner occupancy of the single family residence where the unit is located.

2. Development Standards- Junior accessory dwelling units shall comply with the following standards:

a) Lots with an existing or proposed single family residence may be permitted one (1) accessory dwelling unit and one (1) junior accessory dwelling unit.

~~b)~~ In compliance with the State of California Lahontan Regional Water Quality Control Board, lots that are not connected to sewer facilities shall be a minimum of one gross acre in size or install an approved Supplemental Treatment Septic System.

~~bc)~~ A junior accessory dwelling unit shall not exceed 500 square feet in size and shall be contained entirely within a single family residence. However, an additional 150 square foot expansion beyond the physical dimensions of the existing structure is permitted strictly to accommodate ingress and egress to the junior accessory dwelling unit.

~~ed)~~ The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single family residence.

~~de)~~ The junior accessory dwelling unit must include an efficiency kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

- ~~ef)~~ The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence.
- ~~fg)~~ Additional parking shall not be required.
- ~~gh)~~ A deed restriction, in a form to be approved and provided by the City, must be recorded filed with the City, and must include the following stipulations: i) prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single family residence; ii) restriction on the size and attributes of the junior accessory dwelling unit; iii) if the unit is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days; and iv) owner occupancy of one of the units on-site is required, unless the owner is a governmental agency, land trust, or housing organization. These restrictions shall run with the land.
- ~~h)~~ ~~For the purposes of providing service for water, sewer or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.~~

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## ARTICLE XIII. - CEQA GUIDELINES<sup>[3]</sup>

### 16.12.415 - CEQA regulations.

- A. Determining if CEQA is Applicable. The director of development services or his/her designee shall determine whether or not the activity is a "project" subject to CEQA as defined in this article and Section 15378 of the state CEQA guidelines.
- B. Determining Project Exemption. If the activity is a project under CEQA, the director of development services or his/her designee shall determine if the project is exempt from environmental review. Exemptions shall be determined pursuant to Article 18 and 19 of the state CEQA guidelines. In addition, the following activities or actions shall be exempted from CEQA:
  - 1. Lot mergers for two or more parcels;
  - 2. Lot line adjustments not resulting in the creation of any new parcel;
  - 3. Minor exceptions and variances;
  - 4. Applications for ~~second-accessory~~ dwelling units, educational animal projects, certificates of correction, and certificates of compliance;

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***Beginning after Section 16.12.450 the following shall be added.:***

## ARTICLE XVI- PERMITS REQUIRED

### 16.12.455-Purpose and General Plan Consistency

Permit review is necessary to maintain consistency with the General Plan, regulate uses which have the potential to adversely affect surrounding properties, promote a visually attractive community, and provide flexibility in standards and requirements when special circumstances exist. The purpose of this Chapter is to prescribe the types of review required for development projects, as well as for adopting and amending specific plans, development agreements, and amendments to the General Plan and this Development Code

#### 16.12.060- Review Authority for Required Permits

No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any development projects which require an approved land use application, without having first complied with the provisions of this article.

***(Note: for the purposes of this staff report, the following table was moved from Section 16.12.085)***

The following table summarizes the type of uses and their approval requirements

<u>Ministerial Approval</u>	<u>Administrative Review without Notice</u>	<u>Administrative Review with Notice</u>	<u>Planning Commission Hearing</u>	<u>City Council Hearing</u>
<u>Interior Remodels</u>	<u>Extension of Time</u>	<u>Appeals of Ministerial Approvals</u>	<u>Appeals of DRC Approvals</u>	<u>Appeals of Planning Commission Approvals</u>
<u>Alterations to building exteriors not resulting in significant changes of use, drainage patterns, parking, traffic, easements, or greater impacts on infrastructure and public services, as determined by the reviewing authority with concurrence from the city agencies</u>		<u>Site Plan Review consisting of additions to existing multiple residential, commercial or industrial structures which will result in an increase in total floor area of 25 percent or greater or expansion of 1,500 square feet or greater (site plan review)</u>	<u>Conditional Use Permit.</u>	<u>Development Code Amendments</u>
<u>Repair and maintenance of structures or</u>		<u>Revisions to previously approved site</u>	<u>Public Facility Reviews</u>	<u>Specific Plan Amendments</u>



<u>parking areas, unless constrained by existing waste disposal systems and existing drainage patterns and/or easements</u>		<u>plans comprising of more than 25 percent expansion to the building area or developed area of the site</u>		
<u>Replacement and or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair is consistent with the design, use and intensity of the original structure and with the zoning and general plan</u>		<u>Intensification of land use and/or establishment of new or different pattern of land uses as determined by the reviewing authority.</u>	<u>Recommendation on Development Code Amendments</u>	<u>General Plan Amendments</u>
<u>Expansions to multiple residential, commercial or industrial buildings or structures less than 25 percent in total floor area or less than 1,500 square feet</u>		<u>Projects that have been recommended for administrative review</u>	<u>Specific Plan Amendments</u>	<u>Development Agreements/Amendments</u>



<u>whichever is greater</u>				
<u>Revisions to previously approved land use comprising less than 25 percent expansion to the building or developed area of the site</u>		<u>Tentative Parcel Maps</u>	<u>Development Agreements</u>	<u>Density Bonus Agreements</u>
<u>Single-family residential development 1—4 dwelling units or fewer</u>			<u>Density Bonus Agreements</u>	<u>Planned Developments</u>
<u>Multiple-family dwelling with two units (duplex)</u>	<u>Multiple-family dwelling with two or more units (including a duplex)</u>	<u>Three or more dwelling units on a single parcel with at least one multiple-family dwelling</u>		
<u>Lot line adjustments</u>			<u>Any project requiring an EIR</u>	
<u>Lot mergers</u>			<u>Tentative Tracts</u>	
<u>Certificate of Corrections</u>		<u>Minor Exception</u>	<u>Variance</u>	
<u>Certificate of Compliance</u>			<u>CUP's for Off-sale alcohol licenses (type 20 and 21) greater than 12,000 SF in floor area.</u>	<u>CUP's for Off-sale alcohol licenses (type 20 and 21) below 12,000 SF in floor area.</u>

<u>Minor modifications of the conditions of approval, provided that the modifications do not have a significant impact on the property or surrounding properties.</u>				

### ARTICLE III. - ADDITIONAL USES

#### 16.16.060 - Uses provided for in any zone or land use district.

- A. Land uses listed in Section 16.16.060(A)(2) may be permitted or conditionally permitted in any zone or land use designation subject to the land use entitlement established in Table 1 and when one or more of the conditions cited in Section 16.16.060(A)(1) have been met. Land uses approved with a site plan review (SPR) shall be in accordance with the provisions in Chapter 16.12, Article II; and land uses approved with a conditional use permit (CUP) shall be in accordance with the provisions in Chapter 16.12, Article III.
1. Condition of Uses.
    - a. The location of land use is determined by other land uses which are directly supported by the proposed use; or
    - b. The land use is part of the community or regional infrastructure; or
    - c. The location of the proposed use is determined by the location of raw materials in their natural state such as mineral deposits, natural vegetation and energy sources; or
    - d. The character of the proposed use is such that it requires a remote location away from other land uses; or
    - e. The land use is deemed essential or desirable to the public convenience or welfare.
  2. Land Uses Permitted Subject to Land Use Approval. The additional uses in this section are provided in a table format and apply to all land use designations or districts in the city, including specific plan areas. Land uses are listed in the first (vertical) column of the table and required land use entitlements in the top (horizontal) row. An "X" in the corresponding column represents the required entitlement process. Footnotes are also provided and considered part of this Development Code.

**Table 1**

	SPR	CUP
<b>GENERAL USES:</b>		
Cemeteries, including pet cemeteries <sup>1</sup>	X	X
Solid waste disposal sites, rubbish incinerators and recycling centers		X
Sewer treatment plants and sewage disposal sites		X
Electrical generating stations, as defined in Section 16.08.208 <sup>2</sup>	X	X
Solar or wind farms, as defined in Section 16.08.771 <sup>3 &amp; 4</sup>		X
Radio and television stations or towers providing broadcast services		X
Racetracks or stadiums		X
Campgrounds, not exceeding a density of four sites per acre	X	
Natural resources (i.e. mineral deposits and natural vegetation together with the necessary buildings, apparatus or appurtenances incidental thereto)		X
Transportation facilities principally involved in the movement of people together with the necessary buildings, apparatus or appurtenances incidental thereto, including, but not limited to, train stations and bus stations <sup>5</sup>		X
Carpool facilities	X	
Testing ranges, airports, landing strips, launching/testing facilities and other aerospace-type uses <sup>4</sup>		X
Self-storage facilities <sup>65</sup>		X
<b>INSTITUTIONAL USES:</b>		
Schools and universities <sup>2 &amp; 65</sup>	X	X
Conference centers <sup>2</sup>	X	X

Hospitals		X
Churches <u>(on existing sites that are already developed)</u>	X	
<u>Churches (on vacant sites)</u>		<del>X</del>
<del>Rehabilitation centers<sup>7</sup></del>		<del>X</del>
<del>Organizational camps<sup>7</sup></del>		<del>X</del>
<b>PUBLIC UTILITIES AND PUBLIC SERVICE USES:</b>		
Temporary and permanent governmental facilities and enterprises (federal, state and local) where buildings and/or property are publicly owned or leased		X
Reservoirs, pumping plants	X	
Temporary support facilities associated with the construction of highways and other public facilities including, but not limited to, batch plants and equipment storage yards	X	
Electrical substations, as defined in Section 16.08.209 <sup>2</sup>	X	X
Central communication office	X	
Microwave and repeater huts	X	
Towers and satellite receiving stations		X
<b>SPORT ORIENTED RECREATIONAL USES:</b>		
Sky diving jump sites, and recreational camps	X	
Rifle and archery ranges (indoor/outdoor)		X
Off-road vehicle parks		X
Golf courses, country clubs		X
Hunting and fishing clubs		X

## Notes:

1. Cemeteries shall not be allowed in the R3 land use designation.
  2. Projects in nonresidential designations shall require approval of a SPR. Projects in residential and agricultural designations shall require approval of a CUP.
  3. Solar or Wind farms shall be subject to Section 16.16.036, Alternative Energy Technology Standards.
  4. These uses shall not be allowed in residential and agricultural land use designations or districts.
  - ~~5. Bus stations shall not be allowed in the PC District of the Main Street and Freeway Corridor Specific Plan.~~
  - ~~65.~~ A CUP shall be required in areas specified by the Main Street and Freeway Corridor Specific Plan.
  - ~~76.~~ ~~These uses shall be subject to Section 16.16.072, Residential care facilities, group homes, and sex-offender residency.~~
  - ~~87.~~ Shall be subject to Section 16.16.365(H). Self-storage facilities, also known as mini-storage facilities, shall not be allowed in zones prohibited by the Main Street and Freeway Corridor Specific Plan.
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### 16.16.065 - Bed and breakfast uses.

