

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS
AMENDING VARIOUS SECTIONS OF CHAPTER 106 OF THE CITRUS HEIGHTS
MUNICIPAL CODE (ZONING CODE SECTION)

THE CITY OF CITRUS HEIGHTS DOES ORDAIN AS FOLLOWS:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the Citrus Heights Zoning Code as shown in Exhibit A amending various sections of the Zoning Code, relating to Residential Paving Standards, Tree Mitigation, Commercial Fencing, Conditional Use Permits and various Definitions within the Zoning Code and other minor changes.

Section 2: Findings

- ~~The proposed amendment to residential pervious surface area requirements is consistent with the General Plan.~~
- The proposed amendment to the Tree Mitigation requirement is consistent with the General Plan.
- The proposed amendment to create objective design criteria for Commercial Fencing is consistent with the General Plan.
- The proposed amendment to modify Conditional Use Permit expiration procedures is consistent with the General Plan.
- The proposed added definitions for Artisan/Craft Product Manufacturing, Pervious Surface, and Base Station/Macro Cell Tower Sites are consistent with the General Plan.
- The proposed amendments will not be detrimental to the public, interest, health, safety, convenience, or welfare of the City.

Section 3: Action

The City Council hereby amends the Zoning Code of the City of Citrus Heights as described within Exhibit A herein, and as discussed within the Staff Report, which is incorporated by reference.

Section 4: Severability

If any section of this Ordinance is determined to be unenforceable, invalid, or unlawful, such determination shall not affect the enforceability of the remaining provisions of this Ordinance.

Section 5: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption, provided it is published in full or in summary within fifteen (15) days after its passage, in a newspaper of general circulation and circulated in the City of Citrus Heights.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights this ____ day of ____, 2022 by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

Porsche Middleton, Mayor

ATTEST:

Amy Van, City Clerk

Exhibit:

A. Redline Strikeout of Zoning Code

ARTICLE 2

Zoning Districts & Allowable Land Uses

Chapter 106.20 - Zoning Map.....	2-3
106.20.010 - Purpose.....	2-3
106.20.020 - Zoning Map and Zoning Districts	2-3
Chapter 106.22 - Development and Land Use Approval Requirements	2-5
106.22.010 - Purpose.....	2-5
106.22.020 - General Requirements for Development and New Land Uses	2-5
106.22.030 - Allowable Land Uses and Permit Requirements.....	2-5
106.22.040 - Exemptions from Planning Permit Requirements	2-7
106.22.050 - Temporary Uses	2-8
Chapter 106.24 - Residential and Open Space Zoning Districts	2-9
106.24.010 - Purpose.....	2-9
106.24.020 - Purposes of the Residential and Open Space Zoning Districts	2-9
106.24.030 - Residential and Open Space District Allowable Land Uses and Permit Requirements	2-10
106.24.040 - Residential and Open Space District Subdivision Standards	2-13
106.24.050 - Residential and Open Space District Residential Density Standards	2-14
106.24.060 - Residential and Open Space District Site Planning and Building Standards.....	2-15
Chapter 106.26 - Commercial and Industrial Zoning Districts	2-17
106.26.010 - Purpose.....	2-17
106.26.020 - Purposes of Commercial and Industrial Zoning Districts	2-17
106.26.030 - Commercial and Industrial District Land Uses and Permit Requirements	2-18
106.26.040 - Commercial and Industrial District General Development Standards.....	2-23
Chapter 106.28 - Special Purpose and Overlay Zoning Districts	2-25
106.28.010 - Purpose.....	2-25
106.28.020 - Applicability of Overlay Zoning Districts.....	2-25
106.28.030 - Special Planning Area (SPA) Zoning District	2-25
106.28.040 - Corridor (COR) Overlay Zoning District	2-27

TABLE 2-5 Allowed Land Uses and Permit Requirements for Commercial and Industrial Zoning Districts				P Permitted Use, Zoning Clearance required MUP Conditional use, Minor Use Permit required UP Conditional use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed					
LAND USE (1)		PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
		BP	LC	SC	GC	AC	CR	MP	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING									
	Artisan/Craft Product manufacturing		MUP	MUP	P	P	MUP	—	P
	Contract construction service - Indoor		—	—	—	P	—	—	P
	Contract construction service - Outdoor storage		—	—	—	MUP	—	—	MUP
	Contract construction service - Outdoor work area		—	—	—	UP	—	—	UP
	Manufacturing/processing - Light		—	—	—	UP	—	—	P
	Manufacturing/processing - Medium intensity		—	—	—	—	—	—	—
	Manufacturing/processing - Heavy		—	—	—	—	—	—	—
	Medical marijuana cultivation		S	S	S	S	S	S	S
	Non-medical marijuana cultivation		S	S	S	S	S	S	S
	Recycling - Small collection facility		—	MUP	MUP	MUP	—	—	MUP
	Storage - Outdoor		—	—	—	UP	—	—	UP
	Storage - Personal storage facility (mini-storage)		—	UP	—	UP	—	—	MUP
	Storage - RVs, boats		—	—	—	UP	—	UP	—
	Storage - Warehouse, indoor storage		—	—	—	P	—	—	P
	Wholesaling and distribution		—	—	—	P	—	—	P
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES									
	Adult entertainment business		—	S	—	S	—	—	S
	Bingo parlor		—	—	—	UP	—	—	—
	Card room		—	—	UP	UP	—	—	—
	Commercial recreation facility - Indoor, Minor		—	P	P	P	—	P	P
	Commercial recreation facility - Indoor, Major		—	UP	UP	UP	—	MUP	UP
	Commercial recreation facility - Outdoor		UP	—	—	UP	—	MUP	UP
	Conference/convention facility		UP	—	UP	UP	—	UP	—
	Fitness/health facility		UP	P	P	P	—	P	UP
	Golf Course		—	—	—	UP	—	MUP	UP
	Library, museum		P	P	P	P	—	—	—
	Meeting facility, public or private		UP	UP	UP	UP	—	—	UP
	Park, playground		P	P	P	P	—	P	UP
	School - College, university		UP	UP	UP	UP	—	—	—
	School - Elementary, middle, secondary		—	UP	UP	UP	—	—	—
	School - Specialized education/training - Minor		P	P	P	P	—	—	P
	School - Specialized education/training -Major		UP	UP	UP	UP	—	—	UP
	Sports and entertainment assembly facility		—	—	UP	MUP	—	MUP	MUP
	Studio - Art, dance, martial arts, music, etc.		S	P	P	P	—	—	S
	Theater		—	—	MUP	MUP	—	MUP	—
Key to Zone Symbols									
BP	Business and Professional Office	AC	Auto Commercial						
LC	Limited Commercial	CR	Commercial Recreation						
SC	Shopping Center	MP	Industrial/Office Park						
GC	General Commercial	Notes:	(1) See Article 8 for land use definitions.						

ARTICLE 3

Site Planning and Project Design Standards

Chapter 106.30 - Standards for all Development and Land Uses	3
106.30.010 - Purpose and Applicability.....	3
106.30.020 - Access	3
106.30.030 - Building and Site Security	4
106.30.040 - Creekside Development and Flood Hazard Mitigation.....	6
106.30.050 - Fences and Walls	10
106.30.060 - Height Limits and Exceptions.....	13
106.30.070 - Outdoor Lighting	14
106.30.080 - Performance Standards	14
106.30.090 - Screening.....	15
106.30.100 - Setback Requirements and Exceptions	16
106.30.110 - Solid Waste/Recyclable Materials Storage	20
106.30.120 - Undergrounding of Utilities.....	21
Chapter 106.31 - Design Standards	23
106.31.010 - Purpose.....	23
106.31.020 - Applicability	23
106.31.030 - Residential Project Design	23
106.31.040 - Commercial Project Design	35
106.31.050 - Large-Scale Retail and Retail Center Design	42
106.31.060 - Specific Commercial Uses	49
106.31.070 - Industrial Project Design	49
Chapter 106.32 - Affordable Housing Incentives	55
106.32.010 - Purpose.....	55
106.32.020 - Eligibility for Bonus, Incentives, or Concessions.....	55
106.32.030 - Allowed Density Bonuses	56
106.32.040 - Allowed Incentives or Concessions	60
106.32.050 - Parking Requirements in Density Bonus Projects	61
106.32.060 - Bonus and Incentives for Housing with Child Care Facilities.....	62
106.32.070 - Continued Availability.....	63
106.32.080 - Location and Type of Designated Units.....	64
106.32.090 - Processing of Bonus Requests.....	64
106.32.100 - Density Bonus Agreement	65
106.32.110 - Control of Resale	67
106.32.120 - Judicial Relief, Waiver of Standards	67
Chapter 106.34 - Landscaping Standards	69
106.34.010 - Purpose.....	69
106.34.020 - Applicability	69
106.34.025 - Special Landscape Provisions.....	69
106.34.030 - Landscape and Irrigation Plans	70
106.34.040 - Landscape Location Requirements	70
106.34.050 - Landscape Standards	73
106.34.060 - Water Efficient Landscaping	77
106.34.070 - Maintenance of Landscape Areas	80

Contents

Chapter 106.35 - Outdoor Lighting	83
106.35.010 - Purpose.....	83
106.35.020 - Applicability	83
106.35.030 - Definitions	84
106.35.040 - General Lighting Design and Development Standards.....	84
106.35.050 - Outdoor Lighting Plans	86
106.35.060 - Signs	86
106.35.070 - Outdoor Performance, Sport and Recreation Facilities	87
106.35.080 - Energy Conservation Guidelines	87
Chapter 106.36 - Parking and Loading	89
106.36.010 - Purpose.....	89
106.36.020 - Applicability	89
106.36.030 - General Parking Regulations	89
106.36.040 - Number of Parking Spaces Required	90
106.36.050 - Disabled/Handicapped Parking Requirements	96
106.36.060 - Bicycle and Motorcycle Parking	96
106.36.070 - Reduction of Parking Requirements	97
106.36.080 - Parking Design and Development Standards	99
106.36.090 - Loading Space Requirements.....	102
Chapter 106.38 - Signs	103
106.38.010 - Purpose.....	103
106.38.020 - Applicability	103
106.38.030 - Building Permit and Master Sign Plan Requirements	104
106.38.035 - Exemptions from Sign Permit Requirements	105
106.38.040 - Prohibited Signs.....	108
106.38.050 - General Requirements for All Signs.....	109
106.38.060 - Zoning District Sign Standards	113
106.38.080 - Nonconforming Signs.....	125
106.38.090 - Judicial Review	125
Chapter 106.39 - Tree Preservation and Protection	126
106.39.010 - Purpose.....	126
106.39.020 - Applicability	126
106.39.030 - Tree Permit Application Requirements	128
106.39.040 - Arborist's Report	129
106.39.050 - Standard Policies and Procedures for Approved Work.....	130
106.39.060 - Tree Planting and Replacement Mitigation	134
106.39.070 - Tree Permit Approval or Denial.....	135
106.39.080 - Post Approval Procedures	137
106.39.090 - Fees and Penalties	138

that land outside the areas of special flood hazards or uses permitted within the areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City or by any officer or employee for any flood damages that result from reliance on this Section or any administrative decision lawfully made under this Section.

