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Division I: Introductory Provisions

Chapter 17.01 Purpose and Effect of the Zoning Code

Sections:

- 17.01.010 Title
- 17.01.020 Authority
- 17.01.030 Purpose
- 17.01.040 Relationship to the General Plan
- 17.01.050 Applicability
- 17.01.060 Responsibility for Administration
- 17.01.070 Severability
- 17.01.080 Fees

17.01.010 Title

Title 17 of the West Sacramento Municipal Code shall be known and cited as the “West Sacramento Zoning Code”, “Zoning Code of the City of West Sacramento”, “Zoning Code”, or “Code”.

17.01.020 Authority

The West Sacramento Zoning Code is adopted pursuant to the authority contained in Section 65850 of the California Government Code.

17.01.030 Purpose

The purpose of this Code is to implement the City’s General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the Code is adopted to achieve the following objectives:

- A. Provide standards for the orderly growth and development of the City, and guide and control the use of land to provide a safe, harmonious, attractive, and sustainable community.
- B. Achieve the arrangement of land uses depicted in the West Sacramento General Plan, consistent with the goals and policies of the General Plan.
- C. Enhance the appearance of the City and promote high-quality design.
- D. Preserve and enhance the quality of life and character of residential neighborhoods.

- E. Promote economic growth and the creation of jobs.
- F. Facilitate the appropriate location of community facilities, institutions, transportation, and parks and recreational areas.
- G. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.
- H. Define duties and powers of administrative bodies and officers responsible for implementation of the Code.

17.01.040 Relationship to the General Plan

This Code implements the goals and policies of the West Sacramento General Plan by regulating the use of land and structures within the City. This Code and the General Plan shall be consistent with one another. Any permit, license, or approval issues pursuant to this Code must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

17.01.050 Applicability

- A. **Applicability to Property.** This Code shall apply, to the extent permitted by law, to all property within the corporate limits of the City of West Sacramento and to property for which applications for annexation and/or subdivisions have been submitted to the City of West Sacramento, including all uses, structures, and land owned by any private person, firm, corporation or organization, State or federal agencies. Any governmental agency shall be exempt from the provisions of this Code only to the extent that such property may not be lawfully regulated by the City of West Sacramento.
- B. **Minimum Requirements.** The provisions of this Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. Where this Code provides for more discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Code as may be necessary to promote orderly land use development and the purposes of this Code.
- C. **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zone, except in accordance with the provisions of this Code, including the development and performance standards herein, and any permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.

- D. **Conflicting Regulations.** The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the West Sacramento City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other City ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.
- E. **Private Agreements.** This Code shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Code shall control. The City of West Sacramento shall not be responsible for monitoring or enforcing private agreements.
- F. **Prior Ordinance.** The provisions of this Code supersede all prior ordinances codified in Title 17 of the West Sacramento Municipal Code and any amendments. No provisions of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.
- G. **Effect on Previously Approved Projects and Projects in Progress.**
1. **Building Permit.** Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, provided at least one inspection has been requested and posted for the primary structure on the site where the permit is issued and provided construction is diligently pursued and completed within six months of permit issuance. No extensions of time except as provided for in the Building Code shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Planning Division.
 2. **Previously Approved Land Use Authorization.** This Zoning Code shall not interfere with, repeal, abrogate, or annul any previously granted land use authorization. All allowances, requirements, and conditions of approval of previous land use authorizations shall apply until the applicable review authority specifically repeals the allowance, requirement, or condition.
 3. **Land Use Authorization in Process.** An application for a discretionary land use authorization that has been accepted by the Planning Division as complete for processing prior to the adoption of this Code or any applicable amendment

shall be processed according to the requirements of this Zoning Code or the prior Code upon written request from the project applicant. The written request shall be made no later than 30 days after the effective date of this Zoning Code and at least one action must be taken by the review authority within 210 days of the effective date of this Code.

- H. **Application During Local Emergency.** The City Council may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the West Sacramento Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

17.01.060 Responsibility for Administration

The Zoning Code shall be administered by the West Sacramento City Council, Planning Commission, and Community Development Department as established in Chapter 17.34, Planning Authorities.

17.01.070 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The West Sacramento City Council hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

17.01.080 Fees

The City Council shall establish by resolution, and may amend and revise from time to time, fees for processing the discretionary entitlement applications and other permits authorized or required by this Code. All fees shall be paid at the time an application is filed, and no processing shall commence until the fees are paid in full.

Chapter 17.02 Interpretation of the Zoning Code

Sections:

- 17.02.010 Purpose
- 17.02.020 Rules of Interpretation
- 17.02.030 Rules of Measurement

17.02.010 Purpose

The purpose of this Chapter is to provide precision in the interpretation of the Zoning Code. The meaning and construction of words and phrases defined in this Chapter apply throughout the Code, except where the context indicates a different meaning.