#### D. Conditions.

1. Structural Features.
  - a. All dwelling units proposed for bed and breakfast use must comply with standards and specifications of the ~~Uniform~~-Building Code, and shall also be subject to the room occupancy standard outlined in the State Housing Law (as amended).
  - b. Each guest room shall be equipped with a fire extinguisher and a smoke detector conforming to ~~Uniform~~-Building Code Standards (UBC No. 43-6), and exit/egress and an emergency evacuation map must be displayed in a prominent location in each guest room.
3. Bed and Breakfast Inn/Lodge having a minimum of six and a maximum of ten guest rooms.
  - a. Structures of Historical, Architectural and Cultural significance.
    - i. Only residential structures that have been determined to be of historical, architectural or cultural significance by the planning commission, or properties which are on the state or national listing of structures of historical significance shall be permitted to be used as a bed and breakfast inn/lodge.
    - ii. The planning commission may establish historic and scenic preservation standards and shall review the proposal for a determination of historical, architectural or cultural significance. In making such determination, the planning commission shall consider the:
      - (A) Architecture of the structure noting the history, uniqueness and style of the design;

- (B) Historical and/or cultural value(s) of the property and/or the site;
- (C) Age of the structure and its physical and structural condition.

iii. After such determination, the structure shall be placed on the city's register of historic and scenic properties.

- b. The planning commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural and/or cultural features of the structure and/or property.
- c. A residential building that has been declared a historical structure shall be subject to prealteration inspection by a designated city official prior to application for bed and breakfast use and report of such inspection must accompany the application.
- d. All historical structures proposed for bed and breakfast uses shall comply with all current applicable ~~Uniform~~ Building Code standards, including those regarding historical building and those pertaining to the physical and structural conditions of the building and the site.

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#### **16.16.070 - Recycling facilities.**

A. Requirements. No person, corporation or legal entity shall place or permit the placement and/or operation of any recycling facility, including a reverse vending machine, collection facility or processing facility without first obtaining any permits required pursuant to the provisions set forth in this chapter. Recycling facilities may be permitted as set forth in the following table.

Type of Facility Permitted	Zones/Land Use Districts	Permit Required
Reverse Vending Machine(s) up to 50 sq. ft.	All Commercial and All Industrial	None
Small Collection Facility up to 500 sq. ft.	All Commercial and All Industrial	Special Use Permit
Large Collection Facility over 500 sq. ft.	All I-1, I-2, <del>CIBP</del> , & GI	CUP
Processing Facilities	I-1, I-2, & GI	CUP

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#### **16.16.074 - Commercial community enhancement ordinance.**

The following uses are prohibited because it has been determined that such uses contribute to the decline of the health, safety and welfare of city residents and create blight, deter quality businesses from operating or otherwise create a sense of economic decline in commercial neighborhoods. This section is applied city-wide, including areas within the Main Street and Freeway Corridor Specific Plan.

The uses listed below are not a comprehensive list of all prohibited uses. Other uses not listed as either permitted and conditional permitted or within this prohibited use section, may be determined permitted or prohibited by the director development services or designee based upon the similarity of other uses. Any use which violates local, state or federal laws is also prohibited:

A. Prohibited Uses.

1. Gold exchange businesses (unless accessory to a jewelry store).
2. Hydroponic shops (unless accessory to a home improvement store).
3. Money service businesses.
4. Pawn shops.
5. Smoking lounges.
6. Smoke shops.
7. An internet sweepstakes café.

B. Continuance of Prohibited Use

The continuance of a prohibited use which lawfully existed prior to the effective date of this ordinance shall be subject to the following:

- a. Shall not relocate to another site, building, suite, or structure which it did not occupy at the time it became a nonconforming use
- b. Shall not expand, intensify, enlarge or extend any part of the structure which it did not occupy at the time it became a nonconforming use.
- c. Change of ownership, tenancy, or management of a prohibited use is permitted, provided that the use and intensity does not change.
- d. If a prohibited use is discontinued, abandoned, or otherwise goes out of business, it shall immediately lose its legal nonconforming status.

BC. Tobacco Product and Paraphernalia Sales Requirements.

1. No license may be issued to authorize retail tobacco product and paraphernalia sales at any location that is not licensed under state law to sell alcoholic beverages for consumption off the premises (e.g. an "off-sale" license issued by the California Department of Alcoholic Beverage Control).
2. The display area of tobacco products, including paraphernalia, shall not exceed ten percent of the total floor area of a business establishment.
3. The display area devoted to tobacco paraphernalia shall not exceed a two foot in depth by four-foot in length section of a single shelf space.
4. The display of tobacco products and paraphernalia shall be located behind a service counter in a manner that prohibits self-service by the customer.
5. It shall be a violation of this municipal code for any licensee or any of the licensee's agents or employees to violate any local, state, or federal law regulating controlled substances or drug paraphernalia, such as, for example, California Health and Safety Code Section 11364.7.
6. No smoking or vaping shall be permitted on the premises at any time.

7. The sale of tobacco products and paraphernalia to a minor is prohibited.
8. No sales may be solicited or conducted on the premises by minors.
9. No distribution of free or low-cost tobacco, tobacco products or tobacco paraphernalia, as well as coupons for said items, shall be permitted.

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## ARTICLE IV. - RESIDENTIAL LAND USE DESIGNATIONS<sup>5</sup>

### 16.16.085 - Residential and ancillary uses.

Residential and Ancillary Uses	R1	R3 <sub>1</sub>	RR	A1	A2	See Section(s)
A. Single-family dwelling	P	P	P	P	P	
B. Multiple-family dwellings	NP	S	NP	NP	NP	
C. <del>Second</del> <u>Accessory</u> dwelling unit	A	NP	A	A	A	16.12.360
D. Guest house <sup>2</sup>	A	NP	A	A	A	
E. Home Occupation	A	A	A	A	A	Chapter 5.44 (Municipal Code)
F. Board and room, not to exceed two persons, without kitchen privileges	A	A	A	A	A	
G. Accessory buildings and structures <sup>3</sup>	A	A <sup>4</sup>	A	A	A	16.20.385— 16.20.425
H. Buildings or structures to store agricultural vehicles, food, and equipment (i.e. barn or outbuilding)	A	NP	A	A	A	16.20.385— 16.20.425
I. Buildings or structures to keep animals (i.e. stable, corral, pen or coop)	A	NP	A	A	A	16.16.115 and 16.20.385— 16.20.425
J. Small, community, or handicapped residential care facilities, senior housing, intermediate care of six or less and licensed by the state	P	P	P	P	P	<del>16.16.072,</del> <del>16.08.332 and</del> <del>16.08.333</del>



K. Large or community residential care facilities, senior housing, intermediate care of seven or more and licensed by the state and Single Room Occupancy Development (SRO) <sup>7</sup>	C	C	C	C	C	<del>16.16.072,</del> <del>16.08.332 and</del> <del>16.08.333</del>
L. Group homes not licensed by the state with <del>two</del> <u>6</u> or more residents	C	C	C	C	C	<del>16.16.072,</del> <del>16.08.332 and</del> <del>16.08.333</del>
<u>M. Supportive housing and transitional housing</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>16.08.332 and</u> <u>16.08.333</u>
<del>NM.</del> Parking of commercial vehicles, as defined in the California Vehicle Code	A	NP	A	A	A	16.20.090(H)
<del>ON.</del> Mobile home parks	S	S <sup>5</sup>	S	S	S	16.28.010— 16.28.070
<del>OP.</del> Hotels and Motels	NP	S <sup>6</sup>	NP	NP	NP	
<u>Q. Small family day care to 12 or fewer children</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>R. Large family day care to 13 or more children</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<u>SP.</u> Other similar uses, as interpreted by the Development Services Director or his/her designee	P	P	P	P	P	

Notes:

1. Prohibited uses shall be uses not specifically authorized or determined by the development services director or his/her designee to be detrimental to public welfare.
2. Guest house shall not exceed a building area of four hundred ninety-nine (499) square feet and shall not include kitchen facilities.
- ~~3.— An accessory building, which includes a restroom facility and insulation, shall be considered a guest house and subject to area and kitchen limitations for a guest house.~~
4. Accessory structures and uses shall be customarily incidental to any permitted uses when located on the same site with the main building and use.
5. Shall include recreational vehicle parks.
6. Business may be conducted for the convenience of the residents of the building; there shall not be an entrance to such place of business, except from the inside of the building; and no sign visible from the outside advertising such business.