106.30.050 - Fences and Walls

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

1. **Fences or wall in flood hazard area.** A fence or wall in an area subject to flooding identified on a Federal Flood Insurance Rate Map (FIRM) or as otherwise known to the City shall comply with all requirements of Section 106.30.040 (Creekside Development and Flood Hazard Mitigation), and the City's Drainage and Development Policy, in addition to this Section.
2. **Exemptions.** This Section does not apply to fences or walls required by regulations of a local, State or Federal agency.

B. Design Review.

1. **When required.** Design Review in compliance with Section 106.62.040 (Design Review) shall be required for a fence or wall that is visible from a public right-of-way and:
 - a. **Located within a commercial zone; or**
 - b. **Has a height greater than six feet and a length greater than 100 feet than eight feet; or and**
 - c. **Regardless of height, has a length greater than 200 feet.**
2. **Findings required for approval.** Design Review approval of a fence or wall identified in Subsection B.1 above shall require that the review authority first find that the fence or wall:
 - a. **Complies with all applicable requirements of this Section; and**
 - b. **Complies with the design guidelines for fences and walls in Section 106.31.070G (Fences and walls).**

C. Height limitations. Each fence, wall, and hedge shall comply with the height limitations shown in Table 3-1.

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

Location	Maximum Height
Within required front yard setback	3 ft (2)
Within required side and rear yard setbacks	8 ft as the fence appears from a parcel or right-of-way abutting the site, 10 ft as the fence appears on the site. See Figure 3-2. (1)
Within required street side setback	3 ft. See also Section 106.30.060.E (Height Limit at Street Corners). Fencing exceeding a height of 3 ft shall be set back a minimum of 3 ft from the property line or sidewalk to allow for the planting of landscaping to mitigate the visual impact of the fence mass; provided that this requirement shall not apply to a fence that was lawfully constructed prior to November 6, 2006, which may be replaced in the same location. (1)
At intersections of alleys, streets, and driveways within sight visibility areas. See 106.30.060.E (Height Limit at Street Corners).	2' 6"
Outside of a required setback	As determined by the height limit for structures within the applicable zoning district. (1)
Within a zone where no setback is required, and not adjacent to a street	8 ft (1)

Notes:

- (1) Additional height to a maximum of 10 ft may be authorized through Design Review approval (Section 106.62.040).
- (2) Front yard fence setback in the RD-1 through RD-15 zoning districts is 20 ft. In the RD-20 through RD-30 zoning districts the front yard fence setback is 25 ft.

D. Measurement of fence and wall height.

1. Fence and wall height shall be measured from the top of the fence or wall to the level of the finished grade.
2. The height of fencing placed on top of a retaining wall shall be measured from the base of the wall, except as provided in Subsection D.3.
3. In cases where elevation of the finished grade within six feet of the base of the fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the lowest natural grade. See Figure 3-2.

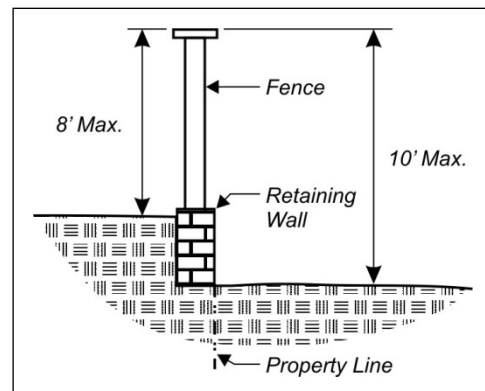


Figure 3-2 - Fence Height Measurement

E. Specific fence and wall requirements.

1. **Fencing between different land uses.** Fencing between different land uses shall be provided in compliance with Section 106.30.090 (Screening).

2. **Swimming pools, spas, and similar features.** Swimming pools/spas and other similar water features shall be fenced in compliance with Building Code requirements, regardless of the other requirements of this Section.
3. **Outdoor equipment, storage, and work areas.** Screening of non-residential outdoor uses and equipment adjacent to a residential use shall be provided in compliance with Section 106.30.090 (Screening).
4. **Temporary fencing during construction.** Temporary fencing may be necessary to protect archaeological or historic resources, trees, or other similar sensitive features during site preparation and construction. This fencing shall be approved by the Director.
5. **Temporary security fencing.** Temporary Security Fencing (including chain link) with a maximum height of six feet may be installed around the property lines of vacant property with the approval of the Director. The vacant property shall be maintained in a condition free from weeds and litter.
6. **Retaining walls.** Embankments to be retained that are over 48 inches in height shall be benched so that no individual retaining wall exceeds a height of 36 inches, and each bench is a minimum width of 36 inches. Wood shall not be used for a retaining wall that is more than two feet in height.

F. Commercial Fencing. Commercial walls and fences can become significant visual elements on a site. When walls and fences are required, they shall be designed as an extension of architectural and landscape design concepts.

1. All walls and fences within a commercial zone visible from a public right-of-way are subject to Design Review approval.
2. All walls and fences within commercial zones and visible from a public right-of-way shall be limited to a maximum of eight feet in height. Walls and fences not visible from a public right-of-way may be authorized to a maximum height of ten feet with Design Review approval. Fences and walls shall also comply with all requirements of Section 106.30.060 (Heights Limits and Exceptions) within a traffic safety visibility area.
3. If walls or fences are not required for a specific screening or security purpose they should not be used. The intent is to keep a wall or fence as low as possible while still performing their screening and security functions.
4. Screen walls and fences should be architecturally treated as an extension of the building, using similar colors, design, and materials. Vertical and horizontal reveals, accents, reliefs, and other details shall be included. Chain link fences are prohibited, unless they are used as temporary security fencing.
5. Wherever possible along pedestrian routes, screen walls and fences should be set back a minimum of three feet from the sidewalk to allow for landscaping. Additionally, the use of climbing vines or ivy on walls and fences is highly encouraged.

G. Prohibited materials. Sheet or corrugated iron, steel, aluminum, bamboo, or asbestos are prohibited, with the exception of ornamental fences approved by the Director. Barbed wire, concertina or razor wire, or electrified or similar fence types are not permitted.

H. Graffiti resistance. Each fence and wall adjacent to a public right-of-way in a non-residential zone, or a zone that allows multi-unit residential development, shall be provided with a permanently maintained, graffiti resistant coating.

- d. The review authority may waive or approve a substitute for the requirements of this Subsection if the review authority first determines that:
 - (1) The relationship of the proposed uses make the required screening unnecessary;
 - (2) The intent of this Section can be successfully met by means of alternative screening methods;
 - (3) Physical constraints on the site make the required screening infeasible; or
 - (4) Physical features of the site or adjoining parcels (e.g. topography, vegetation, etc.) make the required screening unnecessary.

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

- a. Roof or ground mounted mechanical equipment shall be screened from public view from adjoining public streets and rights-of-way and adjoining areas zoned for residential uses. This equipment includes air conditioning, heating, ventilation ducts, and exhaust vents, loading docks, refuse storage areas, and utility services, electrical transformers, gas meters, etc.
- b. The method of screening shall be architecturally compatible with the colors, materials, and architectural style of other on-site development.

3. Outdoor storage and work areas. See Section 106.42.170 (Outdoor Storage).

4. Outdoor building materials and garden supply areas. See Section 106.42.160 (Outdoor Displays and Sales).

- C. **Fence and wall standards.** Where screening is provided in compliance with this Section in the form of a fence or wall, the fence or wall shall comply with all applicable requirements of Section 106.30.050 (Fences and Walls).

106.30.100 - Setback Requirements and Exceptions

- A. **Purpose.** This Section provides standards for the use and minimum size of setbacks. Setbacks provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation between incompatible activities; and space for privacy, landscaping, and recreation.

B. Setback requirements.

- 1. **Minimum setbacks for all structures.** Each structure shall comply with the setback requirements of the applicable zoning district, and with any setbacks established for specific uses by Article 4 (Standards for Specific Land Uses), except as otherwise provided by this Section. No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line; or into an access easement or street right-of-way.
- 2. **Infill development within previously approved projects.** Where the City has established specific setbacks for individual parcels through the approval of a specific plan, subdivision map, or other entitlement, those setbacks shall apply to continuing development within the approved project instead of the setbacks required by this Zoning Code.
- 3. **Exemptions from setback requirements.** The minimum setback requirements of this Zoning Code apply to all development and new land uses, except the following:

- a. A fence or wall to the extent allowed by Section 106.30.050 (Fences and Walls);
- b. Decks, earthworks, steps, terraces, and other site design elements that are placed directly upon grade and do not exceed a height of 18 inches above the surrounding grade at any point;
- c. A sign in compliance with Chapter 106.38 (Signs); and
- d. A retaining wall less than three feet in height above finished grade. A higher wall may be allowed within a required setback with Design Review by the Director.

C. Measurement of setbacks. A required setback from a street shall be measured from the edge of the abutting street/public right-of-way, and its proposed widening and extensions as indicated by the City Engineer. The width of any street or highway that does not appear in the Master Streets and Highways Plan shall be determined from the standards for street widths and improvements in the Subdivision Ordinance and/or City standards (Municipal Code Title 22).

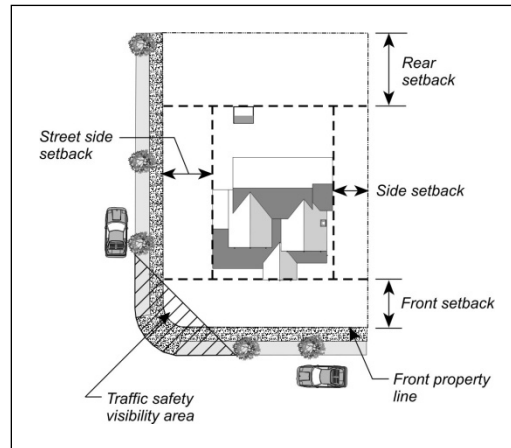


Figure 3-5 - Location of Required Setbacks

1. **Front yard setbacks.** The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel, to the nearest point of the wall of the structure, except as follows. The front property line is the most narrow dimension of a lot adjacent to a street.