17.02.020 Rules of Interpretation

In interpreting the various provisions of the Code, the following rules of interpretation shall apply:

- A. **General Rules.** The following general rules apply to the interpretation and application of the Zoning Code.
 - 1. The specific controls the general.
 - 2. In case of conflict between the text and a figure, illustration, heading, caption, diagram, or graphic, the text controls.
 - 3. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
 - 4. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - a. "And" indicates that all connected words or provisions shall apply.
 - b. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.
 - c. "Or" indicates that the connected words or provisions may apply singularly or in any combination.
 - d. "Either... or" indicates that the connected words or provisions shall apply singularly but not in combination.
 - 5. The words "shall", "will", "must", and "is to" are always mandatory and not discretionary. "Should" is a regulation that is not mandatory but must be either

fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. "May" is permissive.

6. The present tense includes the past and future tenses, and the future tense includes the past.
 7. The singular number includes the plural, and the plural, the singular.
 8. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of West Sacramento, unless otherwise indicated.
 9. All references to public officials are to those of the City of West Sacramento, and include designated deputies of such officials, unless otherwise indicated.
- B. **Calendar Days.** All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period (5:00PM).
- C. **Definitions.** The Director shall make the interpretation for any definition not expressly identified in this Code.
- D. **Uncertainty of Boundaries.** If an uncertainty exists as to the boundaries of any zone shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams, or railroads shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries.

17.02.030 Rules of Measurement

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Director.

- A. **Fractions.** Whenever this Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:
1. **General Rounding.** Fractions exceeding one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions equal to or less than

one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.

2. **Exception for State Affordable Housing Density Bonus.** The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, and Chapter 17.23, Affordable Housing, Density Bonuses, and Incentives, any fractional number of units shall be rounded up to the next whole number.

B. **Measuring Distances.**

1. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
2. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
3. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
4. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
5. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

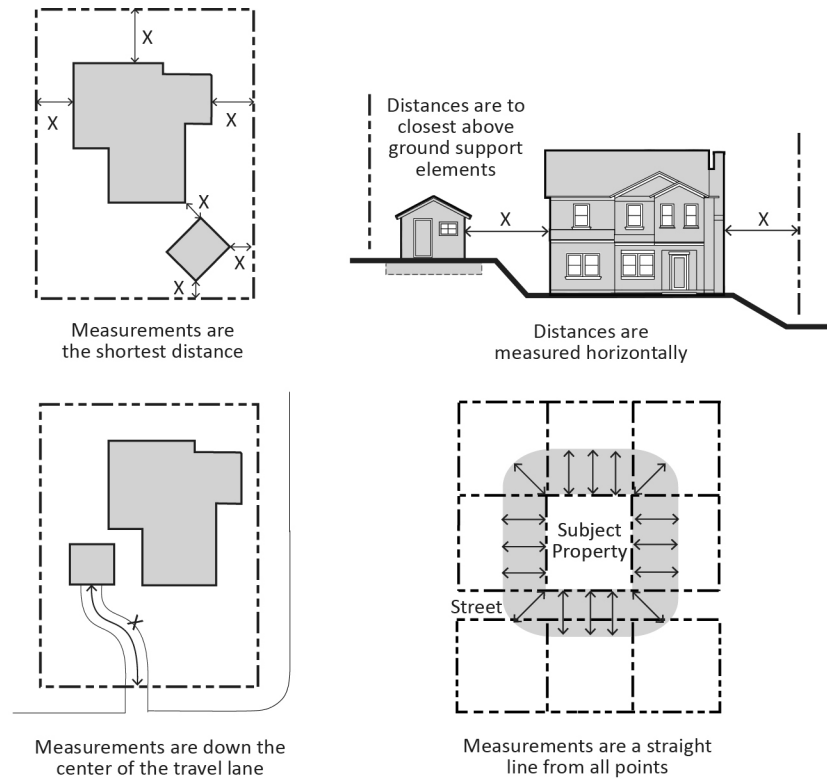
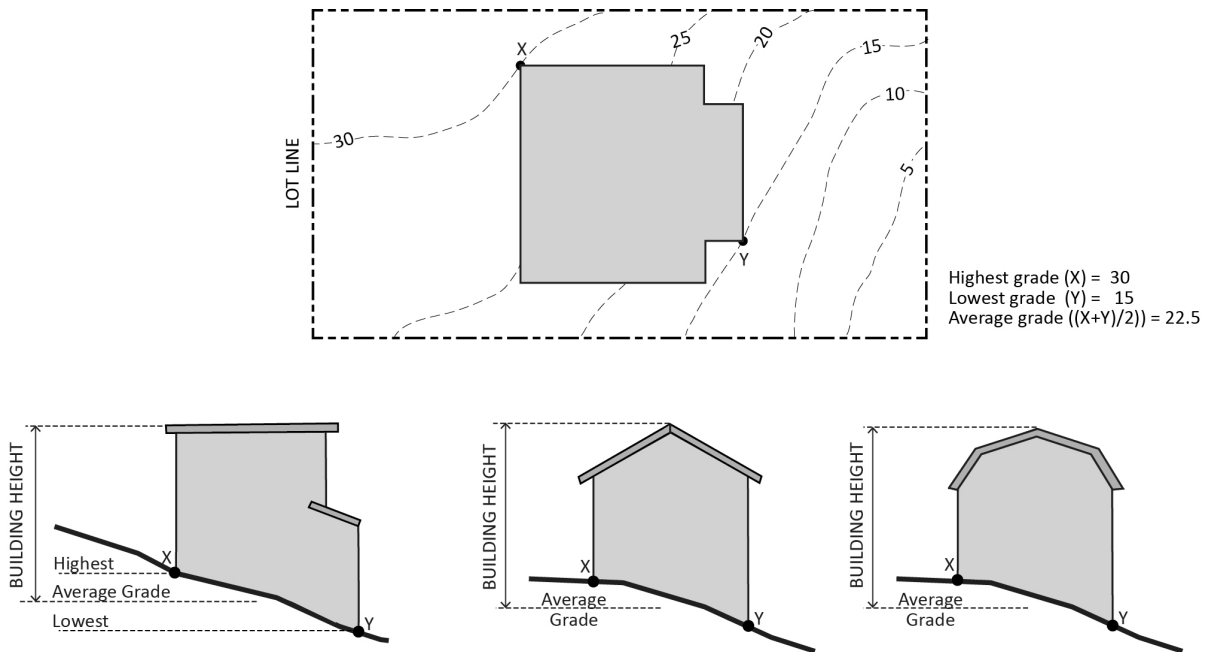