7. SRO developments are subject to Section G 4.15 of the Main Street and Freeway Corridor Specific Plan—Standards for Single Room Occupancy for all residential zones.
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**16.16.095 - Agricultural uses.**

Agricultural Uses	A1	A2
A. Silo	P	P
B. Public stable, riding academy, or boarding stable <sup>1</sup>	P <sup>2</sup>	P
C. Establishment engaged in the washing, candling, grading and packaging of eggs	S	S
D. Wholesale distributor and processor of nursery-plant stock; retail nursery, where incidental and contiguous to propagation of nursery stock or wholesale distributor. Outdoor storage and display are prohibited except for nursery-plant stock	S	S
E. Beeswax and honey processing building	A	A
F. Room for incidental poultry and rabbit-killing and dressing	P	P
G. Rabbit or similar animal killing and dressing house when such animals are raised on the premises	S	S
H. Feed mill for rancher's own use	NP	S
I. Scales	NP	S
J. Farm labor camp	S	S
K. Community auction and sales yard principally for the sale of farm animals	NP	S
L. Dog kennel, dog training schools, catteries, small animal shelter and dog breeding establishments with outside runs	S	S
M. Animal hospital or clinic with outside runs	S	S

N. Grange hall, community halls, and similar uses incidental to the promotion and development of agriculture	S	S
O. Dude or guest ranch <sup>2</sup>	S	S
P. Winery for processing grapes produced on the same premises	S	S
Q. Livestock Feed Yard. Stock Yard, Cattle Sales Yard <sup>3</sup>	NP	S
R. Cattle or goat dairies on parcels of at least ten gross acres which shall comply with county public health department and building and safety department requirements	NP	P
S. Calf-growing Facility <sup>2</sup>	NP	S
T. Farms for grazing, breeding, boarding, raising, maintaining or training horses, cattle and similar animals, unless permitted elsewhere in this code	NP	P
U. Manure, the stockpiling, spreading, drying, sacking and sale of manure, tree bark and wood chips including shake, screening, mechanical drying and pulverizing with the permitted use of inorganic chemical additives not to exceed ten percent of the raw material inventory, on parcels of at least ten gross acres	NP	S
V. Hay yards <sup>4</sup>	NP	S
W. Worm and frog farms	P	P
X. Hog ranches	NP	P
Y. Alligator, ostrich, mink and fox farms	NP	P
Z. Menageries, zoos, and aquariums	NP	P
AA. The raising of chinchilla, hamsters, guinea pigs, cavy, rats and similar small animals	P	P
BB. Fish-raising involving lakes of twenty thousand (20,000) gallons or less	P	P

CC. Fish-raising involving lakes of twenty thousand (20,000) gallons or more	S	S
DD. Commercial poultry ranches <sup>6</sup>	P	P
EE. Commercial rabbit-raising enterprises <sup>7</sup>	P	P
FF. Raising, grazing, breeding, boarding or training of large or small animals, except concentrated lot feeding, subject to quantity limitations	P	P
GG. Fruit and vegetable packing plants for products raised on the premises	S	S
HH. Apiaries <sup>5</sup>	NP, unless exempted	NP, unless exempted

Notes:

1. Stables and structures shall be in conformance with the building and safety requirements determined at the time of approval.
2. Lot size shall be a minimum of five gross acres.
3. The maximum number of animals on each parcel of land shall not exceed one animal for each five hundred (500) square feet of corral area. Soil, drainage or other conditions peculiar to the site may cause a reduction in allowable density as determined by the city.
4. Hay yards, including minor hay truck maintenance, provided however, that all wholesale hay yards shall meet the following conditions:
  - a. Minimum parcel size of four acres;
  - b. Parcel shall either front or side on a primary or secondary highway as designated on the circulation element;
  - c. Parcel shall be at least three hundred (300) feet from existing residences other than that of the property owner;
  - d. Area used for movement or storage of vehicles, trucks or hay shall be paved and right-of-way improvements shall be installed to city standards;
  - e. Commercial buildings on parcel shall be limited to one office building not to exceed two hundred (200) square feet in area and one ramada or pole shed.
5. Apiaries shall not be permitted, except as provided in Section 6.12.080 of the municipal code.
6. Commercial poultry ranches. Such ranches shall be subject to the following site improvements:

- a. ~~None~~ Commercial poultry raising limited to one hundred fifty (150) chickens, ducks, quail, or similar fowl for each one acre of parcel area; or
  - b. ~~None~~ Commercial small animal raising limited to one hundred fifty (150) rabbits, chinchillas or similar small animals;
  - c. Poultry cages shall be maintained in open-type houses not to exceed one story in height unless approved by the building and safety department. This limitation shall also apply to all other approved types of poultry enclosures.
7. Commercial Rabbit-raising Enterprises. Such enterprises shall locate on parcels of at least one gross acre, with a minimum frontage of one hundred fifty (150) feet;

## ARTICLE V. - RESIDENTIAL DEVELOPMENT STANDARDS<sup>[6]</sup>

### 16.16.120 - Development standards.

The development standards in this table shall be required within each land use designation:

Type of Standard		Land Use Designation					
		R3	R1 (SLS <sup>1</sup> )	R1	RR	A1	A2
A.	Height <sup>2</sup>	35	30' <sup>3</sup>	35' (max. 2.5 stories)			
B.	Minimum lot area	5 acres <sup>4</sup>	The minimum lot area is identified on the General Plan Land Use Map <sup>5</sup>				
C.	Minimum lot width dimension	300' <sup>4</sup>	50' <sup>6</sup>	60' (at setback)		100'	300'
D.	Minimum lot depth dimension	500' <sup>4</sup>	75' <sup>6</sup>	100'		none	
E.	Minimum lot dimension - Width for Corner Lots	300' <sup>4</sup>	60' <sup>6</sup>	110' (at setback)		110' (at setback)	300'
F.	Front Yard Setback <sup>7,8</sup>	25'	10'; or 20' if garages open	<del>Section 16.20.025 through 16.20.030</del> <u>25'</u> <sup>12</sup>			

G.	Front Yard Setback - Corner Lot <sup>7,8</sup>		parallel to the street		
H.	Side Yard Street Setback <sup>7,8</sup>	25'	10'		
I.	Interior Setback <sup>8</sup>	8'	The sum of the side yards shall not be less than 10' <sup>10</sup>	5' and 10'	10% of lot width, but not more than 15' or less than 6'
J.	Lot Created before Jan. 9, 1969			10% of lot width, but not less than 3' and more than 5'	
K.	Rear Setback <sup>8,9</sup>	15'			
L.	Lot Coverage	60%	50% <sup>11</sup>	40%	<del>Not to exceed regulations in Article X <u>40%</u></del>
M.	Signs	Section 16.16.095			
N.	Parking	Sections 16.20.080 through 16.20.120			

Notes:

1. SLS shall stand for small lot subdivision.
2. Exceptions are noted in Section 16.20.060.
3. The maximum building height shall be eighteen (18) feet to a depth of twenty (20) feet from the street property line. For corner lots, all street-facing sides shall meet this requirement.
4. Minimum lot size and width/depth requirements shall not apply to townhome and condominium units.
5. The minimum lot area shall be designated by a number following the designation symbol on the general plan land use map; numbers less than one hundred (100) shall indicate acres, and numbers more than one hundred (100) shall indicate minimum square feet of area required per lot.
6. Exception in Section 16.16.130(B).
7. Adequate visibility for vehicular and pedestrian traffic at all ninety (90) degree angle intersections of public rights-of-way and private driveways shall be maintained by limiting the height of any walls, fences, monument signs or other man-made visual obstructions to less than thirty-six (36) inches within a clear sight triangular area at the corner as illustrated in Section 16.20.045.

8. The setback shall be open and unobstructed from finished grade or from such other specified level at which the yard is required, to the sky, except for buildings/structures allowed in the yard by the table in Section 16.20.075. The architectural projections listed in this section must be attached to the principal building allowed on the lot.
9. In computing depth of a rear yard where such yard opens into an alley, one-half of the width of such alley may be assumed to be a portion of the required rear yard.
10. A zero setback on one of the interior sides with shared party walls between adjacent attached units and the creation of usable yard space on the other side shall be permitted.
11. Lot coverage shall mean the percentage of lot surface area occupied by any building or structure.

12. Refer to Section 16.20.025 through 16.20.030.

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#### **16.16.145 - Site design standards and guidelines.**

##### **C. Scale, Mass and Form.**

1. The scale and mass of a new dwelling should blend well with neighboring houses and not overwhelm them with disproportionate size or a design that is out of character. Buildings that are out of scale with the neighborhood, with large, blank, flat surfaces, and insufficient open space and mature landscaping can appear out of place and incompatible with their surroundings.
2. A two-story building should not be constructed in a one-story neighborhood unless it is carefully designed to be similar in scale and mass with surrounding buildings. In such instances, the second story should be setback from the front of house to make the second story less visible from the street. Second floor balconies and small decks accented with landscaping can also reduce the visual impact of two-story buildings.
3. The size, mass, and height of a building should also be in proportion with the size of the property. It is not necessarily desirable to maximize the allowable lot coverage, but to provide ample open space and setbacks and preserve the character of the neighborhood.



*Setback the second story to reduce the overall mass of structure.*



*Facade articulation, a second floor balcony, and landscaping lessen the visual impact of this two story house.*

4. Architectural elements, such as simple roof forms, facade articulation, roof breaks, walls with texture materials and ornamental details, and incorporation of landscaping, are encouraged because they add visual interest and reduce the appearance of mass and scale.
5. If allowed, accessory buildings/structures and second-accessory dwellings should have comparable massing and form as the primary residence.

F. Additions, New Accessory Buildings and Second-Accessory Dwelling Units.

1. Additions and new accessory buildings/structures, and second-accessory dwelling units should maintain the look and appearance of the existing primary buildings so that they do not appear as an addition or new building. They should respect the architectural style, scale, and rhythm of the existing primary building. Building elements, such as roof pitch and style, building proportions, exterior siding and roofing materials, door and window style and materials, color, and texture, should match the existing primary building.
2. An addition should complement and balance the overall form, mass, and composition of the existing primary building on the property.
3. Additions are strongly encouraged to be located behind the house away from public view. Additions in the front yard are strongly discouraged.
4. When building an addition, efficient use of floor area is encouraged. Maximize floor area by combining uses of space, eliminating unnecessary rooms, and organizing rooms to eliminate hallways.