- a. **Offer of dedication.** The front setback shall be measured at right angles from the nearest point on the edge of an Irrevocable Offer of Dedication (IOD).
- b. **Private street.** The front setback shall be measured at right angles from the nearest point on the edge of the recorded access easement of a private street, or the edge of the pavement, whichever is greater.

- c. **Flag lot.** The front setback on a flag-shaped lot shall be measured from the nearest point of the wall of the structure to the property line intersected by the access strip, establishing a setback line parallel to the property line nearest to the public street or right-of-way; except that any fencing proposed along the access strip shall comply with the setback requirements applicable to the adjacent parcels. See Figure 3-6.

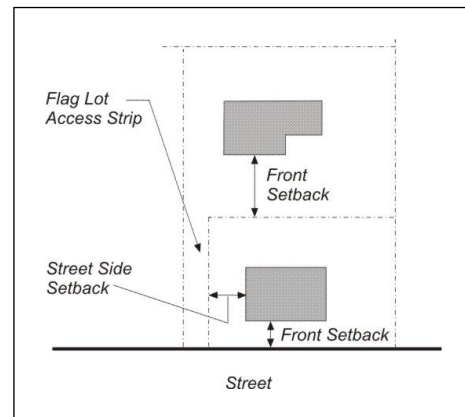


Figure 3-6 - Flag Lot Setbacks

- d. **Corner lot.** The measurement of the front setback shall be from the nearest point of the wall of the structure to the nearest point of the most narrow street frontage property line. If the property lines on both street frontages are of the same length, the Director shall determine the property line to be used for front yard setback measurement.
 - e. **Double-frontage lot.** Proposed development on a double-frontage lot shall comply with the front yard setback requirements of the applicable zoning district on both street frontages.
2. **Side yard setbacks.** The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest point of the wall of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear yard setbacks.
 3. **Street side yard setbacks.** The side yard on the street side of a corner parcel shall be measured from the nearest point on the side property line bounding the street, or the edge of an easement for a private road, or the inside edge of the sidewalk, whichever results in the greatest setback from the roadway.
 4. **Rear yard setbacks.**
 - a. The rear yard shall be measured at right angles from the nearest point on the rear property line to the nearest line of the structure, establishing a setback line parallel to the rear property line.
 - b. Where a parcel has no rear property line because its side property lines converge to a point, an assumed line 10 feet long within the parcel, parallel to and at a maximum distance from the front property line, shall be deemed to be the rear property line for the purpose of determining the depth of the required rear yard. See Figure 3-7.

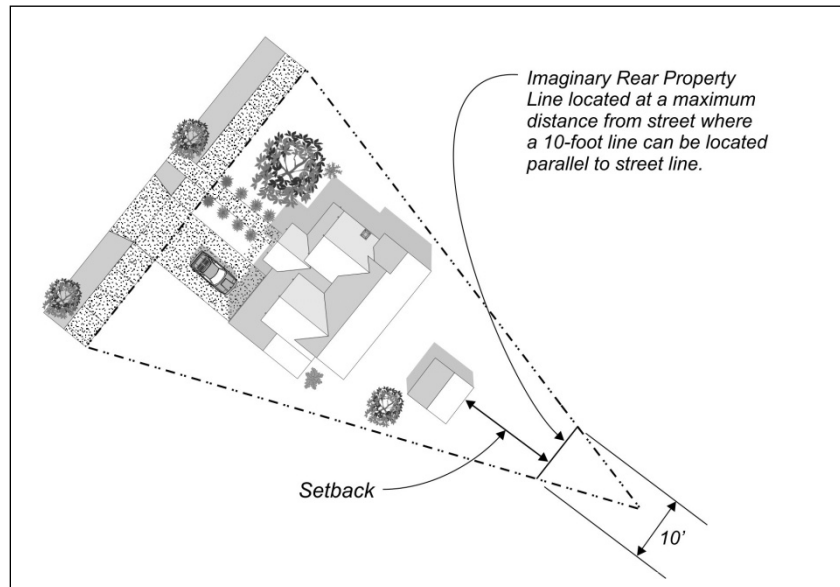


Figure 3-7 - Rear Setback on Irregular Lot

D. Limitations on uses of setbacks.

1. **Structures.** A required setback shall not be occupied by structures other than:
 - a. The fences and walls permitted by Section 106.30.050 (Fences and Walls);

- b. The projections into setbacks allowed by Subsection E.; and
 - c. Residential accessory structures as allowed by Section 106.42.200 (Residential Accessory Uses and Structures).
2. **Storage.** No front or street side setback shall be used for the accumulation, placement or storage of automobiles ~~or~~ other motor vehicles, **recreational vehicles, trailers,** building materials, scrap, junk or machinery except for:
- a. Automobiles ~~or~~ other motor vehicles, **recreational vehicles, and/or trailers** parked within a designated off-street parking area, and which shall be operable, registered, and licensed **as allowed under Section 106.36.080(B)(2).**
 - b. Building materials required for construction on the parcel, immediately before and during a construction project which has a valid Building Permit in force. Storm discharge Best Management Practices (BMPs) shall be used to prevent runoff from these materials into the storm drainage system.
 - c. Materials stored behind a fence that is at least six feet high and in compliance with Section 106.30.050 (Fences and Walls).
3. **Parking.** **See Section 106.36.080 (Parking Design and Development Standards) for all parking requirements within setbacks. Required parking for single-family residences may be located within the required front and interior side setback in compliance with Section 106.36.080.A.1.a. Temporary (overnight) parking is allowed within required setback areas only on an approved, paved driveway, in compliance with Section 106.36.080 (Parking Design and Development Standards).**
- 4. Storage of habitable trailer prohibited.** No habitable trailer shall be stored or parked within a required street setback, except where limited display areas are authorized in a commercial zone through Minor Use Permit approval (Section 106.62.050).
- 5. Pavement.** Pavement within a front setback shall be limited to a driveway plus 12 feet abutting and parallel to the driveway. The additional 12 feet of width shall be located adjacent to the interior side property line of a corner lot. Alternate locations for the additional pavement may be approved by the Director and City Engineer. Total pavement width in the front of the lot shall not exceed 50 percent of the lot frontage. The Director and City Engineer may grant an exception for exceeding the allowed limits for lots located on a collector or arterial street, where the owner proposes a circular driveway. This Subsection does not apply to front setback areas that were paved to a greater extent than allowed by this Section, prior to October 5, 2006.

E. Allowed projections into setbacks.

- 1. **Primary structure into rear setback.** Within a residential zoning district, a primary structure may project into a required rear yard setback provided that an area equal to the projection is provided as a yard or court within the buildable area of the lot. In no event shall the rear yard setback be less than 10 feet for a one-story building, or 15 feet for a two-story building.
- 2. **Accessory structures.** See Section 106.42.200 (Residential Accessory Uses and Structures).
- 3. **Architectural features.** A cornice, sill, eave, canopy, chimney, window bay, media niche, or similar architectural feature may project into a required setback by a maximum of 24 inches; provided that the length of a projecting chimney, canopy or window bay along the wall from which it projects shall be limited to a maximum of 10 feet.

- d. **Dwelling unit access.** The use of balconies and corridors to provide access to units should be limited. To the extent possible, main entrances to individual units should be from street sidewalks. Distinctive architectural elements and materials should be used to highlight primary entrances.

Building entrances should be located so that clear lines of sight are provided to adjacent public sidewalks, or internal walkways and parking areas, as applicable.

- e. **Exterior stairways.** A stairway that provides access to an upper level of a multi-unit structure should be integrated into the building design. Where an exterior stairway is necessary, it should provide residents and visitors protection from weather, and should be of low maintenance, durable materials, and located so as to be visible from the street and/or public areas of the site.
- f. **Accessory structures.** Accessory structures should be designed as an integral part of a project. Their materials, color, and details should be the same as the principal structures on the site.
- g. **Walls and fences.** Walls and fences should comply with the design standards in Section 106.31.070.G (Walls and fences), and shall comply with the standards in Section 106.30.050 (Fences and Walls).

- D. **Small Lot Housing Product Project Design.** The design of small lot housing **subdivisions-developments** requires careful consideration to ensure privacy, safety, open space and quality of life are considered. The goals of these guidelines are to create high quality indoor and outdoor living environments, enhance the public realm, provide increased opportunities for home ownership, provide solutions for infill housing, and prioritize livability over density.

- 1. **Relationship to street frontage.** Small lot developments should be oriented towards the street.
 - a. Homes fronting a public street should have a primary entrance and main windows facing the street. (See 1 on Figure 3-17).
 - b. For homes not fronting a public street, a primary entrance should face the vehicular access and/or a paseo (for alley loaded products). (See 2 on Figure 3-17).

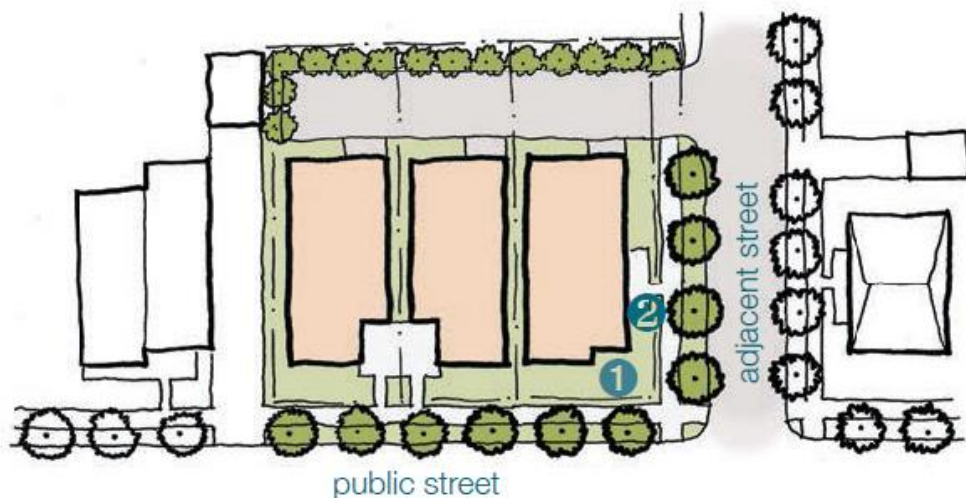


Figure 3-17 - Project oriented towards the street

CHAPTER 106.34 - LANDSCAPING STANDARDS

Sections:

- 106.34.010 - Purpose
- 106.34.020 - Applicability
- 106.34.030 - Landscape and Irrigation Plans
- 106.34.040 - Landscape Location Requirements
- 106.34.050 - Landscape Standards
- 106.34.060 - Water Efficient Landscaping
- 106.34.070 - Maintenance of Landscape Areas

106.34.010 - Purpose

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

106.34.020 - Applicability

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

- A. **New projects.** Each new nonresidential, **mixed-use** and multi-unit residential project shall provide landscaping in compliance with this Chapter. Each single dwelling subdivision of five or more parcels shall provide street trees in compliance with Section 106.34.050.B.2.d(2).
- B. **Existing development.** **Existing nonresidential, mixed-use, multi-unit and/or single-family residential development shall comply with the minimum maintenance provisions of Chapter 106.34.060.** The approval of a Minor Use Permit, Use Permit, Minor Variance, Variance, or application for Design Review for physical alterations and/or a change in use within an existing development may include one or more conditions of approval requiring compliance with specific landscaping and irrigation requirements of this Chapter to the extent determined by the review authority to be feasible. Changes to existing development that require only Zoning Clearance are not required to comply with this Chapter unless the Director determines that existing landscaping is not being properly maintained.
- C. **Timing of installation.** Required landscape and irrigation improvements shall be installed prior to final building inspection. The installation of landscaping may be deferred for a maximum of 90 days in compliance with Section 106.64.060 (Performance Guarantees).
- D. **Alternatives to requirements.** The review authority may modify the standards of this Chapter to accommodate alternatives to required landscape materials or methods, where the review authority first determines that the proposed alternative will be equally effective in achieving the purposes of this Chapter.