FIGURE 17.02.030.B: MEASURING DISTANCES

C. Measuring Height.

1. **Measuring Building Height.** Building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls touch existing or finished grade, whichever is lower, to the highest point on the roof.



2. **Measuring the Number of Stories.** In measuring the number of stories in a building, the following rules shall apply:
- An interior balcony or mezzanine shall be counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.
 - A basement shall be counted as a full story if the vertical distance between finished grade and the finished surface of the floor above the basement is more than six feet at any point.
 - A story shall not exceed 25 feet in height from the upper surface of the floor to the ceiling above.

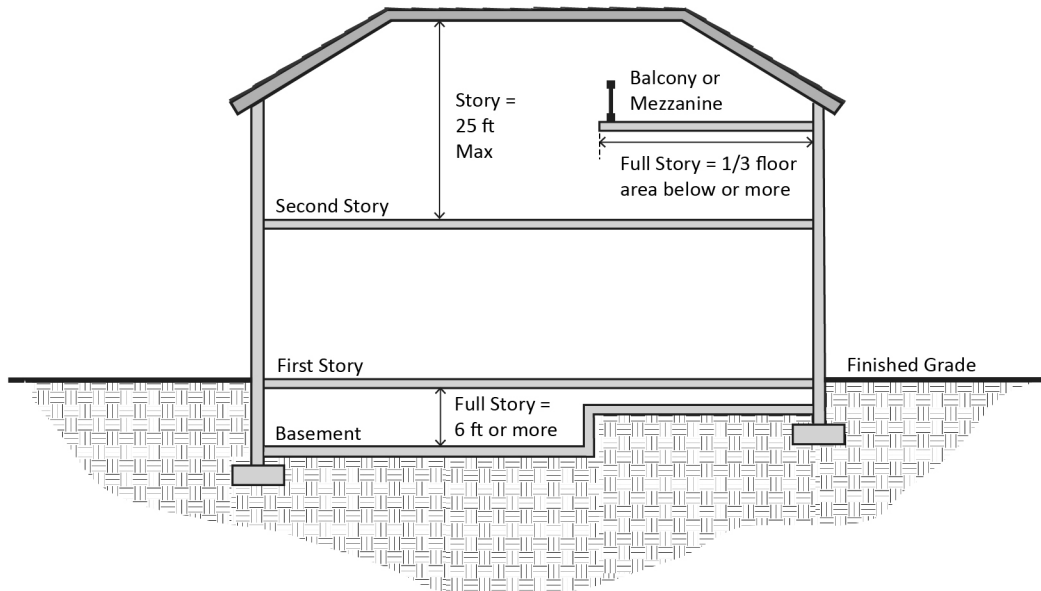


FIGURE 17.02.030.C.2: MEASURING THE NUMBER OF STORIES

3. **Measuring Height of Fences or Walls.** The height of a fence or wall is measured as the vertical distance from the average of the ground levels immediately adjacent to both sides of the fence or wall to the height of such fence or wall.