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**16.16.320 - Commercial and industrial uses.**

	Land Use Designations				
Land Uses	C1	C2	C3	I1	I2
A. Art studio/gallery (including photo)	R	R	R	R	
B. Assemblies of people — Entertainment (e.g., theater — Live performance, auditorium, banquet hall, nightclub, etc.) <sup>1</sup>		R	R	R	R
C. Auction service, exchange or barter			R	R	R
D. Automotive parking	R	R			
E. Bank and financial institution/service	R	R			
F. Bar, saloon, cocktail lounge and tavern		CUP			



G. Business support services and facilities (including graphic reproduction, computer-service, uniform store, etc.)		R	R	R	R
H. Catering establishment		R	R	R	R
I. Cemetery	R	R	R	R	R
J. Club or lodge (non-profit), fraternal or religious association	CUP	R			
K. Composting plant	NP	NP	NP	NP	CUP
L. Contractors and building trades	R	R	R	R	R
M. Equipment sales and rental — Indoors		R	R	R	
N. Grocery store (not including off-sale alcohol <sup>7</sup> )	R	R	R	NP	NP
O. Health and fitness club	R	R	R	R	R
P. Heavy equipment sales and rental				R	R
Q. Helicopter landing and take-off pad		CUP		CUP	CUP
R. Historical and monument site	R	R	R	R	R
S. Home improvement sales and service, retail (e.g., hardware, lumber and building materials stores)	R	R	R		
T. Hospital		CUP	CUP	CUP	CUP
U. Hotel/motel		R			
V. Impound/towing <sup>2</sup>	NP	NP	NP	CUP	CUP
W. Industrial uses (includes outdoor storage <sup>3</sup> )	NP	NP	NP	P	P
X. Institutional uses	R	R	R	R	R

Y. Kennel — Boarding of domestic animals		CUP	CUP	R	R
Z. Laboratory — Research		CUP		R	R
AA. Machine shop/repair				R	R
BB. Manufactured housing (sales)				R	R
CC. Manufacturing/warehouse (includes outdoor storage <sup>3</sup> )				R	R
DD. Medical services (not including hospitals)		R	R	NP	NP
EE. Microwave and radio communication towers and facilities			R	R	R
FF. Self-storage facilities <sup>2</sup>	CUP	CUP	CUP	CUP	CUP
GG. Mortuary, not include crematory		R			
HH. Museum, library and reading room	R	R	R		
II. Off-sale alcohol establishment (ABC type 20 & 21 licenses) <sup>7</sup>	CUP	CUP			
JJ. Office/professional buildings	R	R	R	R <sup>5</sup>	R <sup>5</sup>
KK. Parking/storage of recreational vehicles			R	R	R
LL. Personal services (e.g., spas, salons, <a href="#">tattoo shops</a> , and massage facilities) <sup>8</sup>	R	R	R		
MM. Planetarium, aquarium, botanical garden and zoo		R			
NN. Publishing and printing		R	R	R	
OO. Processing (recycling) facility <sup>4</sup>	NP	NP	NP	CUP	CUP
PP. Recreational facility — Commercial		R	R	R	
QQ. Recycling center — Large collection facility <sup>4</sup>	NP	NP	NP	<del>NP</del> CUP	CUP

RR. Repair shop — Small items	R	R	R	R	R
SS. Restaurant (sit down and takeout), including outdoor dining, <u>with or without alcohol sales</u> <sup>2</sup>	R	R	R		
TT. Retail sales (not including off-sale alcohol <sup>7</sup> )	R	R	R	R <sup>6</sup>	R <sup>6</sup>
UU. School — Trade, community college, university		R	R	R	R
VV. School — Specialty non-degree (e.g., dance and martial arts)	R	R	R	R	R
WW. Semi-truck repair and storage				CUP	CUP
XX. Shopping center (not including off-sale alcohol <sup>7</sup> )	R	R	R		
YY. Terminal (bus and truck)		CUP		CUP	CUP
ZZ. Theater	NP	NP	NP	NP	NP
AAA. Upholstery and furniture repair/refinishing		R	R	R	R
BBB. Vehicle fuel station <sup>2</sup>	<del>R</del> CUP	<del>R</del> CUP	<del>R</del> CUP		
CCC. Vehicle parts and accessories sales		R	R		
DDD. Vehicle repair facility — Major		<del>R</del> CUP	<del>R</del> CUP	R	R
EEE. Vehicle repair facility — Minor		<del>R</del> CUP	<del>R</del> CUP	R	R
FFF. Vehicle sales/rentals and leasing — new and used <sup>2</sup>		R			
GGG. Vehicle wash facility <sup>2</sup>		<del>R</del> CUP	<del>R</del> CUP	<del>R</del> CUP	
HHH. Veterinary services — Clinics and small animals hospitals (short term boarding)	R	R	R		

III. Warehousing and wholesale distribution center				R	R
JJJ. Wrecking yard <sup>2</sup>	NP	NP	NP	NP	CUP

Notes:

1. Shall not include a motion picture theater. Establishments serving alcohol shall require a CUP.
2. Shall correspond with standards in Section 16.16.365 (Specific land use standards).
3. Shall be subject to Section 16.16.360(A)(4).
4. Shall be subject to Section 16.16.070 (Recycling facilities).
5. Shall be supportive to a manufacturing/industrial use.
6. May sell products manufactured or distributed on-site pursuant to Section 16.16.360(A)(3).
7. Applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 SF in floor area shall be forwarded to the city council for final action. Such establishments shall be located within five hundred (500) feet of the intersection of two arterial or major arterial streets identified on the City's adopted circulation plan.

8. Massage facilities shall correspond with standards in Chapter 5.20

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## ARTICLE X. - COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS

### ~~16.16.355 – Street setback reduction.~~

- ~~A. The following table lists the reduced setback distances permitted in the commercial and industrial designations (providing all required street improvements are incorporated into the developed area) and provides the minimum building and landscaping features required when granting the reductions.~~
- ~~B. When approving a minor exception consistent with Section 16.12.220 for commercial and industrial developments, the reviewing authority may require pedestrian-oriented features in Section 16.16.360(C)(7) and/or Chapter 16.16, Article XI (Design Guidelines) to be integrated into the development.~~
- ~~C. The reviewing authority is responsible for the granting these variable building setbacks. The reviewing authority may require submittal of renderings and landscape design (including plant species photography) and/or an architectural palate prior to approval of variable setbacks.~~
- ~~D. In industrial developments, the outdoor dining feature may be substituted for outdoor seating, public art, and/or other similar feature deemed appropriate by the reviewing authority. If location and physical limitations exist, the reviewing authority may only require the architectural and landscaping features.~~

Required Street Setback	Building Features	Landscaping Features
15 feet	<del>Provides pedestrian-oriented features in Chapter 16.16, Article XI (Design Guidelines).</del>	<del>Provides 7% on-site landscaping. Shade trees required in parking lot.</del>
10 feet	<del>Provides pedestrian-oriented features in Section 16.16.360(C)(7) and Chapter 16.16, Article XI (Design Guidelines). Recessed entrances, plazas and courtyards required to offset any building frontage over 50 lineal feet.</del>	<del>Same as above but provides 10% on-site landscaping with parking lot planters separating parking aisles.</del>

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#### 16.16.360 - Additional development standards.

A. The following standards shall apply to development in all commercial and industrial designations, except as otherwise specified:

~~1. Any site plan review, conditional use permit or planned development accompanied by a map or merger combining two or more lots shall have the map or merger fees waived;~~

~~21.~~ All uses shall be subject to the approval of a site plan review or a conditional use permit, pursuant to Chapter 16.12.

~~32.~~ The following standards shall apply to development in all industrial designations, except as otherwise specified:

- a. Any I1 sites which after lot consolidation have a gross area of ten acres or more may be permitted to establish a general manufacturing use permitted in the I2 designation, subject to the conditional use permit processes;
- b. Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met:
  - i. The operations are contained within the main structure which houses the primary use,
  - ii. Retail sales occupy no more than twenty-five (25) percent of the total building square footage,
  - iii. No retail sales or display of merchandise occur(s) outside the structure(s), and
  - iv. All products offered for retail sales on the site are manufactured, warehoused or assembled on the premises;
- c. Whenever possible, uses should incorporate air quality mitigation measures, including employee rideshare and transit programs, alternate schedules, delivery management programs, telecommunication programs and other modes of transportation.

**43. Outdoor Displays, Storage, Equipment, and Work Areas.**

- a. No retail sales, merchandise displays or work areas shall occur outside building(s), except as approved by a site plan review, conditional use permit, or special event permit.
- b. There shall be no visible storage of motor vehicles (except display areas for sale or rent of motor vehicles), trailers, airplanes, boats, recreational vehicles, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents, equipment or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction;
- c. In the I1 and I2 designations, outside storage and equipment shall be confined to the rear half of the property or the rear of the principal structure on site, whichever is more restrictive, and screened from public view from any adjoining properties and public rights-of-way by appropriate walls, fencing and landscaping.

**54. Parking and Loading.** In addition to the off-street parking requirements and standards set forth in Chapter 16.20, Article IV (Parking and Loading Standards) of this development code, the following shall apply:

- a. Parking areas shall be landscaped along the perimeter as well as in the interior of the parking lot, pursuant to the requirements set forth in Chapter 16.20, Article XII (Landscape Regulations) of this Development Code.
- b. Shared parking between adjacent businesses and/or developments is highly encouraged where feasible.
- c. Loading facilities shall not be located at the front of buildings or in public areas of the development. Such facilities are more suitably located at the rear of the site where they can be screened appropriately.
- d. When it is not possible to locate loading facilities at the rear of the building, loading docks and doors may be located along the sides of the buildings, but should not dominate the facades and must be screened from the public areas of the development. e) Loading facilities should be offset from driveway openings.
- e. Backing from the public street onto the site for loading into front-end docks causes unsafe truck maneuvering and should not be utilized except at the ends of cul-de-sacs where each circumstance will be studied individually at the time of design review.