106.34.030 - Landscape and Irrigation Plans

- A. **Preliminary Landscape Plan.** A Preliminary Landscape Plan shall be submitted as part of each application for new development, or the significant expansion (i.e., a total of 25 percent or more of floor area over a two-year period), or redevelopment of an existing use, as determined by the Director.
- B. **Final Landscape Plan.** After land use approval, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. A Final Landscape Plan shall be approved by the Director prior to the start of grading or other construction, and prior to the issuance of a Building Permit.

CHAPTER 106.36 - PARKING AND LOADING

Sections:

- 106.36.010 - Purpose
- 106.36.020 - Applicability
- 106.36.030 - General Parking Regulations
- 106.36.040 - Number of Parking Spaces Required
- 106.36.050 - Disabled/Handicapped Parking Requirements
- 106.36.060 - Bicycle Parking
- 106.36.070 - Motorcycle Parking
- 106.36.080 - Reduction of Parking Requirements
- 106.36.090 - Parking Design and Development Standards
- 106.36.100 - Loading Space Requirements
- 106.36.110 - Trip Reduction

106.36.010 - Purpose

The requirements of this Chapter are intended to ensure that sufficient but not excessive off-street parking facilities are provided for all uses, and that parking facilities are properly designed, attractive, and located to be unobtrusive while meeting the needs of the specific use. The City discourages providing parking in excess of that required by this Chapter.

106.36.020 - Applicability

Each land use and structure shall provide off-street parking and loading areas in compliance with this Chapter. This Chapter shall also apply to changes to, or expansion of a land use or structure. A land use shall not be commenced and a structure shall not be occupied until the improvements required by this Chapter are completed and approved by the Director.

106.36.030 - General Parking Regulations

- A. **Timing of installation.** A new or altered structure shall not be occupied, and a new land use not requiring a structure shall not be established, until all off-street parking and loading facilities required by this Chapter are in place and approved by the City.
- B. **Permanent facilities required.** Each required parking and loading space shall be permanently available, marked, and maintained for parking or loading purposes for the use it is intended to serve. The approval of a Temporary Use Permit (Section 106.62.030) may allow the temporary use of a parking or loading space for other purposes.
- C. **Unrestricted facilities required.** An owner, lessee, tenant, or other person who controls the operation of a site with required parking or loading spaces shall not prevent, prohibit, or restrict authorized persons from using the spaces without the prior approval of the Director.
- ~~D. **Recreational vehicle parking.** The storage (parking for any period longer than 72 hours) of a recreational vehicle and/or boat in a residential zone shall be allowed only when all portions of the vehicle or boat are located entirely within the property boundaries on a paved surface and do not extend into the public right of way as per Section 106.36.080.~~
- ~~E. **Truck or Trailer Parking.** The parking of a motor vehicle used for commercial or industrial purposes and rated more than one (1) ton capacity and trailers used for commercial or industrial purposes shall not be parked or stored in any residential zone except when loading, unloading, or rendering service.~~

106.36.080 - Parking Design and Development Standards

Required parking areas shall be designed and constructed in compliance with this Section.

A. Location of parking. Off-street parking areas shall be located as follows:

1. **Residential parking.** Residential parking shall be located on the same site as each residential unit served; except for a mixed use project developed in compliance with Section 106.42.130 (Mixed Use Projects).
 - a. **Single-family residential.** Required parking may be located within the required front and interior side setback provided the required parking occurs on an approved driveway at least 20 feet in length and is perpendicular to the street. Alternate locations may be approved by the Director provided the design of the driveway is aesthetically pleasing, compatible with the surroundings and will not create a pedestrian or vehicular hazard.
 - b. **Duplex and multi-unit residential.** Required parking shall not occupy any required front setback, or a side or rear setback.
2. **Nonresidential parking.** Nonresidential parking shall be located on the same site as the use served, or within 300 feet of the parcel when off-site parking is approved in compliance with Section 106.36.070.G (Off-site parking), with reasonable access to and from the use for which the spaces are required.

B. Residential parking restrictions No residential front or street side setback shall be used for the accumulation, placement or storage of automobiles or other motor vehicles, building materials, scrap, junk or machinery except for those items listed in Section 106.30.100(D)(2).

Required parking for single-family residences may be located within the required front and interior side setback in compliance with Section 106.36.080.A.1.a. Temporary (overnight) parking is allowed within required setback areas only on an approved, paved driveway, in compliance with Section 106.36.080 (Parking Design and Development Standards). The following parking restrictions apply to all residential zones:

1. **Residential parking surface.** Pavement within a front setback shall be limited to a driveway plus 12 feet abutting and parallel to the driveway. The additional 12 feet of width shall be located adjacent to the interior side property line of a corner lot. Alternate locations for the additional pavement may be approved by the Director and City Engineer. Total pavement width in the front of the lot shall not exceed 50 percent of the lot frontage. The Director and City Engineer may grant an exception for exceeding the allowed limits for lots located on a collector or arterial street, where the owner proposes a circular driveway. This Subsection does not apply to front setback areas that were paved to a greater extent than allowed by this Section, prior to October 5, 2006.
2. **Recreational vehicle and trailer parking.** The storage (parking for any period longer than 72 hours) of a recreational vehicle, trailer, boat, and/or other mobile equipment, or portions of parts of components thereof, in a residential zone shall be allowed only when all portions of the vehicle are located entirely within the property boundaries on a paved surface and do not extend into the public right-of-way. Storage of a recreational vehicle, trailer, boat, and/or other mobile equipment is not allowed within the front or street side yard setback unless located on required parking spaces or approved paved surfaces per Section 106.36.080(B)(2). When located within any side or rear yard, a recreational vehicle and/or boat must maintain a three-foot-wide continuous fire accessway from the front of the property. The use of any recreational vehicle for residential occupancy is prohibited except on property zoned for mobile home parks or camping.

BC. Access to parking. Access to parking shall be provided as follows for all parking areas other than for individual single dwellings, and duplexes. Site design shall minimize the amount of paved surfaces and driveway lengths and widths while providing for safe and suitable access for vehicular circulation.

1. **Direction of travel.** Parking areas shall provide suitable maneuvering area so that vehicles exit to a street in a forward direction. Parking lots shall be designed to prevent access at any point other than at designated access drives. Single dwellings and duplexes are exempt from this requirement.
2. **Stacking area for non-residential parking.** A commercial or industrial use shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20 feet from the street right-of-way, to provide a stacking area for vehicles entering and exiting the parking area. The City Engineer may require a greater distance for uses with high traffic volumes or located along heavily traveled arterials. See Figure 3-43.
3. **Clear height above parking.** A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles within nonresidential uses.

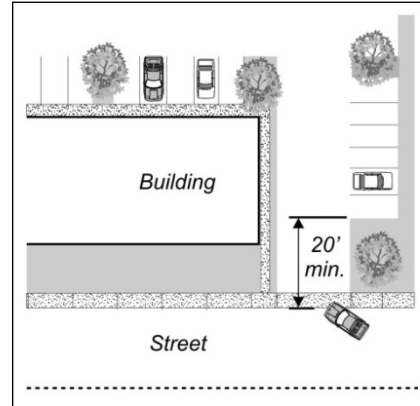


Figure 3-43 - Queuing Area

CD. Access to adjacent sites. The City may require the design of a parking area to provide vehicle and pedestrian connections to parking areas on adjacent properties or to connect with adjoining public walkways, to provide for convenience, safety, and efficient circulation. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved by the Director, to guarantee the continued availability of the shared access between the properties.

DE. Parking stall and aisle design.

1. **Minimum dimensions.**
 - a. **Parking spaces.** Each parking space shall be a minimum of nine feet wide and 19 feet long. Compact car spaces with minimum dimensions of eight feet by 16 feet may be allowed within a parking lot interior, up to a maximum of 25 percent of the total number of spaces. Compact spaces shall be dispersed throughout the parking lot. Parallel parking spaces shall have minimum dimensions of nine feet wide and 24 feet long.
 - b. **Parking lot aisles.** Each parking lot aisle shall comply with the minimum dimension requirements in Table 3-8.

TABLE 3-8 - MINIMUM PARKING LOT AISLE DIMENSIONS

Parking Angle	Aisle Width
45 degree	20 ft for a 2-way aisle 14 ft for a 1-way aisle
60 degree	20 ft for a 2-way aisle 18 ft for a 1-way aisle
90 degree	24 ft for a 2-way aisle 23 ft for a 1-way aisle

Parallel parking	24 ft for a 2-way aisle 12 ft for a 1-way aisle
------------------	--

2. **General configuration.** Tandem parking, or the parking of vehicles inline shall be prohibited in multi-unit residential and commercial zoning districts.
3. **Employee parking.** Where Table 3-7 requires employee parking, the spaces shall be identified by the employer as "employee parking" and shall be located as far away as possible from the main entrance.
4. **90-degree single-loaded parking aisles.** A parking lot aisle that provides access to parking spaces on one side only may be reduced to a width of 22 feet provided a landscaped planter at least five feet in width, or a two-foot planter with a walkway, is installed adjacent to the aisle.
5. **Dead-end aisles.** Dead-end aisles are discouraged. When used, 90 degree angle stalls with adequate turning space are required, as approved by the Engineering Division.

EF. Landscaping. Landscaping shall be provided in compliance with Section 106.34

FG. Lighting. See Chapter 106.35 (Outdoor Lighting).