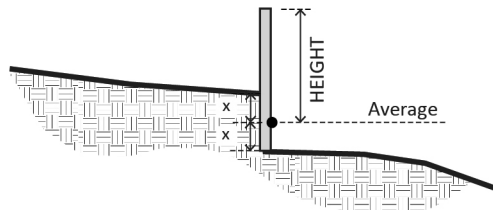


FIGURE 17.02.030.C.3: MEASURING HEIGHT OF FENCES OR WALLS

4. **Measuring the Height of Decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck directly above the ground below.

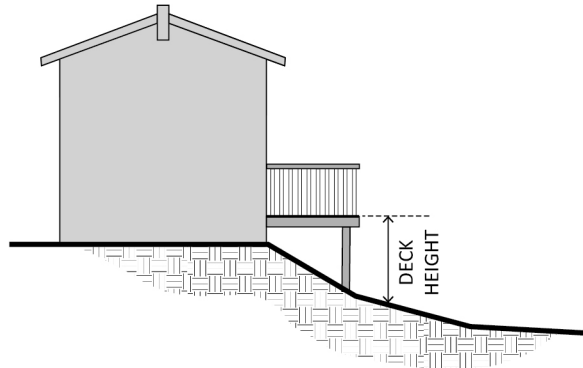


FIGURE 17.02.030.C.4: MEASURING HEIGHT OF DECKS

D. Measuring Lot Width and Depth.

1. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
2. **Lot Depth.** Lot depth is measured along a straight line down from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

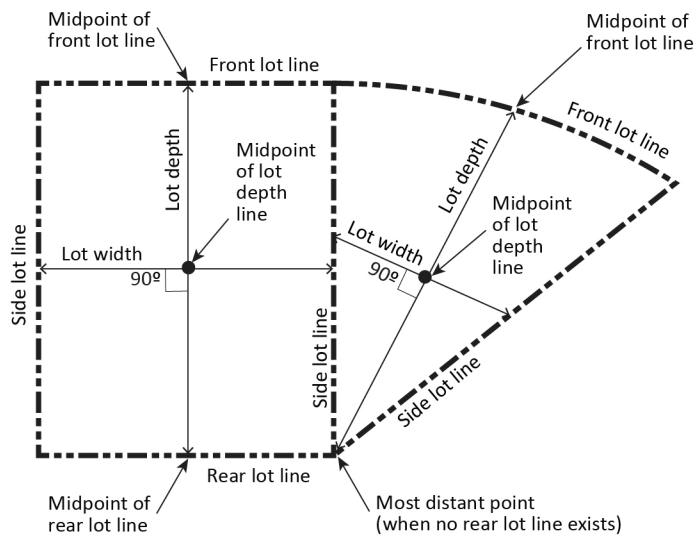


FIGURE 17.02.030.D: MEASURING LOT WIDTH AND DEPTH

E. Determining Average Slope. The average slope of a parcel is calculated using the following formula: $S = 100(l)(L)/A$, where:

1. S = Average slope (in percent)

2. I = Contour interval (in feet)
3. L = Total length of all contour lines on the parcel (in feet)
4. A = Area of subject parcel (in square feet)

F. **Determining Floor Area.** The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls.

1. **Included in Floor Area.** Floor area includes, but is not limited to, all habitable space (as defined in the California Building Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells, or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.
2. **Excluded from Floor Area.** Floor area does not include mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as usable open space such as balconies and outdoor terraces; rooms submerged more than 50% below the finished grade of the property; and areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finished grade of the property.
3. **Non-Residential Uses.** For non-residential uses, gross floor area includes pedestrian access interior walkways or corridors, interior courtyards, walkways, paseos, or corridors covered by a roof or skylight. Non-residential gross floor area does not include arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the public but are not designed or used as sales, display, storage, service, or production areas.