**65. Open Space and Landscaping.**

- a. The design standards and guidelines included in the provisions of Chapter 16.20, Article XII (landscape regulations) and Chapter 16.24 (Protected Plants) of this development code shall apply.
- b. Open space areas shall be clustered into larger landscape areas rather than equally distributing them into areas of low impact such as at site and building peripheries, behind a structure or areas of little impact to public view, or where they are not required as a land use buffer or required yard setback.

**76. Walls and Fences.**

- a. A commercial or industrial development adjacent to any residential designation shall have a six-foot high decorative masonry wall along property lines adjacent to such

designations. In the I1 and I2 designations, the wall height shall not exceed twelve feet, depending on the height of the material being screened.

- b. In commercial designations, the maximum permitted height of any perimeter walls fronting a street shall be three feet.
- c. Both sides of all perimeter walls shall be architecturally treated. In commercial designations, appropriate materials include decorative masonry, concrete, stone and brick.

**87.** Trash Collection Areas.

- a. At least one trash enclosure area shall be provided for commercial and industrial developments. The reviewing authority may require additional enclosures as deemed necessary. All such required areas shall be enclosed and screened pursuant to the requirements of this section and in accordance with city standards.
- b. All trash/recyclable materials collection enclosure areas shall be easily accessible to retail and office tenants, including easy pedestrian access for the disposal of materials and collection by refuse vehicles.
- c. The collection area(s) shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall. The wall materials used shall be complementary in color and style to architectural components of the development they serve. The fourth side of the enclosure shall be enclosed with an opaque, self-latching gate.

**98.** Mechanical Equipment Screening.

- a. All exterior mechanical equipment, except solar collectors, whether on a roof, side of a structure, or on the ground, shall be appropriately screened from public view. The method of screening shall be architecturally integrated with the primary structure in terms of materials, color, shape and size. Where individual equipment is provided, a continuous screen is desirable.
- b. For rooftop equipment, the screening materials shall be at least as high as the equipment being screened. Equipment requiring screening includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof, except as may be approved through the site plan review process.
- c. Ground-mounted utility equipment such as, but not limited to, cable television boxes, electric power transformers and distribution facilities, water pumps, and telecommunications facilities (not including pole-mounted equipment) shall be screened from view on all sides with solid masonry walls or similar permanent structures. Such masonry wall or structure shall be of a neutral color. Screening with wood, chain-link, or similar fencing materials shall not be permitted. Electric and other metering equipment and panels shall be painted to match adjacent building and wall surfaces.
- d. Ladders for roof access shall be hidden and integrated into the building design.

**409.** Standards for Outdoor Dining. Outdoor dining may be provided either in private patios or within the public sidewalk right-of-way. The following standards and guidelines shall be followed relative to outdoor (sidewalk and patio) dining spaces:

- a. These two kinds of outdoor dining areas including "patio dining space" and "sidewalk dining space."

~~C. Review Process. All new development in this designation shall be subject to the approval of a site plan review pursuant to Chapter 16.12, Article II (Site Plans and Revised Site Plans) of this development code. All new development in this designation that is conditionally permitted shall be subject to the approval of a conditional use permit pursuant to the procedures set forth in Chapter 16.12, Article III (Conditional Use Permits) of this development code, unless otherwise specified.~~

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#### **16.16.365 - Specific land use standards.**

In addition to the general development requirements contained in Chapter 16.20 (General Regulations), the following standards shall apply to specific commercial land uses.

F. Drive-thru Restaurants. This section contains standards for drive-thru restaurants. Drive-thru restaurants are subject to site plan review.

1. Pedestrian walkways should not intersect the drive-thru drive aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping;
  2. Drive-thru aisles shall have a minimum thirteen (13) foot width on curves and a minimum twelve (12) foot width on straight sections;
  3. Drive-thru aisles shall provide sufficient stacking area behind menu board and pick-up window to accommodate a minimum of four cars each;
  4. All service areas, restrooms and ground mounted and roof mounted mechanical equipment shall be screened from view;
  5. Landscaping shall screen drive-thru or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of reader board signs and directional signs;
  6. Drive-thru aisles and structures shall be setback from the ultimate curb face a minimum of ten feet;
  7. Menu boards shall be a maximum of thirty (30) square feet, with a maximum height of seven feet, and shall not face the street;
  8. Drive-thru restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza; and
  9. Drive-thru aisles should not exit directly onto a public right-of-way.
  10. A minimum of one trash receptacle shall be installed at the end of the drive-thru aisle and shall be accessible to the drivers of the vehicles. The trash receptacle shall be maintained at all times and emptied on a regular basis so as to not prevent overflow.
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**Sec. 16.16.370. - Alcohol sales and deemed approved alcohol sales regulations.**

**H.G.** Grounds for conditional use permit suspension, revocation or termination.

1. In addition to the grounds for revocation or modification of a conditional use permit contained in Section 16.12.130, an alcohol establishment's conditional use permit may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in this title, for failure to comply with operational standards, training requirements or conditions of approval imposed through their conditional use permit. Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's conditional use permit shall be in the manner prescribed by this title.
2. In addition to any and all other provisions of this section, any conditional use permit shall terminate and cease to apply to any establishment when either of the following has occurred:
  - a. The alcohol establishment has ceased its operation for a period of twelve (12) or more calendar months, and when either one of the following events occur:
    - i. If, after the twelve (12) calendar months, any application or requested transaction with the California Department of Alcoholic Beverage Control, whereby the laws of the state of California require notice thereof to be filed with the city, and allow the filing of a protest thereon by the city (including person-to-person transfer of existing licenses), and the city has filed such protest; or
    - ii. If after such 12-calendar-month period, the existing license shall have ceased to apply to such establishment.
  - b. Surrendered its license to the California Department of Alcoholic Beverage Control for a period exceeding twelve (12) calendar months.

**H.H.** Automatic deemed approved status for existing alcohol establishments.

1. As of the effective date, all existing or conditionally permitted alcohol establishments, whether or not constructed or operational, and all existing legal nonconforming alcohol beverage sales establishments, shall automatically become deemed approved establishments, and shall no longer be considered permitted, conditionally permitted or legal nonconforming establishments. Each deemed approved establishment shall retain its deemed approved status as long as it complies with the deemed approved operational standards set forth in Section 16.16.370(J).
2. The city shall notify the owner and/or operator of an alcohol establishment of its deemed approved status at the address as shown on their city business license, and also, if not the same, any property owner at the address shown on the county assessor's property tax assessment records, of the establishment's deemed approved status. The notice shall be sent by first-class mail and certified mail return receipt requested and shall include a copy of the operational standards in this section with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the alcohol establishment for public review. Should the notice be returned, then the notice shall be sent via regular mail. Failure of any person to receive notice given pursuant to this section shall not affect the deemed approved status of the establishment.

Operational standards for alcohol establishments with deemed approved status.  
After the effective date, a deemed approved establishment shall retain its deemed

approved status only if it conforms to all of the following deemed approved operational standards:

1. The deemed approved establishment shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. The deemed approved establishment shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
3. The deemed approved establishment shall not allow repeated nuisance activities within the premises or associated with the establishment or activity, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct. The establishment shall call the police upon observation of the activity.
4. The deemed approved establishment shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
5. The deemed approved establishment's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
6. A copy of these deemed approved operational standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

Grounds for deemed approved status suspension, revocation or termination.

1. An alcohol establishment's deemed approved status may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing, for failure to comply with the deemed approved operational standards set forth in Section 16.16.370(J). Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's deemed approved status shall be in writing and shall state the grounds therefore. Notice shall be mailed by first-class mail and certified mail return receipt requested at least ten days before the date of the hearing.
2. The occurrence of any of the following shall terminate the deemed approved status of the alcohol establishment after notice and a hearing in front of the planning commission, and require the application for and issuance of a conditional use permit in order to continue the alcoholic beverage sales activity:
  - a. An existing alcohol establishment changes its activity so that ABC requires a different type of license.
  - b. There is a substantial modification to the mode or character of operation, including but not limited to the following:

- i. The deemed approved establishment extends the hours of operation.
- ii. The deemed approved establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period 12 months or greater by ABC.
- iii. The deemed approved establishment voluntarily discontinues active operation for more than twelve (12) consecutive months or ceases to be licensed by the ABC.
- c. A "substantial change in the mode of character of operation" shall not include:
  - i. Re-establishment, restoration or repair of an existing deemed approved establishment on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does not extend the hours of operation of any establishment or add to the capacity, floor or land area or shelf space devoted to alcoholic beverages of any establishment.
  - ii. Temporary closure for not more than twelve (12) months in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment, provided notice is provided to the city. The development services director may, upon request of an owner of a deemed approved establishment made prior to the expiration of twelve (12) months, grant one or more extensions to the period of temporary closure, in accordance with Section 16.12.315(F).
- d. There has been a discontinuance of active operation for twelve (12) consecutive months or a cessation of ABC licensing, which shall be presumed to be abandonment of the use by the property owner. At any time after any active operation is discontinued for a period of twelve (12) consecutive months or more, the city manager's designee shall notify the property owner in writing of the determination of presumed abandonment of the active operation. Pursuant to Chapter 16.12 of this title, the property owner may appeal the determination to the planning commission, which may overturn the determination only upon making a finding that the evidence supports the property owner's position that the use was not discontinued for a period of twelve (12) consecutive months or more.

#### 11. Violations; Enforcement.

1. In addition to the penalties provided in this section, this section shall be enforced pursuant to Chapter 1.12 of the Hesperia Municipal Code.
2. It is not the intent of this section to discourage owners and employees of alcohol establishments to report nuisance or criminal activity. Nuisance or criminal activity that is reported by owners and employees shall not be considered for the purposes of revoking a conditional use permit or deemed approved status.