GH. Striping and identification. Parking spaces shall be clearly outlined with double stripes painted on the parking surface (see Figure 3-44). Car pool spaces shall be clearly identified for car pool use only. The re-striping of a parking space or lot shall require the approval of a re-striping plan by the Director.

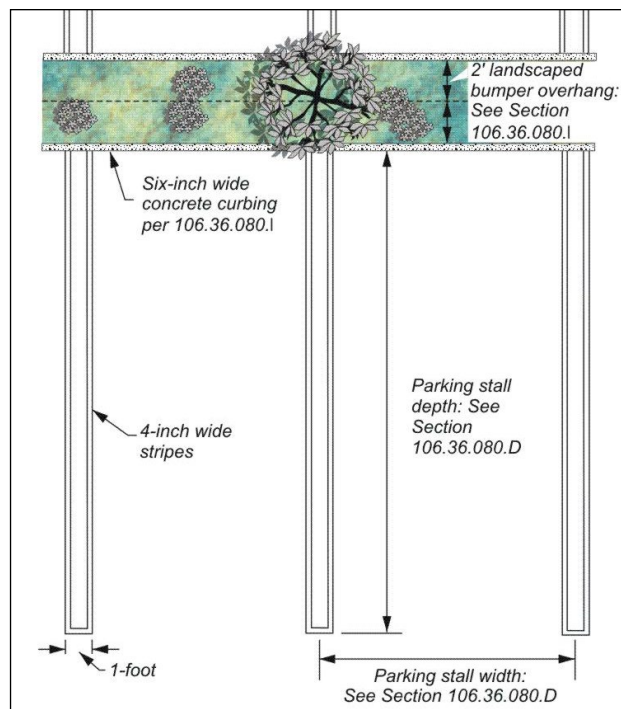


Figure 3-44- Parking Lot Striping

HI. Surfacing. Parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt, concrete or other all-weather surfacing approved by the Director.

IJ. Wheel stops/curbing. Continuous concrete curbing at least four inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas (except stormwater swales), and structures, and walkways that are less than six feet in width.

In addition to curbing, wheel stops shall be employed for any parking stall adjacent to a walkway that is less than six feet in width and has parking adjacent to it on one side. If parking adjoins both sides of the walkway, wheel stops shall be provided if the width of the walkway is less than 9 feet.

1. Individual wheel stops may be provided in lieu of continuous curbing when parking is adjacent to a landscaped area to which drainage is directed.
2. When provided, wheel stops shall be placed to allow for 30" of vehicle overhang area within the dimension of the parking space. Wheel stops shall be placed 30" from the curb.
3. Parking spaces may be designed to allow vehicle overhang of a landscape area only where the width of the landscape area is increased two additional feet over the width required by Section 106.34.040.D (Parking areas). The same overhang allowance shall apply where parking spaces directly abut a pedestrian walkway. The overhang allowance shall not be considered as part of the design width of the walkway.

In parking areas adjacent to vegetated stormwater swales or infiltration basins, curb stops alone may be used or cuts may be provided in the concrete curbing to allow water to enter the stormwater treatment planting area.

JK. Drainage facilities. Drainage facilities shall be provided in all public parking areas adequate to handle the drainage requirements of the site, to alleviate the creation of flooding and drainage problems for the site or any surrounding property.

1. New parking lots and significantly redeveloped sites with existing parking shall be required to install Best Management Practices (BMPs) for their storm water discharge.
2. Post BMPs may include vegetated swales, rain gardens, storm water basins with a low flow channel to cleanse the runoff, an underground stormwater vault, or other Low-Impact Design solutions approved by the City. Low-Impact Design solutions are preferred to underground vaults.
3. Stormwater vaults and basins will require an access agreement for the City to conduct periodic inspections of the post BMP system.

106.36.090 - Loading Space Requirements

All retail and wholesale stores, warehouses, supply houses, buildings devoted to manufacturing, hotels, hospitals or other buildings where large amounts of goods are received or shipped shall provide adequate space to handle the volume and frequency of truck traffic to the building or shopping center, as required by the review authority.

A. Number of spaces required. The minimum number of spaces shall be determined in compliance with the estimated volume of truck traffic and loading requirements as approved by the Director.

B. Space design. Each required loading space shall be not less than 10 feet wide, 35 feet long and 14 feet high, exclusive of driveways. Loading docks shall not face the public right-of-way unless adequate screening is provided as required by the review authority.

J. Sign maintenance.

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

K. Sign removal. When a business, activity, or entity that is the subject of an on-site sign leaves the site, the sign shall be removed within 10 days thereafter.

106.38.060 - Zoning District Sign Standards

Each sign shall comply with the sign type, area, height, and other restrictions provided by this Section, in addition to the provisions of Section 106.38.070 (Standards for Specific Sign Types).

- A. Setback requirement for freestanding signs.** A freestanding sign shall be set back a minimum of 5 feet from a dedicated public right-of-way, except where this Zoning Code requires a different setback for a specific sign type.
- B. Residential zone sign standards.** Each sign in the residential zoning districts shall comply with the requirements in Table 3-11, except for signs that are allowed by standards for a specific land use in Chapter 106.42.

TABLE 3-11 - SIGN STANDARDS FOR RESIDENTIAL ZONES

Allowed Sign Types	Maximum Sign Height	Maximum Number of Signs Allowed per Parcel	Maximum Sign Area Allowed per Parcel
Single Dwelling, Duplex, Triplex, Home Occupation			
Wall	6 ft	1	1 sf
Multi-Unit Residential Project or Structure			
Wall or freestanding	Wall signs: below edge of roof; Freestanding: 4 ft	1 of either allowed sign type per entrance or street frontage	50 sf total for all signs
Non-Residential Use			
Wall or freestanding	Wall signs: below edge of roof; Freestanding: 6 ft	1 of either allowed sign type per entrance or street frontage	Total combined of all wall signage shall not exceed 50 (one-half) sf for each linear ft of primary building frontage 50 sf total for all signs
Freestanding	6 ft ; height may be increased by one additional foot up to 10 ft max with increased setback as per 106.38.070.E.5	1 allowed per entrance or street frontage	Total combined of all freestanding signs shall not exceed 100 sf

CHAPTER 106.39 - TREE PRESERVATION AND PROTECTION

Sections:

- 106.39.010 - Purpose
- 106.39.020 - Applicability
- 106.39.030 - Tree Permit Application Requirements
- 106.39.040 - Arborist's Report
- 106.39.050 - Standard Policies and Procedures for Approved Work
- 106.39.060 - Tree Planting and Replacement
- 106.39.070 - Tree Permit Approval or Denial
- 106.39.080 - Post Approval Procedures

106.39.010 - Purpose

This Chapter provides regulations for the protection, preservation, and maintenance of:

- A. Native oak trees;
- B. The habitat values of oak woodlands;
- C. Trees of historic or cultural significance;
- D. Groves and stands of mature trees; and
- E. Mature trees in general that are associated with proposals for development.

106.39.020 - Applicability

- A. **Applicability to protected trees.** The provisions of this Chapter shall apply in all zoning districts to the removal or relocation of any protected tree, and to any encroachment (for example, grading) within the protected zone of a protected tree. A protected tree is any of the following:
 1. A native oak tree with a diameter of six or more inches as measured 54 inches above the ground, or a multi-trunked oak tree having an aggregate diameter of 10 inches or more measured 54 inches above ground. **A native oak tree is defined as any of the following species: blue oak (*Quercus douglasii*), interior live oak (*Quercus wislizenii*), coastal live oak (*Quercus agrifolia*), and valley oak (*Quercus lobata*);**
 2. A heritage, or landmark tree or grove identified by Council resolution;
 3. Significant groves or stands of trees identified by Council resolution;
 4. A mature tree other than those listed in Subsections A.1 through A.3, that is 19 inches or more in diameter as measured at 54 inches above the ground, and located on a commercial parcel, or on a residential parcel that can be further subdivided, or on a parcel in the RD-1, RD-2, or RD-3 zones, provided that the tree is not a willow (*Salix* spp.), fruit tree, eucalyptus (*Eucalyptus* spp.), alder (*Alnus* spp.), cottonwood (*Populus* spp.), pine (*Pinus* spp.), catalpa (*Catalpa* spp.), fruitless mulberry (*Morus* spp.), **privet (*Ligustrum* spp.), tree of heaven (*Ailanthus altissima*),** or palm (*Acoelorrhpe* spp.);
 5. A tree required to be planted, relocated, or preserved by a requirement of this Zoning Code, or by a condition of approval of a Tree Permit or other discretionary permit, and/or as environmental mitigation for a discretionary permit; and

recommendations for any additional care or treatment. Inspection frequency may be specified in the Tree Permit Conditions of Approval.

106.39.060 - Tree **Planting and Replacement**~~Mitigation~~

The City's principal objective for the Tree Permit process is the preservation of protected trees. The review authority may condition any Tree Permit involving removal of a protected tree upon the replacement of trees in kind. ~~The replacement requirement shall be calculated based upon an inch for an inch replacement of the DBH of the removed trees where a 15 gallon tree (i.e., nursery stock in a #15 container) will replace one inch DBH of the removed tree; a 24 inch box tree will replace two inches, and a 36 inch box tree will replace three inches. The replacement trees shall have a combined diameter equivalent not less than the total diameter of the trees removed. A minimum of 50 percent of the replacement requirement shall be met by native oaks. Up to 50 percent may be met by non-native species.~~ The review authority may approve a replacement program using one of the following ~~four~~ five methods or any combination of the ~~four~~ five methods. The preferred alternative is on-site replacement.

A. Replacement trees. Replacement trees may be planted on-site or in other areas where maintenance and irrigation are provided to ensure survival of the trees. ~~The replacement trees shall have a combined diameter equivalent not less than the total diameter of the trees removed. A minimum of 50 percent of the replacement requirement shall be met by native oaks. Up to 50 percent may be met by non-native species. The replacement requirement shall be calculated based upon an inch for an inch replacement of the DBH of the removed trees using the following formula:~~

1. ~~One 15 gallon tree (i.e., nursery stock in a #15 container) will replace one inch DBH of the removed tree;~~
2. ~~One 24 inch box tree will replace two inches DBH of the removed tree; and~~
3. ~~One 36 inch box tree will replace three inches DBH of the removed tree.~~

B. Relocation of trees. In certain cases, the City may consider the relocation of native oak trees from one area in a project to another. Credit shall be given for relocation on the same basis as replacement. The guidelines and limitations for relocation are as follows:

1. The trees being recommended for relocation must be approved by the review authority whose decision will be based upon factors relating to health, type, size, time of year and proposed location.
2. The relocation of a tree shall be conditioned to require a secured five-year replacement agreement for the tree with security provided by the developer in a form satisfactory to the City Attorney. If at the end of five years the tree is deemed by an arborist to be in a substantially similar condition to that prior to the transplanting, the agreement will be terminated. If the tree dies during the five-year period, it shall be replaced as required by this Section.