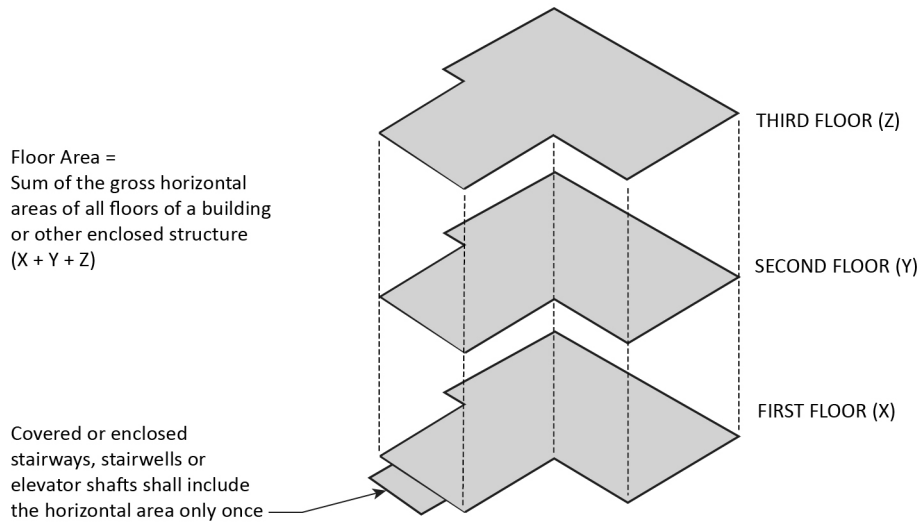


FIGURE 17.02.030.F: DETERMINING FLOOR AREA

- G. **Determining Floor Area Ratio.** The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all primary and accessory buildings on a site to the site area. To calculate the FAR, floor is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

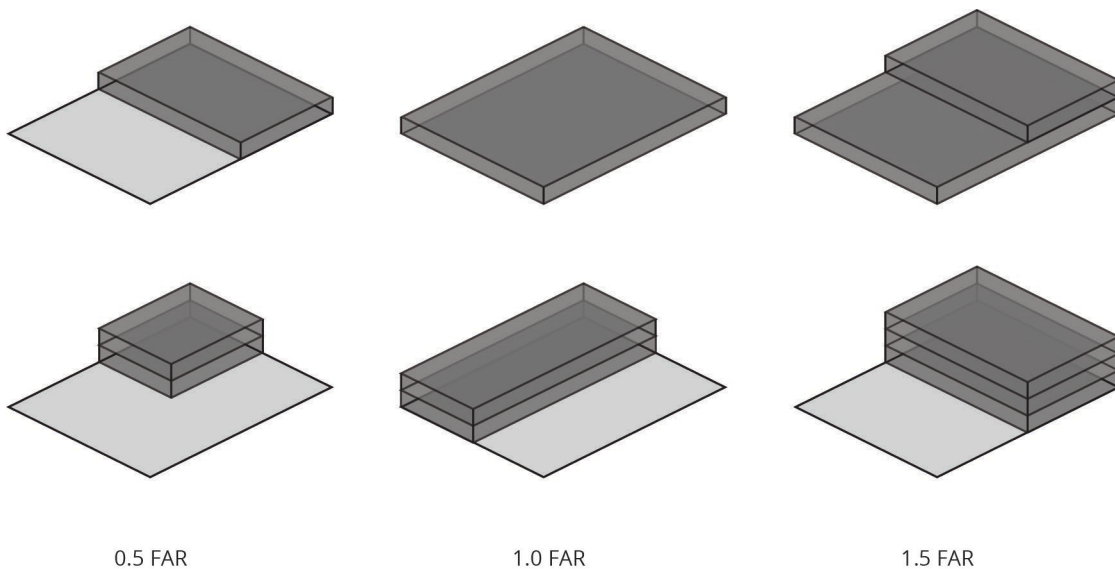


FIGURE 17.02.030.G: DETERMINING FLOOR AREA RATIO

H. **Determining Lot Coverage.** Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed to calculate lot coverage. The following structures shall be excluded from the calculation:

1. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than four feet in height;
2. Eaves and roof overhangs projecting up to three feet from a wall;
3. Trellises and similar structures that have roofs that are at least 50 percent open to the sky through uniformly distributed openings;
4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks.