#### 12. Annual alcohol sales regulatory fee.

1. The intent and purpose of this section is to impose a regulatory fee upon all off-sale alcohol establishments that either hold deemed approved status pursuant to this section or obtained a conditional use permit after the effective date. This fee shall provide for the enforcement and administration of the conditions of approval, operational standards, and other applicable regulations set forth in this section with regard to off-sale alcohol establishments.
2. The regulatory fee shall be established by resolution of the city council, and may include an annual component and a compliance component. The fee shall be calculated so as to recover the total cost of both administration and enforcement of the operational standards and other applicable regulations set forth under this section upon all off-sale alcohol establishments that either hold deemed approved status pursuant to this section or obtained a conditional use permit after the effective date, including, for example, notifying establishments of their deemed approved status, administering the program, establishment inspection and compliance checks, documentation of violations, conducting hearings and prosecution of violators, but shall not exceed the cost of the total program. All fees shall be used to fund the program. Fees are nonrefundable except as may be required by law.

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#### **16.20.072 - Fences and walls.**

- A. Fences and walls within the front yard setback may be approved by the director of development services or his designee as provided in subsection B and shall require the approval of a plot plan.
- B. Standards for Fences and Walls within the Front Yard Setback Area. The maximum height of a wall, fence or hedge shall be limited to a maximum of thirty-six (36) inches above grade when view-obscuring; however, non-view-obscuring estate type fences (i.e., those constructed of ornamental metal and masonry pillars) may be constructed in the front yard up to a maximum of six (6) feet above grade (Chain link with slats is not considered an ornamental fence, and is limited in height to thirty-six (36) inches unless on a lot at least fifteen thousand (15,000) square feet or larger). The director of development services or his designee may limit the height and alter the size and location of fences and pillars, based on the position of the residence as well as other factors, which may include the topography of the site, development on adjacent parcels, and legally located structures and utilities. In no event shall any view-obscuring portion of the estate type fence, other than pillars consistent with Section 16.20.045, exceed the maximum height of thirty-six (36) inches above grade. The maximum height of fences, walls, and hedges shall be as provided within the table below:

Fencing	Front and Street Side Yards	Rear and Interior Side Yards
Fences, screening, safety guard rails, walls	Allowed	Allowed

Commercial and all zones other than Agricultural, Residential or Industrial	6 ft. max. height	10 ft. max. height
Industrial † In accordance with Section <del>16.16.585</del> <u>16.16.415(13)</u>	12 ft. max. height†	12 ft. max. height†
Agricultural & Residential	<p>3 ft. max. high solid and open wire with slats fencing. 4 ft. open wire max. height in the front yard of lots under 15,000 square feet in net area. (16.20.080 A &amp; B)</p> <p>6 ft. max. height in front yards for open wire fencing without slats on lots at least 15,000 square feet in net area. 6 ft. high solid or open wire fencing with slats shall be allowed in the area of the front yard which overlaps the street side yard if the fence does not encroach within a required clear sight triangle. The fence may also extend across the front yard to connect to a logical portion of the residence to form a private yard as approved by the director of development services or his designee (chain link is not considered an ornamental fence and is limited in height as provided herein).</p> <p>6 ft. max. height within street side yards</p>	6 ft. max. height
<u>All residential tracts zoned R1 or located within the Main Street and Freeway Corridor Specific Plan</u>	<u>Fencing for all residential lots shall consist of a 6 ft. high block wall on all sides. A 6 ft high split face block wall shall be required on all sides that are viewable from the right-of-way. Internal sides not viewable from the right-of-way may be precision block.</u>	

#### 16.20.080 - Parking requirements.

Adequate parking shall be provided on-site for each use, with minimum parking requirements established per Tables 16.20.080 (A) and 16.20.080 (B). Where deemed appropriate by the reviewing authority, additional parking may be required.

**Table 16.20.080 (B)**  
**Commercial and Industrial Parking Requirements**

Use	Parking Required	Special Considerations
Retail and office (general) single-use or multi-tenant developments		Consult Section 16.20.077(C) for defining site acreage. The number of parking spaces required is per 1,000 square feet of gross building floor area. Consult Section 16.20.077(A) for defining gross building floor area. The number of parking spaces for a restaurant or other use listed within this table which requires a higher parking ratio than the retail and office (general) standard shall be calculated at the parking standard for that use if it is not part of a multi-tenant retail building or on a pad within a center. Likewise, a single-use medical/dental building on a single parcel or multi-tenant center exclusively for medical/dental is required 5.00 spaces/1,000 square feet gross floor area. A restaurant, single-tenant medical or other use which requires a higher parking ratio occupying over one-fourth of the total gross building floor area of the development shall be subject to the higher parking ratio.
Less than 1.0-acre sites	5.00 spaces/1,000	
1.0 to 9.9-acre sites	4.00 spaces/1,000	
10.0-acre and larger sites	3.33 spaces/1,000	
Furniture, major appliance	2.00 spaces/1,000	
Medical/dental offices	5.00 spaces/1,000	An 8-foot wide by 36-foot long vehicle drop-off lane shall be provided in front of the building(s) on properties 150 feet or wider.
Restaurants, bars, eateries	10.00 spaces/1,000	A restaurant or use which sells food for takeout or delivery only shall be subject to the retail and office (general) parking requirements.
Sales/service uses		

Car and light truck sales/rental	1.00 space/1,000 vehicle display area + 2.50 spaces/1,000 showroom area + 4.00 spaces/1,000 office and shop area	
Diesel truck (excluding light truck) sales/rental	0.10 space/vehicle display area + 2.50 spaces/1,000 showroom area + 4.00 spaces/1,000 office area	
Recreational vehicle (RV) sales/rental	0.20 space/1,000 vehicle display area + 2.50 spaces/1,000 showroom area + 4.00 spaces/1,000 office area	
Automobile, RV, and diesel truck repair, plumbing and other service-oriented uses	3 spaces/service bay + 4.00 spaces/1,000 non-service bay area	
Car and truck wash		
<u>Automated/hand-Full service carwash/detailing</u>	10 spaces	
<u>Express Carwash</u>	<u>6 spaces</u>	
<u>Automated carwash that is ancillary to a primary use (i.e. a gas station and self-service carwash)</u>	2 spaces/wash stall	
Open air retail sales nurseries/equipment	1.00 space/5,000 sales and display area (min. 6 spaces)	

Hotels, motels		
Less than 50 rooms	1.1 spaces/room	
50 rooms and over	1.1 spaces/room + RV parking (5% of total)	
Entertainment uses		
Bowling alleys	5 spaces/lane	
Commercial stable	1 space/5 horses	
Commercial swimming pools/skating rinks	4.00 spaces/1,000	
Golf courses		
Regulation course	5 spaces/hole	Additional parking spaces shall not be required for a driving range within a regulation course.
Driving range	1 space/tee	
Miniature golf	4 spaces/hole	
Gyms, health clubs, dance studios, lodge halls, clubs	6.67 spaces/1,000	
Auditoriums, churches, chapels, mortuaries, theatres, rodeo and other similar uses	1 space/4 seats or 30.00 spaces/1,000 assembly area	A seat is defined as 18 lineal inches on a bench. The 30.00 spaces/assembly area parking ratio is to be used only when an assembly area does not contain fixed seating. Churches require 1 space for each classroom and secondary assembly area in addition to the parking required for the sanctuary.
Convalescent/group home	1 space/3 beds	



Hospital	1.75 spaces/bed	
Library, museum	2.00 spaces/1,000	
Parks		
Active recreation areas	20 spaces/acre	
Tennis or racquetball	3 spaces/court	
Passive recreation areas	10 spaces/acre	
Government administrative offices	5.00 spaces/1,000	These are government facilities frequented by the public; not for fire and police stations and other public uses not frequented by the public.
Public uses not frequented by the public (fire/police stations)	2.00 spaces/1,000	0.5 spaces/1,000 of the 2.0 spaces/1,000 shall be provided for the public.
Public utility facilities	2.00 spaces/1,000	A minimum of two parking spaces shall be provided.
Schools		
Schools (private) Pre-school/day care	1 space/employee + 1 space/10 children	The number of spaces is based upon the facility's maximum student capacity.
Grades K thru 8th		10 spaces + 2/classroom
Grades 9th and above		10 spaces + 6/classroom
Trade/business schools		1 space/employee + 1 space/3 students
Industrial uses		
Industrial (nonspecific)	2.00 spaces/1,000	The number of parking spaces required is per 1,000 square feet of gross building
Industrial storage/salvage	0.40 spaces/1,000	

Warehouse		floor area. Consult Section 16.20.077(A) for defining gross building floor area.
Less than 10,000 sq. ft.	2.00 spaces/1,000	
10,000 sq. ft. and over	20 spaces + 0.40 space/ 1,000 over 10,000 sq. ft.	
MiniSelf-storage	6 spaces	

#### 16.20.085 - Parking standards.

- A. The required parking spaces shall be located on the same site with the main use or building except as provided herein. Property within the ultimate right-of-way of a street or highway shall not be used to provide required parking or loading facilities.
- B. On-site parking shall be restricted to those areas which are paved and designated for vehicle parking unless authorized through an approved temporary special event, site plan review or conditional use permit.
- C. When the occupancy or use of any premises is changed to a different use, parking to meet the requirements of Section 16.20.080 shall be provided for the new use or occupancy unless ~~otherwise permitted, the use is similar to a legally established use and the prior use did not abandon the site for more than six months. A period of one year applies for properties within the Main Street and Freeway Corridor Specific Plan.~~
- D. When the occupancy or use of any premises is altered, enlarged, expanded or intensified, additional parking to meet the requirements of Section 16.20.080 shall be provided for the additional area and/or use.
- E. No required parking space or loading area shall be discontinued, reduced or altered in any manner below the requirements established in this article unless replacement parking facilities are provided in accordance with Chapter 16.20.
- F. Where two or more uses are located in a single building or a single premises, required parking shall be provided for each specific use except as part of a mixed-use development as approved by a site plan review or conditional use permit.
- G. Shared parking may be approved by the reviewing authority; provided, that times of operation of the involved businesses are not the same, as specified herein.
  1. Up to fifty (50) percent of the parking facilities required by this article for a use considered to be primarily a daytime use may be provided by a use considered to be primarily a nighttime use; up to fifty (50) percent of the parking facilities required by this article for a use considered to be primarily a nighttime or Sunday use may be provided by a use considered to be primarily a daytime use; provided, that such reciprocal parking area shall be subject to conditions as set forth in subsection (G)(3) of this section.