C. Revegetation requirements. The review authority may, instead of requiring replacement trees, require implementation of a revegetation plan. The applicant shall enter into a written agreement with the City obligating the applicant to comply with the requirements of the revegetation plan. A performance security or bond for 150 percent of the cost of the revegetation plan shall be required to insure that the agreement is fulfilled. The review authority shall approve the proposed plan. The revegetation program shall propagate native oak trees from seed using currently accepted methods. A revegetation program shall identify the seed source of the trees to be propagated, the location of the plots, the methods to be used to ensure success of the revegetation program, an annual reporting requirement, and the criteria to be used to measure the success of the plan. A revegetation program shall not be considered complete until the trees to be propagated have reached one-half inch in diameter or the revegetation plan demonstrates the need for alternative success criteria and achieves mitigation on an inch for inch basis as approved by the Commission.

- D. In-lieu mitigation fee.** The review authority may determine that the remedies described above are not feasible or desirable and may require instead payment of a cash contribution based upon the cost of purchasing, planting, irrigating and maintaining the required number of 15 gallon trees. The cost of purchasing, planting, irrigating and maintaining a 15 gallon oak tree shall be set by Council resolution. The cash contribution shall be deposited into the Tree Mitigation Fund.

Tree Mitigation Funds can be used as determined by the Director:

- 1. Tree Mitigation Fund.** This fund shall be used to propagate, purchase, plant, protect and maintain trees, including purchasing property to plant or protect trees, propagating trees from seed or container stock and maintaining existing and replacement trees.
- 2.** To fund special projects that enhance urban forestry programming, build on existing information, and/or to develop outreach or educational materials in support of the community urban forest and tree canopy.

E. On-site tree preservation. On-site preservation of native oak trees that are less than 6 inches (<6 inches) dbh, as described in Section 106.39.020, and within the buildable area of the site may also be used to meet the tree mitigation requirement pursuant to the formula described in Section 106.39.060(A).

106.39.070 - Tree Permit Approval or Denial

Each Tree Permit application shall be reviewed, and approved or denied in compliance with this Section.

- A. Review authority.** A Tree Permit shall be reviewed, and approved or denied by the Director, except that the Commission shall decide upon a Tree Permit application where tree removal is part of a project that otherwise requires approval by the Commission.
- B. Application evaluation criteria.** The following criteria shall be used to support the findings required by Subsection C. for the approval of a Tree Permit.
- 1. General criteria.**
 - a. The gross floor area of proposed buildings in relation to the "usable" size of the site and the amount of usable space on the site that does not require the removal of protected trees;
 - b. Design features in comparison with other existing or approved projects in the vicinity and in the same zone that have or had protected trees on their sites;
 - c. Factors that are unique to the site, such as topographic constraints, lot configuration and other physical limitations;
 - d. The overall health and structural condition of the potentially impacted protected trees;
 - e. The approximate age of the each protected tree compared with the average life span for each species;
 - f. The number of healthy protected trees that the site will support, with and without the proposed development;
 - g. The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes;
 - h. Whether there are any alternatives that would allow for the preservation of the protected tree; and

ARTICLE 4

Standards for Specific Land Uses

Chapter 106.40 - Adult Oriented Business Regulations	3
106.40.010 - Purpose, Intent and Application	3
106.40.020 - Definitions	3
106.40.030 - Findings	3
106.40.040 - Allowed Zones	3
106.40.050 - Distance Requirements	4
106.40.060 - Development and Performance Standards and Regulations	5
106.40.070 - Amortization of a Nonconforming Adult-Oriented Business Use	10
106.40.080 - Extension of Time for Nonconforming Adult-Oriented Business Use	11
106.40.090 - Enforcement	12
Chapter 106.42 - Standards for Specific Land Uses	13
106.42.010 - Purpose and Applicability	14
106.42.015 – Accessory Dwelling Units	14
106.42.020 - Alcoholic Beverage Sales	18
106.42.030 - Animal Keeping	20
106.42.040 - Automated Teller Machines (ATMs)	22
106.42.050 - Condominiums	23
106.42.060 - Condominium Conversion	23
106.42.070 - Convenience Stores	27
106.42.080 - Drive-Through Facilities	28
106.42.090 - Emergency Shelters	29
106.42.100 - Home Occupations	30
106.42.110 - Live/Work and Work/Live Units	33
106.42.120 - Marijuana Dispensaries, Deliveries, and Businesses	35
106.42.130 - Mixed Use Projects	36
106.42.140 - Mobile Homes and Mobile Home Parks	38
106.42.150 - Multi-Unit Dwelling and Group Quarters Projects	39
106.42.160 - Outdoor Displays and Sales	40
106.42.170 - Outdoor Storage	42
106.42.180 - Power Transmission Facilities	43
106.42.190 - Recycling Facilities	44
106.42.200 - Residential Accessory Uses and Structures	46
106.42.220 - Single Dwellings	48
106.42.225 – Small Lot Housing Product Projects	49
106.42.230 - Smoking Paraphernalia Establishments	50
106.42.240 - Substance Abuse Treatment Clinics	50
106.42.250 – Temporary Uses	51
Chapter 106.44 - Telecommunications Facilities	57
106.44.010 - Purpose	57
106.44.020 - Definitions	57
106.44.030 - Applicability	57
106.44.040 - Satellite TV and Dish Antenna Standards	57
106.44.050 - Wireless Telecommunications Facilities	58
106.44.060 - Amateur Radio Antennas	66

106.42.010 - Purpose and Applicability

- A. Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Article 2 (Zoning Districts and Allowable Land Uses) within individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts.
- B. Applicability.** The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Zoning Code.
- 1. Where allowed.** The uses that are subject to the standards in this Chapter shall be located only where allowed by Article 2 (Zoning Districts and Allowable Land Uses).
 - 2. Planning permit requirements.** The uses that are subject to the standards in this Chapter shall be authorized by the planning permit required by Article 2 (Zoning Districts and Allowable Land Uses), except where a planning permit requirement is established by this Chapter for a specific use.
 - 3. Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in Articles 2 (Zoning Districts and Allowable Land Uses) and 3 (Site Planning and Project Design Standards).
 - a. The applicability of the standards in this Chapter to the specific land uses listed is determined by Article 2 (Zoning Districts and Allowable Land Uses).
 - b. In the event of any conflict between the requirements of this Chapter and those of Articles 2 (Zoning Districts and Allowable Land Uses) or 3 (Site Planning and Project Design Standards), the requirements of this Chapter shall control.

106.42.015 – Accessory Dwelling Units

This Section establishes standards for accessory dwelling units and junior accessory dwelling units. An accessory dwelling unit may be created by conversion of floor area in a pre-existing primary dwelling unit, by an addition thereto, or created within a new or existing residential accessory structure. Except as otherwise specified by this Chapter, all accessory dwelling units shall comply with all provisions applicable to a primary dwelling unit. Nothing in this Chapter shall provide an exception to the requirements of the Building Code.

- A. Allowed Location.** An accessory dwelling unit is allowed on any property developed with residential living unit(s).
- B. Limitation on number of units.** No more than one accessory dwelling unit shall be located on a parcel developed with a single dwelling except the parcel may also have one junior accessory dwelling unit provided the junior accessory dwelling unit complies with Section 106.42.105.D.8. Accessory dwelling units are not included when calculating the density of a parcel.
- C. Relationship to primary use.**
- 1. Design, style.** An accessory dwelling unit shall be incidental to the primary single-family residential use of the site in terms of location and appearance and shall not alter the character of the primary structure. The architectural style, exterior materials, and colors of the accessory dwelling unit shall be compatible with the primary dwelling unit.
 - 2. Timing of construction.** An accessory dwelling unit may be constructed simultaneously with or after the primary dwelling. In addition, an existing dwelling that complies with the development standards for accessory

dwelling in Subsection D below, may be considered an accessory dwelling unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.

3. **Term of Rentals.** Accessory dwelling units or junior accessory dwelling units shall not be rented for periods of less than thirty one (31) days. This provision shall not apply to accessory dwelling units lawfully constructed prior to January 1, 2020.
- D. **Development standards.** The following standards apply to all newly constructed accessory dwelling units unless an exception is provided in Section 106.42.015.D.9.
1. **Setback requirements.** An accessory dwelling unit shall comply with the setback requirements of the applicable zoning district except that the side and rear yard setbacks may be four feet.
 2. **Height limit.** An attached accessory dwelling unit shall comply with the height limits of the applicable zoning district except that a detached accessory dwelling unit shall not exceed a maximum height of 16 feet except when the accessory dwelling unit is above a detached residential accessory structure, in which case it shall not exceed 25 feet.
 3. **Allowed floor area.**
 - a. The floorspace of an attached accessory dwelling unit shall not exceed 60 percent of the floorspace of the primary dwelling or 1,200 square feet, whichever is less. Regardless of the size of the primary dwelling, an attached accessory dwelling unit shall be allowed the minimum size as follows:
 - (1) 850 square feet for an accessory dwelling with zero to one bedrooms; or
 - (2) 1,000 square feet for an accessory dwelling with two or more bedrooms.
 - b. The floorspace of a detached accessory dwelling unit shall not exceed 1,200 square feet, regardless of the size of the primary dwelling.
 - c. For purposes of computing the floorspace of an accessory dwelling unit, all enclosed areas accessed from within the accessory dwelling unit shall be included. For purposes of computing the floorspace of the primary dwelling, all living area shall be included when calculating the floorspace of the primary dwelling.
 4. **Off-street parking requirements.** Additional off-street parking is not required for an accessory dwelling unit.
 5. **Separate entrance required.** An attached accessory dwelling unit shall have an entrance separate from the entrance to the primary dwelling.
 6. **Window placement.** An accessory dwelling unit that is 15 feet or less from a residential unit on an adjacent parcel shall not have windows that directly face windows in the other unit. A detached accessory dwelling unit located closer than 10 feet to a side lot line or 20 feet from a rear lot line shall have no second floor windows facing the side or rear except obscured glass or clerestory windows, unless the review authority determines that other types of windows will not significantly interfere with the privacy of residents on adjacent parcels.