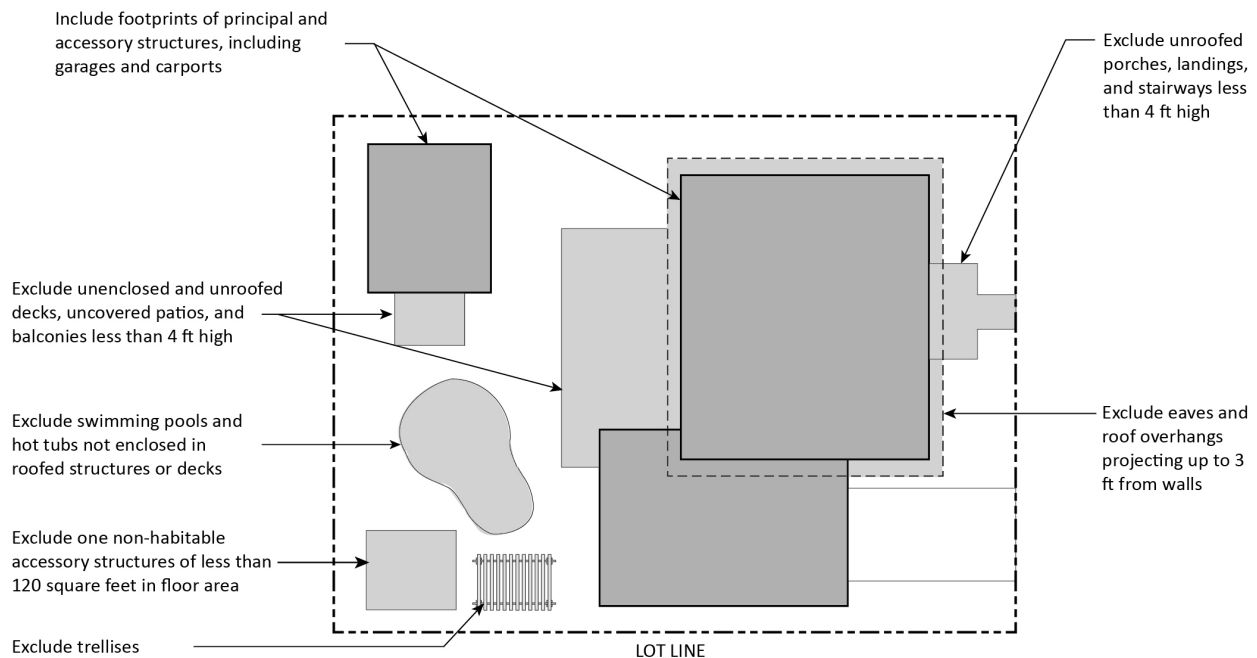


FIGURE 17.02.030.H: DETERMINING LOT COVERAGE

I. **Determining Lot Frontage.**

1. **Corner Lot.** The front of a lot is the narrowest dimension of the lot with street frontage.
2. **Through Lot.** The front of a through lot abuts the street that neighboring lots use to provide primary access.

J. **Determining Setbacks (Yards).** A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line. Required setbacks shall be unobstructed from the ground to the sky except where allowed pursuant to Section 17.22.050, Encroachments into Required Setbacks, subject to compliance with the Building Code. The following special regulations for determining yards apply when a lot abuts a proposed street or alley.

1. **Yards Abutting Planned Street Expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.
2. **Yards on Alleys**
 - a. If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.
 - b. In calculating the minimum yard for any lot with an interior side yard abutting an alley, no part of the width of the alley may be considered as part of the required yard.

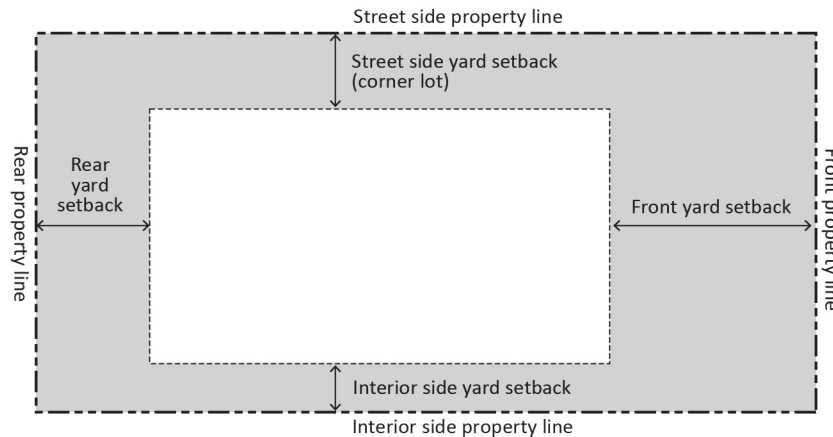


FIGURE 17.02.030.J: DETERMINING SETBACKS (YARDS)

K. **Measuring Signs.** The calculations of measurements related to signs are described in Chapter 17.29, Signs.

Chapter 17.03 Zones and Zoning Map

Sections:

- 17.03.010 Zones Established
- 17.03.020 Official Zoning Map and Zone Boundaries

17.03.010 Zones Established

The City shall be classified into zones, the designation and regulation of which are set forth in this Code and as follows.