2. The following uses are typical daytime uses: banks, business and professional offices, clothing or repair or service shops, and similar uses. The following uses are typical of nighttime and/or Sunday uses: auditoriums, fraternal lodges, churches and theaters. The reviewing authority shall determine the parking requirements of the uses proposed for joint parking.
  3. Conditions Required for Joint Use.
    - a. A building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within one hundred fifty (150) feet of such parking facilities and shall be authorized as part of a recorded irrevocable reciprocal access and parking agreement.
    - b. The applicant shall provide written documentation as approved by the reviewing authority that there will be no substantial conflict in the principal operating hours for the buildings or uses for which the joint use of off-street parking facilities is proposed.
    - c. Parties concerned in the joint use of off-street parking facilities shall provide evidence of agreement for such joint use by a proper legal instrument approved by the city attorney as to form and content.
  - H. Parking Spaces. Each full-sized off-street parking space shall have dimensions not less than nine feet in width and eighteen (18) feet in length, except parallel parking stalls which shall be a minimum of eight feet in width and twenty-four (24) feet in length. A maximum of twenty-five (25) percent of the total number of parking spaces provided may be a minimum of eight feet, six inches in width and eighteen (18) feet in length. These reduced-width spaces should not be located in close proximity to a primary building entrance(s). These reduced-width spaces may be provided at the end(s) of a row(s) of nine-foot-wide spaces as needed due to site constraints. However, these spaces shall not be alternated with nine-foot-wide spaces within an individual row(s) of spaces.
  - I. Parking spaces may overhang sidewalks and landscaped areas by up to two feet, provided the encroachment does not reduce a required handicapped accessible path of travel ~~below four feet in width~~ and landscaping does not interfere with the allowed encroachment. All walkways adjacent to overhanging parked cars shall have a clear width of four (4) feet.
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#### **16.20.090 - Residential parking standards.**

In addition to those standards contained in Section 16.20.085 of this article, the following design standards shall apply to residential districts and developments:

- A. Covered off-street parking spaces in a garage or carport shall be a minimum of nine feet in width and nineteen (19) feet in depth of unobstructed area provided for parking purposes. A fully enclosed two-car garage shall have a minimum interior size of nineteen (19) feet in width and nineteen (19) feet in depth. The required minimum measurements may not include the exterior walls or supports of the structure.
- B. Driveways providing access to garages, carports and parking areas serving two or less dwelling units shall be a minimum of twelve (12) feet in width. When an accessory garage is proposed, which is required for either the principal residence or a second dwelling unit, the driveway requirements shall be as follows:
  1. For developed residential lots less than two acres in size, the driveway providing access to an accessory garage shall be surfaced with asphalt paving a minimum of two inches

in thickness or concrete with a minimum thickness of three and one-half inches or other permanent, impervious surfacing material per the specifications of the reviewing authority. An alternate surface material may be considered by the reviewing authority, if shown that such material will not cause adverse effects and that it will remain in a usable condition.

2. For developed residential lots greater than two acres in size which front upon an unpaved street, the driveway providing access to an accessory garage shall be dust-proofed with either slag, gravel, or similar surface material as approved by the reviewing authority, if shown that such material will not cause adverse effects and that it will remain in a usable condition.
- C. Driveways providing access to garages, carports, and open parking spaces serving three or more dwelling units shall be a minimum of thirteen (13) feet in width for one-way traffic, and twenty-six (26) feet for two-way traffic. Where garages or carports are located on both sides of the driveway, a thirty-foot wide accessway between garage or carport spaces for two-way traffic shall be provided.
- D. Driveways which are separate from the right-of-way or common drive aisle and which provide access to garages shall be a minimum length of twenty (20) feet, excluding that portion within the public right-of-way or common drive aisle.
- E. No property owner shall sublease, subrent or otherwise make available to residents of other properties, the off-street parking spaces required by this article, ~~except for parking of commercial vehicles, as defined in Section 16.20.090(H).~~

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#### 16.20.160 - Minimum residential construction standards.

- A. The following standards shall be applied to all permitted construction or installation within the city of all detached single-family residential structures unless otherwise specified within this code.
  1. Manufactured home foundation systems shall comply with either Section 18551 of the State Health and Safety Code or California Administrative Code, Title 25, Chapter 2, Sections 1333 and 1334, which shall include tie down, clip, or anchoring systems designed by a registered civil engineer to resist lateral forces for the subject manufactured home.
  2. Siding material shall consist of stucco, wood, brick, stone, or decorative concrete block. Synthetic products of a similar appearance, equivalent durability and providing equivalent fire resistance shall be permitted. Metal siding, if utilized, shall be non-reflective and horizontally lapping. The exterior covering material shall extend to a point at or near grade except if an approved solid wood, metal, concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
  3. The roofing material shall be of materials customarily used in the local area and shall be approved by the building official. All residential structures shall have eave and gable overhangs of not less than twelve (12) inches measured from the vertical side of the residential structure, unless overhangs are architecturally incompatible with the design of the structure as approved by the building official.
  4. All entries/exits shall be completed per ~~Chapter 33 of the Uniform Building Code~~ Chapter 15.06 of this code.

5. The minimum habitable floor area for detached single-family residential units shall be one thousand (1,000) square feet measured from the exterior of the structure. The minimum habitable floor area shall be one thousand two hundred (1,200) square feet within the residentially zoned area known as the Mesa, generally bounded by Lime Street, Main Street and Rock Springs Road on the north; Glendale Road and the Mojave River on the east; the southern boundary of T4N, R4W on the south; and Santa Fe Avenue East and "I" Avenue on the west, except for Tract 8019, known as Hesperia Mobilehome Estates. The minimum habitable floor area shall be one thousand four hundred (1,400) square feet in Tract 6082, generally bounded by Maple Avenue on the east; Hercules Street on the north; Tamarisk Avenue on the west; and Willow Street on the south. The minimum habitable floor area for single-family homes within small lot subdivisions as defined in the Hesperia development code, shall be eight hundred (800) square feet.

These minimum habitable floor area requirements do not apply to below market rate units, adopted specific plans, or to ~~second~~accessory dwelling units constructed on lots where a primary dwelling unit is constructed.

The provisions of this subsection shall also not apply to any existing structures, or projects which have been issued building permits as of the effective date of the ordinance codified in this subsection. Any such existing structure may be altered, repaired or reconstructed with a minimum habitable floor area greater than or equal to its originally approved dimensions without regard to the provisions of this subsection.

6. Minimum floor width and depth shall each average twenty (20) feet measured from the exterior of the structure excluding garages, porches, patio, eaves, cabanas and pop-outs.
7. All residential structures shall have a fully enclosed two-car garage with a minimum interior size of nineteen (19) feet wide and nineteen (19) feet long, and constructed in compliance with the ~~Uniform~~-Building Code.

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#### 16.20.205 - Density bonus provisions.

- A. Percent density bonus or other incentives of equivalent financial value based upon the land cost per dwelling unit shall be granted as follows:

Affordable Units/ Category	% Units	Bonus Granted	Additional Bonus for Each 1% Increase	% Units Required for Maximum <del>35</del> <u>50</u> % Bonus
Note: A density bonus may be selected form only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35% and an additional sq. ft. bonus may be granted for a day care center.				
Very-low income	5%	20%	2.5%	<del>14</del> <u>5</u> %

Lower-income	10%	20%	1.5%	<del>20</del> 4%
Moderate-income (ownership units only)	10%	5%	1%	<del>40</del> 4%
Senior housing (35 units or more; no affordable units required)	100%	20%	—	—
Land donation for very-low income housing	10% of market-rate units	15%	1%	30% <sup>4</sup>
Condominium conversion-moderate-income	33%	25% (a)	—	—
Condominium conversion-lower-income	15%	25% (a)	—	—
Day Care Center	—	Sq. Ft.=day care center (a)		
Notes: (a) Or an incentive of equal value, at the City's option				

1. Ten percent of the total units of a housing development are designated for low-income households;
2. Five percent of the total units of a housing development are designated for very-low-income households;
3. A housing development designated for senior citizens as defined in Section 16.20.195.

4. Maximum 35% bonus

Note: A developer requesting a density bonus above twenty (20) percent is strongly encouraged to arrange a pre-application conference in accordance with the provisions specified in Chapter 16.12 prior to submittal of a formal application.

(Ord. 2011-03, § 3(Exh. A), 5-3-11)

16.20.207 - Additional density bonus.

- A. The maximum density bonus for any project, even when combined with other available bonuses, is ~~thirty-five (35)~~ fifty (50) percent.

1. For each one percent above the ten percent threshold of lower income households, the bonus shall be increased by 1.5 percent.
2. For each one percent above the five percent threshold of very-low income households, the bonus shall be increased by 2.5 percent.
3. For each one percent above the ten percent threshold of moderate-income households in condominium projects, the bonus shall be increase by one percent.

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**16.20.390 - Allowable accessory building area.**

The size of accessory buildings permitted upon lots within the A-2 (General Agricultural) zone district shall be unlimited. Lots within all other residential and agricultural zone districts shall be permitted a one thousand (1,000) square foot aggregate accessory building up to a maximum aggregate accessory building area not to exceed five percent of the net lot area. Each accessory building shall be in compliance with all Title 16 regulations. The area of a guest house, ~~second-accessory~~ dwelling unit, or temporary dependent housing unit shall be in addition to and shall not be considered as part of the allowable accessory building area authorized under this section.