7. Junior Accessory Dwelling Unit: As an alternative to the standard accessory dwelling units, a parcel with a single dwelling may have one junior accessory dwelling in addition to a standard accessory dwelling unit.

a. A unit is considered a junior accessory dwelling unit provided each of the following standards are met:

- (1) The unit is created within the walls of the proposed or existing single-family residence, including attached garages, through the conversion of living space within an existing single dwelling.
- (2) The unit does not exceed 500 square feet in size.
- (3) The unit has at least an efficiency kitchen. The efficiency kitchen shall be removed if the junior accessory unit ceases.
- (4) The unit has bathroom facilities that are either separate from or shared with the residence in which the unit is contained.
- (5) The unit has exterior access separate from the entrance to the dwelling in which it is contained.

~~b. A junior accessory dwelling unit shall be permitted to develop an additional 150 square feet which may exceed the allowable lot coverage otherwise permitted by the underlying zoning district to allow for ingress and egress of the junior accessory dwelling unit.~~

~~e.b.~~ Either the junior accessory dwelling unit or the residence in which the junior dwelling unit is contained must be occupied by the owner. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

~~e.c.~~ Prior to the issuance of the building permit, the owner shall show proof of a recorded deed restriction. The deed restriction, which shall run with the land including the transfer of ownership, will prohibit the following:

- (1) The junior accessory dwelling unit shall not be sold separately from the single dwelling.
- (2) The junior accessory dwelling unit shall be restricted in size and attributes as describe in Government Code 65852.22.

8. Exceptions. An accessory dwelling unit shall be allowed as follows, regardless of whether the development standards contained in this section can be met.

a. For lots with single-family dwelling, one of the following:

- (1) One interior accessory dwelling unit or one junior accessory dwelling unit per lot constructed within an existing or proposed single-family or accessory structure, including the construction of up to a one hundred fifty (150) square foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The accessory dwelling unit or junior accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety. If the unit is a junior accessory dwelling unit, it must also comply with the requirements of section 106.042.015.5.; or
- (2) One new, detached accessory dwelling unit with a minimum four-foot side and rear setbacks, up to eight hundred (800) square feet and no more than sixteen (16) feet high on a lot with an existing or proposed single family dwelling. A junior accessory dwelling unit may also be built within the existing or proposed dwelling of such residence in connection with the accessory dwelling unit.

- b. For lots with an existing multi-family dwelling:
- (1) Accessory dwelling units may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five percent (25%) of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area; and
 - (2) Up to two (2) detached accessory dwelling units may be constructed, provided they are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area. For the purpose of this subsection, a structure with two or more attached dwellings on a single lot is considered a multi-family dwelling structure. Multiple detached single-unit dwelling on the same lot are not considered multi-family.

E. **Zoning Clearance.** The Director shall issue the Zoning Clearance in compliance with Section 106.62.020.

3. A dish antenna installed directly on the ground shall not be located within a required setback. The maximum attainable height of the dish shall not exceed the diameter of the dish plus three feet to a maximum of 15 feet.
- C. Residential satellite TV and dish antenna standards.** Residential satellite television and dish antennas larger than one meter in diameter shall comply with the following requirements.
1. Roof-mounted antennas are not permitted.
 2. Dish antennas shall be installed directly on the ground. The maximum attainable height of the dish shall not exceed the diameter of the dish plus three feet, to a maximum of 15 feet.
 3. Dish antennas shall meet the setback requirements for accessory structures.
 4. Only one dish antenna is permitted on each lot.
 5. The distribution of signals to more than one dwelling unit is permitted, provided the distribution is limited to the same parcel or same project as the antenna site.
 6. In any situation where the above provisions do not allow reasonable access to satellite signals, a Use Permit shall be considered by the Commission with the objective of ascertaining the most aesthetically acceptable alternative siting solution. In no case may the final decision result in denial of reasonable access to satellite signals. The Commission shall consider the following:
 - a. The decision on the Use Permit application must provide for a reasonable quality of signal reception, taking into consideration the particular circumstances of the property and its surroundings.
 - b. The decision on the Use Permit application may take into consideration all the alternative site locations and reception solutions on the property and the use permit may be conditional for the purpose of reducing the visual impact of the dish antenna as seen from adjacent properties or for the purpose of reducing the potential safety or health impacts. The conditions may include partitions, screening, landscaping, mountings, fencing, height of antenna, and site location within the parcel.

106.44.050 - Wireless Telecommunications Facilities

- A. Permit or approval required.** Each telecommunications facility shall require Design Review Permit approval or minor modification approval in compliance with this Section.
1. **Design Review Permits or minor modifications requiring Director approval.** The following Design Review Permit applications or minor modification applications are subject to review and approval by the Director:
 - a. Antennas within the public right-of-way attached to an existing structure and without ground-mounted equipment;
 - b. Antennas placed on an existing building or on an existing monopole; **and**
 - c. Minor modifications to a previously approved tower or base station pursuant to Federal Statute Section 6409(a); **and**
 - d. **Installation of emergency standby generators for a macro cell tower site if the following apply:**
 1. **The emergency standby generator is rated below 50 horsepower, compliant with applicable air quality regulations, has a double-wall storage tank, not to exceed 300 gallons, and is mounted on a concrete pad.**

2. The macro cell tower site at which the emergency standby generator is proposed to be installed is an existing site that was previously permitted by the applicable local agency.
3. The emergency standby generator complies with all applicable state and local laws and regulations, including building and fire safety codes.
4. The physical dimensions of the emergency standby generator and storage tank are cumulatively no more than 250 cubic feet in volume.
5. The emergency standby generator shall be located not more than 100 feet from the physical structure of the macro cell tower or base station.

2. **Design Review Permits requiring Commission approval.** All applications for new wireless telecommunications facilities, or collocations or modifications to existing wireless telecommunications facilities other than those listed in Subsection (A)(1) above are subject to review and approval by the Commission. In addition, the Director may refer a Design Review Permit application under Subsection (A)(1)(a) or (A)(1)(b) to the Commission for hearing and decision.
3. **Other Permits and Regulatory Approvals.** Facilities approved under this Chapter are subject to all federal, state, and local laws, rules, regulations, conditions, and other lawful requirements, including, but not limited to, FCC rules and regulations, and approvals, licenses, and applicable conditions required by other City departments.
4. **Application requirements.** An application for the approval of a wireless telecommunications facility shall include the following information, in addition to all other information required by the City. Each application for Design Review shall be filed on a City application form, together with required fees and/or deposits, and all other information and materials required by the City's list of required application contents.
 - a. Written documentation demonstrating a good faith effort in locating facilities in accordance with the location requirements in Subsection (C) below. This may include a written statement and supporting information, as requested by the Director, regarding alternative site selection and collocation opportunities in the service area and why alternative sites were rejected. The Director may waive this requirement for applications for collocations or modifications to existing facilities.
 - b. Where required by the Director, visual simulations showing the proposed facility superimposed on photographs of the site and surroundings as viewed from residential properties, public rights-of-way, or other perspective points at varying distances, to be determined in consultation with the Director. Such visual simulations will assist the review authority and the public in assessing the visual impacts of the proposed facility and its compliance with the provisions of this Chapter. In addition, the Director may also require simulations analyzing stealth designs and/or on-site demonstration mock-ups for consideration by the review authority.
 - c. A diagram or map showing the viewshed of the proposed facility (all areas of the City from which the facility will be visible).
 - d. A map or description of the service area of the proposed wireless telecommunications facility and an explanation of the need for the facility.
 - e. A map showing the locations and service areas of other wireless telecommunications facility sites operated by the applicant and those that are proposed by the applicant that are close enough to affect service within the City.
 - f. Site plan including and identifying (i) all facility-related support and protection equipment; and (ii) a description of general project information, including the type of facility, number of antennas, height to top of antenna(s), radio frequency range, wattage output of equipment, and a statement of compliance with current FCC requirements.

ARTICLE 6

Planning Permit Procedures

Chapter 106.60 -	3
106.60.010 - Purpose 106.60.010.....	3
106.60.020 - Authority for Land Use and Zoning Decisions.....	3
106.60.030 - Concurrent Permit Processing	3
106.60.040 - Application Preparation and Filing	3
106.60.050 - Application Fees	6
106.60.060 - Initial Application Review 106.60.060	7
106.60.070 - Environmental Review	8
106.60.080 - Staff Evaluation and Report.....	8
Chapter 106.62 -	9
106.62.010 - Purpose and Applicability.....	9
106.62.020 - Zoning Clearance.....	9
106.62.030 - Temporary Use Permit.....	10
106.62.040 - Design Review	11
106.62.050 - Use Permit and Minor Use Permit	13
106.62.060 - Variance and Minor Variance.....	15
106.62.080 - Exception to Sign Regulations	17
106.62.090 - Commercial Subdivisions.....	18
Chapter 106.64 -	19
106.64.010 - Purpose.....	19
106.64.020 - Effective Date of Permits	19
106.64.030 - Applications Deemed Approved.....	19
106.64.040 - Filing of New Application after Denial	19
106.64.050 - Permits to Run with the Land	19
106.64.060 - Performance Guarantees.....	20
106.64.070 - Permit Time Limits, Extensions, and Expiration.....	20
106.64.080 - Change to an Approved Project.....	21
106.64.090 - Permit Revocation or Modification	22
Chapter 106.66 -	23
106.66.010 - Purpose.....	23
106.66.020 - Applicability	23
106.66.030 - Application Requirements	23
106.66.040 - Review Authority	24
106.66.050 - Review Procedure.....	24
106.66.060 - Findings and Decision.....	24
106.66.070 - Appeal of Determination	25

Project	Review Authority
Nonresidential development	
New construction or addition, less than 5,000 sf	Director
New construction or addition, 5,000 sf or more	Commission
Proposed subdivision, as to street and lot layout	Commission
Fence or wall – more than 8 ft in height	Director
Residential development	
Single family homes - Project of 5 to 9 units	Director
Single family homes - Project of 10 or more units	Commission
Multi-family housing - Project of 10 or fewer units	Director
Multi-family housing - Project of 11 or more units	Commission
Fence or wall - Between 8 ft and 10 ft in height	Director
Fence or wall - More than 200 feet in length	Commission
2nd floor residential addition, garage conversion, or accessory structure between primary residential structure and the street	Director
Proposed subdivision, as to street and lot layout	Commission

- C. Application filing and processing.** An application shall be prepared, filed, and processed in compliance with Section 106.60.040 (Application Preparation and Filing). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection D below.
- D. Findings and decision.** The review authority shall approve or disapprove an application for Design Review approval concurrently with the approval or disapproval of any other planning permit (i.e., Use Permit, Minor Use Permit, Variance or Minor Variance, Zoning Clearance, or subdivision map) required for the project, if the Design Review application is filed with the City at the same time. Design Review approval shall require that the review authority first find that the project, as proposed or with changes resulting from the review process and/or conditions of approval:
1. Complies with this Section and all other applicable provisions of this Zoning Code;
 2. Provides architectural design, building massing and scale, and street and lot layout in the case of a subdivision, that are appropriate to and compatible with the site surroundings and the community;
 3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
 4. Provides safe and efficient public access, circulation and parking, including bicycle and pedestrian accommodations where appropriate;

CHAPTER 106.64 - PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

Sections:

- 106.64.010 - Purpose
- 106.64.020 - Effective Date of Permits
- 106.64.030 - Applications Deemed Approved
- 106.64.040 - Filing of New Application after Denial
- 106.64.050 - Permits to Run with the Land
- 106.64.060 - Performance Guarantees
- 106.64.070 - Permit Time Limits, Extensions, and Expiration
- 106.64.080 - Changes to an Approved Project
- 106.64.090 - Permit Revocation or Modification

106.64.010 - Purpose

This Chapter provides requirements for the implementation or "exercising" of the permits required by this Zoning Code, including time limits and procedures for granting extensions of time.