- A. **Base Zones.** The City is divided into base zones which are established as shown in Table 17.03.010, Base Zones, Specific Plan Zones, and Overlay Zones.
- B. **Specific Plan Zones.** Specific plan zones are established as shown in Table 17.03.010, Base Zones, Specific Plan Zones, and Overlay Zones.
- C. **Overlay Zones.** Overlay zones, one or more of which may be combined with a base zone, are established as shown in Table 17.03.010, Base Zones, Specific Plan Zones, and Overlay Zones.

TABLE 17.03.010: BASE ZONES, SPECIFIC PLAN ZONES, AND OVERLAY ZONES		
<i>Zone Symbol</i>	<i>Zone Name</i>	<i>General Plan Land Use Designation Implemented by Zone</i>
BASE ZONES		
Agricultural Zone		
AG	Agricultural	Agricultural
Residential Zones		
RE	Residential Rural Estates	Rural Estates
RRA	Residential-Rural Agricultural	Rural Residential
R-1	Residential One Family	Low-Density Residential
R-2	Residential-Medium Density	Medium-Density Residential
R-2.5	Residential-Medium High Density	Medium High-Density Residential
R-3	Residential-Multifamily	High Density Residential
Commercial and Mixed Use Zones		
CBD	Central Business District	Central Business District
C	Commercial	Commercial
CH	Commercial-Highway	Highway Service Commercial
MU-NC	Mixed Use Neighborhood Commercial	Neighborhood Commercial Mixed Use
MU-C	Mixed Use Corridor	Corridor Mixed Use

TABLE 17.03.010: BASE ZONES, SPECIFIC PLAN ZONES, AND OVERLAY ZONES		
<i>Zone Symbol</i>	<i>Zone Name</i>	<i>General Plan Land Use Designation Implemented by Zone</i>
WF	Waterfront	Riverfront Mixed Use
Employment Zones		
M-L	Limited Industrial	Mixed Commercial/Industrial
M-1	Light Industrial	Light Industrial
M-2	Heavy Industrial	Heavy Industrial
M-3	Water-Related Industrial	Water-Related Industrial
BP	Business Park	Business Park
Public and Semi-Public Zones		
PQP	Public/Quasi Public	Public/Quasi-public
RP	Recreation and Parks	Recreation and Parks
POS	Public Open Space	Open Space
SPECIFIC PLAN ZONES		
N/A	Bridge District Specific Plan	N/A
N/A	Washington Specific Plan	N/A
N/A	Liberty Specific Plan	N/A
OVERLAY ZONES		
GG	Grand Gateway Overlay	N/A
SFP	Southport Framework Plan Overlay	N/A
PD	Planned Development Overlay	N/A
SC	Streetcar Overlay	N/A

17.03.020 Official Zoning Map and Zone Boundaries

The boundaries of the zones established by this Code are not included in this Code but are shown on the Official Zoning Map maintained by the City Clerk. The Official Zoning Map, together with all legends, symbols, notations, references, zone boundaries, map symbols, and other information on the maps, have been adopted by the Council and are hereby incorporated into this Code by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

Chapter 17.04 Reserved

Chapter 17.05 Reserved

Chapter 17.06 Reserved

Division II: Zone Regulations

Chapter 17.07 Agricultural Zone

Sections:

- 17.07.010 Purpose and Applicability
- 17.07.020 Land Use Regulations
- 17.07.030 Development Standards

17.07.010 Purpose and Applicability

The purpose of the Agricultural (AG) Zone is to:

- A. Preserve lands best suited for agricultural use;
- B. Protect agricultural lands from the encroachment of incompatible uses; and

The AG Zone is intended to provide areas for agricultural uses, single-unit development, commercial and industrial uses directly related to agriculture, and other compatible uses that may be appropriate in an agricultural area. This Zone implements the Agricultural (AG) General Plan Land Use Designation.

17.07.020 Land Use Regulations

Table 17.07.020, Land Use Regulations—Agricultural Zone, sets the land use regulations for the Agricultural Zone. Land uses are defined in Chapter 17.50, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially like the uses below may be allowed pursuant to Conditional Use Permit approval. Section numbers in the right-hand column refer to other sections of this Title.