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**16.20.425 - Cargo containers, trailers without axles and similar storage ~~structures~~containers.**

The number of storage ~~structures~~containers upon lots within the A-2 (General Agricultural) zone district shall be unlimited. Individual storage ~~structures~~containers shall not exceed four hundred (400) square feet in individual area and nine and one-half feet in height. Storage ~~structures~~containers within all other residential and agricultural zone districts shall not be allowed on lots less than thirty thousand (30,000) square feet in net area. In these zone districts, a maximum of one storage ~~structure~~container per acre shall be allowed (rounding up is not permissible). Storage ~~structures~~containers shall be located between the rear of the primary residence and the rear property line and not within thirty (30) feet of any side or rear property line. Each storage ~~structure~~container shall be in compliance with all Title 16 regulations.

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**Table 16.20.680 (D) - Animal allowances in the Low Density Residential (LDR) zone**

Type of Animal	Permit Symbol	Lot size criteria	Quantities	Additional Regulations
Dogs and Cats	A	Under 18,000 sq. ft.	2 of each	Female or neutered male potbellied pigs may be substituted for allowable quantities of dogs. One acre and up, one additional per ½ acre (maximum 8).

		Between 18,000 sq. ft. - 19,499 sq. ft.	4 of each	
		Between 19,500 sq. ft.- 1 acre	6 of each	
Small Livestock	NP	Under 1 acre	Educational Animal Permit Only	Not permitted unless authorized by an educational animal project or prior to residential use on five acres or more.
	A	1 acre or more	1 per 5,000	Each lot limited to one buck. Total allowed is combined with small animals and fowl
Horses, mules, donkeys, and llamas	A	Over 20,000 sq. ft.	1 per 10,000 sq. ft., not to exceed a total of 6	Lots 19,000 sq. ft. and larger may be allowed one horse with written approval from all contiguous property owners. Lots with a minimum net lot area of 10,000 sq. ft. previously within the RR designation shall be allowed one horse.
Small animals	A	Under 1 acre	2 for 3,500 sq. ft., not to exceed 25 per acre	Cannot be kept for meat or pelts. Total allowed is combined with fowl
	A	1 acre or more	15 per 10,000 sq. ft.	Cannot be kept for meat or pelts. Total allowed is combined with fowl and small livestock
Hogs and large pigs	NP		0	
Fowl	NP	Under 7,200 sq. ft.	0	
	A	Between 7,200 sq. ft.	2 for 3,500 sq. ft., not to	<u>Any male fowl limited to 1 per 14,000 sq. ft. Lots over 18,000 sq. ft., 10% of</u>



		- 43,559 sq. ft.	exceed 25 per acre	<u>allowed may be male.</u> Total allowed is combined with small animals
	A	1 acre or more	15 per 10,000 sq. ft.	<u>Any male fowl limited to 1 per 14,000 sq. ft. Lots over 18,000 sq. ft., 10% of allowed may be male.</u> Total allowed is combined with small animals and small livestock
Cattle	NP		0	
Columbi, caged	A	Under 1 acre	40 maximum	
		1 acre or more	65 maximum	

**Table 16.20.680 (E) - Animal allowances in the Very Low Density Residential (VLR) zone**

Type of Animal	Permit Symbol	Lot size criteria	Quantities	Additional Regulations
Dogs and Cats	A	Under 18,000 sq. ft.	2 of each	Female or neutered male potbellied pigs may be substituted for allowable quantities of dogs. One acre and up, one additional per ½ acre (maximum 8).
		Between 18,000 sq. ft. - 19,499 sq. ft.	4 of each	
		Between 19,500 sq. ft.- 1 acre	6 of each	

Small Livestock	A	Under 1 acre	1 per 5,000	Each lot limited to one buck. Total allowed is combined small animals, and fowl
	P	1 acre or more	12 per acre	Total allowed is combined horses, cattle and hogs
Horses, mules, donkeys, and llamas	A	All sizes	1 per 10,000 sq. ft.	Total allowed is combined with small livestock, cattle and hogs
Small animals	A	Under 1 acre	15 per 10,000 sq. ft.	Cannot be kept for meat or pelts. Total allowed is combined with small livestock and fowl
	P	1 acre or more	150 per acre	
Hogs and large pigs	NP	Under 1 acre	0	
	P	1 acre or more	2 per acre, but not more than 5	Total allowed is combined with horses, cattle and small livestock. Cannot be garbage feed
Fowl	A	Under 1 acre	15 per 10,000 sq. ft.	<u>Any male fowl limited to 1 per 14,000 sq. ft. Lots over 18,000 sq. ft., 10% of allowed may be male.</u> Total allowed is combined with small animals and small livestock
	P	1 acre or more	150 per acre	
Cattle	NP	Under 1 acre	0	Total allowed is combined with horses, hogs and small livestock
	P	1 acre or more	4 per acre	

Columbi, caged	A	Under 1 acre	65 maximum	
	P	1 acre or more	150 maximum	

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#### **16.28.050 - Buildings, structures and facilities.**

- A. Structural Requirements. The erection, construction, reconstruction, repair, relocation or alteration of all permanent buildings and structures located within a mobile home park shall conform to the requirements of the ~~Uniform~~ Building Code as adopted by Chapter 15.04.
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#### **16.32.050 - Design standards.**

D. Site Resource Utilization.

1. The planned development shall be designed and developed in such a manner as to minimize the cutting of trees, disturbance of ground cover, cut-and-fill work, drainage alteration and hillside development. All tree removals shall be in accordance with county permit procedures.
2. All new dirt work and exposed slopes shall be suitably stabilized in accordance with the ~~Uniform~~ Building Code and this code. Scarred and erosion-prone areas shall be stabilized with appropriate planting.
3. A drainage analysis shall be prepared and shall accompany the application for a planned development.

E. Site and Structure Relationship.

1. The spacing of buildings shall be governed by the requirements for adequate light and air, proper access, fire regulations and the need for visual and auditory privacy.
2. Whenever possible, dwelling units shall be arranged to take advantage of views and vistas with consideration given to "micro" (subsections of the planned development) climate control and pleasing relationships of building mass.
3. The planned development shall be designed to minimize the likelihood of criminal activity by:
  - a. Minimizing those areas that are neither clearly private or public;
  - b. Planting landscaping such that maximum observation is obtained while providing the desired degree of aesthetics.
4. Building height, bulk and "micro" coverage are regulated only inasmuch as they meet the performance criteria set out above.
5. No structure for human habitation shall be placed in an environmentally hazardous, fragile or unique area.

F. Perimeter.

1. Adjacent properties to the planned development shall be protected from adverse influences of traffic, land uses, building scale and density by the combined use of screening, setbacks and land use location.
2. Perimeter planning and coordination are required to assure continuity in the community facilities and services. The applicant shall demonstrate that the development proposal can be adequately served by community facilities and services without undue public expenditure.
3. Planned development projects which are within wild land fire-hazard areas as defined in the general plan shall develop fuel modification plans approved by the Hesperia Fire Protection District.

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## Chapter 16.36 - SIGN REGULATIONS<sup>[16]</sup>

### 16.36.060 - Nonresidential signs (includes hotel and motel).

- C. All signs must adhere to size, height and spacing limits per the type of sign as specified below:
1. Attached (Wall or Integral Roof) Signs. Wall signs are permitted at two square feet of sign area per lineal foot of principal building(s) fronting the street(s) with a maximum area of one hundred fifty (150) square feet per sign. Wall signs must be attached to the building and may be designated as integral roof signs, but shall not extend above the roof. Wall signs shall be placed on the exterior wall of the tenant space. Any number of signs may be used but the maximum area allowed shall be the cumulative total of all wall signs.

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### 16.36.090 - Special uses.

Special uses include special events, promotional events and political signs.

- I. Promotional and special event signs shall include a-frame signs and flag poles as illustrated below. These signs are not permitted on any vehicle. Temporary signs are subject to approval of a temporary special event permit and may ~~shall~~ be permitted as follows:

#### Flag Pole Signs

1. ~~For twelve (12) months from the effective date of this ordinance, one temporary signs shall be allowed without a permit. The temporary signs is subject to the following regulations:~~
  - a. ~~An~~ A-frame signs shall not exceed a sign area of twenty (20) square feet, and a height of four feet. A flags mounted on a poles shall not exceed a sign area of sixty-five (65) square feet and a height of twelve (12) feet.
  - b. No temporary sign shall be placed within ten feet of another temporary sign. This separation requirement shall only apply to temporary signs allowed in

Section 16.36.090(1). It shall be the responsibility of each tenant to coordinate the placement of the sign with other tenants.

- c. The signs may only be displayed during business hours of operation.
  - d. The signs must be neatly and professionally constructed and all lettering done in a professional workmanlike manner.
    - i. ~~A-f~~Flag poles signs shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole.
    - ii. ~~An~~A-frame signs shall be constructed of durable materials that are weather and rust-resistant.
  - e. The signs may not be illuminated or contain any electrical components.
  - f. The signs must be installed in a manner preventing it from falling or blowing over.
  - g. The temporary signs shall be placed on the privately owned property where the business is located.
  - h. The temporary signs shall not be placed in the right-of-way, clear sight triangle, or handicap path of travel. A temporary signs shall not be hung from, or attached to, utility poles, light poles, or landscaping.
  - i. The temporary signs shall be subject to the maintenance and abatement provisions in Chapters 8.32 and 16.36 of this Municipal Code. The installation or erection of any sign in violation of this section shall be, and is hereby declared to be, unlawful and a public nuisance.
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#### **16.40.040 - Slope analysis requirements and criteria.**

- I. Building setbacks, grading, construction, maximum slope heights, and slope drainage facilities shall be designed in accordance with standard engineering practices, the development code, applicable chapters of the ~~Uniform~~ Building Code and procedures established by this chapter.