106.64.020 - Effective Date of Permits

A Design Review approval, Use Permit, Minor Use Permit, Variance, or Minor Variance shall become effective on the 11th day following the date of application approval by the review authority, provided that no appeal has been filed in compliance with Chapter 106.72 (Appeals).

106.64.030 - Applications Deemed Approved

A planning permit application deemed approved in compliance with State law (Government Code Section 65956) shall be subject to all applicable provisions of this Zoning Code, which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

106.64.040 - Filing of New Application after Denial

After the denial of an application for, or the revocation of, a Use Permit, Minor Use Permit, Variance, or Minor Variance, no application for the approval of the same or a substantially similar project on the same site shall be accepted by the Department for processing within 12 months of the decision to deny the application or revoke the planning permit, except where authorized by the Commission or Council.

106.64.050 - Permits to Run with the Land

Except when otherwise provided by this Zoning Code, each planning permit approval that is granted in compliance with Chapter 106.62 (Permit Review and Decisions) shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with Section 106.64.070 (Permit Time Limits, Extensions, and Expiration). All applicable conditions of approval shall continue to apply after a change in property ownership.

A. Lapse of permit after implementation. A use which has been established and/or operated as approved and the use is discontinued for more than twelve (12) consecutive months shall be considered lapsed if any of the following apply:

1. If no appurtenant structure is required and the use is discontinued for more than twelve (12) consecutive months:

2. If an appurtenant structure is required for the conditionally-permitted use and the structure is removed from the site for more than twelve (12) consecutive months.

a. If a structure associated with the operation of a conditionally permitted use is issued a certificate of occupancy and all other conditions of approval of the conditional use permit are satisfactorily completed, the entitlement remains in effect even if the structure is vacant for more than twelve (12) consecutive months; however, no use may be reestablished in the structure and/or on the site unless the use is determined by the Director to be substantially the same as the original conditionally permitted use.

106.64.060 - Performance Guarantees

Security to guarantee the completion of work required by a condition of approval of a planning permit required by this Zoning Code may be required by the review authority as a condition of approval, or allowed by the Director to defer required improvements or landscaping, in compliance with this Section.

- A. The security shall, as required by law or otherwise at the option of the City, be deposited with the City in the form of cash, a certified or cashier's check, letter of credit, or a faithful performance bond executed by the permittee and a corporate surety authorized to do business in California. The type of security shall be at the discretion of the Director. The security shall remain in effect until all of the secured conditions and/or work have been performed to the satisfaction of the Director.
- B. Upon completion of work to the satisfaction of the Director, the security deposit will be released. However, upon failure to perform any secured condition, the City may cause the work to be done, and may collect from the permittee, and surety in the case of a bond, all costs incurred by the City, including engineering, legal, administrative, and inspection costs.
- C. In the event the City causes the completion of required work guaranteed by the performance guarantee, any unused portion of the security shall be refunded to the permittee after deduction of the cost of the work and administrative costs incurred by the City; except that, to the extent that the Director can demonstrate to the satisfaction of the City Manager that the permittee willfully breached an obligation in a manner that he or she knew or should have known would create irreparable harm to the City, the entire amount of the bond or deposit may be withheld. The City Manager's determination may be appealed to the Council by the permittee in compliance with Chapter 106.72 (Appeals).

106.64.070 - Permit Time Limits, Extensions, and Expiration

- A. **Time limits.** Unless a condition of approval or other provision of this Zoning Code establishes a different time limit, any permit or approval not exercised within ~~two~~ **three** years of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B below.
 - 1. The permit shall not be deemed "exercised" until the permittee has substantially -commenced the approved activity or has actually commenced the allowed use on the site in compliance with the conditions of approval.
 - 2. After it has been exercised, a planning permit shall remain valid and run with the land in compliance with Section 106.64.050 (Permits to Run with the Land), as long as a Building Permit is active for the project, and after a final building inspection or certificate of occupancy has been granted.
 - 3. If a project is to be developed in approved phases, each subsequent phase shall be exercised within ~~two~~ **three** years from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and be void in compliance with Subsection D below, except where an extension of time is approved in compliance with Subsection B below. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the permit shall be exercised before the expiration of the Tentative Map, or the permit shall expire and become void.

ARTICLE 8

Glossary

Chapter 106.80 - Definitions	8-3
106.80.010 - Purpose.....	8-3
106.80.020 - Definitions of Specialized Terms and Phrases.....	8-3

Artisan/Craft Product Manufacturing. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. **May also include small scale food/beverage production like coffee roasting.**

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, that are small run or one-of-a-kind items, where the store includes an area for the crafting of the items being sold. Mass production of these items is defined as "Manufacturing/Processing - Light."

Assessed Value. The value of a structure as shown in the records of the County Assessor.

Attic. The area located between the uppermost plate and the roof or ridge of a structure.

Auto and Vehicle Sales and Rental. A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and scooters with internal combustion engines. (Bicycle sales are included under "General Retail"). Vehicles for sale may be displayed outdoors or indoors, as authorized by the required Use Permit. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Auto and Vehicle Sales, Wholesale. The sale of automobiles and other vehicles at wholesale to retail dealers.

Auto Parts Sales. Stores that sell or new or re-manufactured automobile parts, tires, and accessories. Establishments that provide installation services are instead included under "Vehicle Services - Repair and Maintenance - Minor." Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

Auto Repair. See "Vehicle Services."

Automated Teller Machine (ATM). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations. Does not include drive-up ATMs which are included under "Drive-Through Retail or Service."

B. Definitions, "B."

Bank, Financial Services. Financial institutions including:

banks and trust companies	securities/commodity contract brokers
credit agencies	and dealers
holding (but not primarily operating) companies	security and commodity exchanges
lending and thrift institutions	vehicle finance (equity) leasing agencies
other investment companies	

See also "Automated Teller Machine." Does not include check cashing stores, which are instead defined under "Personal Services - Restricted."

Bar/Tavern. A business where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include dancing as an incidental use, if authorized by the Use Permit approval for the facility. Does not include adult oriented businesses, which are separately defined.

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops	microblading
clothing rental	palm and card readers
dry cleaning pick-up stores with limited equipment	permanent make-up
home electronics and small appliance repair	pet grooming and/or daycare with no overnight boarding
laundromats (self-service laundries)	shoe repair shops
locksmiths	tailors
	tanning salons

These uses may also include accessory retail sales of products related to the services provided. Does not include massage therapy, which is separately defined.

Personal Services - Restricted. Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed through Minor Use Permit review to minimize their adverse impacts. Examples of these uses include:

check cashing stores
 pawnshops
 spas and hot tubs for hourly rental
 tattoo and body piercing services

Pervious. A pervious surface is a surface that allows the percolation of water into the underlying soil. Pervious surfaces include grass (including artificial turf which allows water infiltration), mulched groundcover, planted areas, vegetated roofs as well as porches and decks erected on pier foundations that maintain the covered lot surface's water permeability. Pervious surfaces do not include any structure or building, any porch or deck that limits the covered lot surface from absorbing water, or any outdoor stairs, on-grade surface sports court, swimming pool, sidewalk or patio constructed of concrete, asphalt, brick, compacted gravel or other material that impedes the infiltration of water directly into the subsurface of the lot.

Planning Commission. The City of Citrus Heights Planning Commission, appointed by the Citrus Heights City Council in compliance with Government Code Section 65101, referred to throughout this Zoning Code as the "Commission."

Planning Permit. Authority granted by the City to use a specified site for a particular purpose. "Planning Permit" includes Use Permits, Minor Use Permits, Variances, Minor Variances, Design Review, and Zoning Clearances, as established by Article 6 (Planning Permit Procedures) of this Zoning Code.

Plant Nursery. A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard, Vineyard." Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "Residential Accessory Use or Structure"). The sale of house plants or other nursery products entirely within a building is also included under "General Retail."

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

Printing and Publishing. An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding,

Supportive Housing. A facility that provides permanent, affordable housing linked to health, mental health, employment, and other support services. Supportive housing shall be considered a residential use and only subject to the restriction that apply to other residential uses of the same type in the same zone.

T. Definitions, "T."

Tap Room. Allowed accessory use to a brewery or brew pub for the purpose of consuming alcohol beverages manufactured on the premises. Allows the retail sales and wholesaling of alcoholic beverages manufactured on the premise.

Tavern. A business whose alcoholic beverages are limited to beer/wine only. Food service is subordinate to the sale of alcoholic beverages.

Telecommunications Facility.

Telecommunications Facility. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including stationary commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections, or vehicles utilizing global positioning satellite (GPS) direction-finding technology, or equipped for reception of commercial satellite radio, television, or internet programming. The following terms and phrases are defined for the purposes of Chapter 106.44 (Telecommunications Facilities).

Antenna. Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves or radio frequency signals.

Array. Several antennas connected and arranged in a regular structure to form a single antenna.

Base Station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

Building Mounted. An antenna attached to a building.

Collocation. The mounting of one or more wireless telecommunications facilities, including antennas, on an existing structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

Equipment Cabinet or Building. A cabinet or structure used to house equipment associated with a wireless, hard wire, or cable communication facility.

Macro cell tower site. A place where wireless telecommunications equipment and network components including towers, base stations, and emergency powers necessary for providing wire area outdoor service. A macro cell tower site does not include rooftop, small cell, or outdoor and indoor distributed antenna.

Minor Modification. This term means the same as "eligible facilities request" as defined by the Code of Federal Regulations, Title 47, Chapter 1, Subchapter A, Part 1, Subpart CC, Section 1.40001(b)(3), as may be amended. Currently this means a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (1) collocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.

Monopole. A single freestanding pole, post, or similar structure erected on the ground or on a structure to