TABLE 17.07.020: LAND USE REGULATIONS – AGRICULTURAL ZONE		
<i>"P" = Permitted Use; "M" = Minor Use Permit required; "C" = Conditional Use Permit required, "-" Use Not Allowed</i>		
<i>Land Use Classification</i>	<i>AG</i>	<i>Additional Regulations</i>
Residential Uses		
Residential Housing Types	See subclassifications below	
<i>Single-Unit Dwelling, Detached</i>	P	
<i>Accessory Dwelling Unit</i>	P	See §17.30.040, Accessory Dwelling Units
Family Day Care	See subclassifications below	
<i>Small</i>	P	
<i>Large</i>	P	
Farmworker Housing	P	
Residential Care Facilities	See subclassifications below	
<i>Small</i>	P	
<i>Large</i>	C	
Single-Room Occupancy	C	See §17.30.200, Single-Room Occupancy
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zone.	
Transitional Housing		
Public/Semi-Public Uses		
Park and Recreation Facilities	P	
Commercial Uses		
Animal Care, Sales, and Services	See subclassifications below	
<i>Boarding/Kennels</i>	P	
<i>Veterinary Services</i>	M	
Lodging	See subclassification below	
<i>Short-term Rental</i>	P	
Nurseries and Garden Centers	M	
Industrial Uses		
Food and Beverage Manufacturing	See subclassifications below	
<i>Small Scale</i>	P	
<i>Large Scale</i>	M	
General Industrial	C	
Transportation, Communication, and Utility Uses		
Communication Facilities	See subclassification below	
<i>Telecommunication</i>	See §17.30.240, Wireless Telecommunications Facilities	

TABLE 17.07.020: LAND USE REGULATIONS – AGRICULTURAL ZONE		
<i>"P" = Permitted Use; "M" = Minor Use Permit required; "C" = Conditional Use Permit required, "-" Use Not Allowed</i>		
<i>Land Use Classification</i>	<i>AG</i>	<i>Additional Regulations</i>
Agricultural Uses		
Agriculture	See subclassifications below	
<i>Animal Production</i>	C	
<i>Crop Production</i>	P	
<i>Horticultural Production</i>	P	
Mineral Extraction	C	
Urban Agriculture	See subclassifications below	
<i>Aquaculture</i>	P	See §17.30.230, Urban Agriculture
<i>Community Garden</i>	P	See §17.30.230, Urban Agriculture
<i>Market Garden</i>	P	See §17.30.230, Urban Agriculture
<i>Private Garden</i>	P	See §17.30.230, Urban Agriculture
Other Uses		
Accessory Uses and Structures	See Section 17.30.030, Accessory Uses, and Section 17.22.020, Accessory Buildings and Structures	
Animal Keeping	See Section 17.30.060, Animal Keeping	
Home Occupations	See Section 17.30.120, Home Occupations	
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots	
Solar Energy Systems	See Section 17.30.210, Solar Energy Systems	
Temporary Uses	See Section 17.30.220, Temporary Uses	

17.07.030 Development Standards

Table 17.07.030, Development Standards—Agricultural Zone, prescribes the development standards for the Agricultural Zone. Additional regulations are denoted in the righthand column. Section numbers in this table refer to other sections of this Title.

TABLE 17.07.030: DEVELOPMENT STANDARDS – AGRICULTURAL ZONE		
<i>Standard</i>	<i>AG</i>	<i>Additional Regulations</i>
Lot and Density Standards		
Density (unit/parcel)	1	
Minimum Lot Size (acres)	5	Smaller lots may be approved through PD approval pursuant to Chapter 17.18, Planned Development (PD) Overlay Zone, to accommodate clustered residential units and protection of agricultural lands.

TABLE 17.07.030: DEVELOPMENT STANDARDS – AGRICULTURAL ZONE		
<i>Standard</i>	<i>AG</i>	<i>Additional Regulations</i>
Minimum Lot Width (feet)	300	
Minimum Lot Depth to Width Ratio	4:1	
Building Form and Location		
Maximum Height (feet)	35	See §17.22.070, Height and FAR Exceptions
Minimum Setbacks (feet)	In the AG Zone, setbacks are measured from the edge of the public right-of-way.	
<i>Front</i>	90	See §17.22.050, Encroachments into Required Setbacks
<i>Street Side</i>	20	See §17.22.050, Encroachments into Required Setbacks
<i>Interior Side</i>	20	See §17.22.050, Encroachments into Required Setbacks
<i>Rear</i>	30	See §17.22.050, Encroachments into Required Setbacks

Chapter 17.08 Residential Zones

Sections:

- 17.08.010 Purpose and Applicability
- 17.08.020 Land Use Regulations
- 17.08.030 Development Standards
- 17.08.040 Supplemental Regulations

17.08.010 Purpose and Applicability

The purposes of the Residential Zones are to:

- A. Provide for a full range of housing types consistent with the General Plan;
- B. Preserve, protect, and enhance the character of the City's different residential neighborhoods;
- C. Enhance the quality of life for City residents;
- D. Ensure that the scale and design of new development and alterations to existing development are compatible with surrounding residences and appropriate to the physical and aesthetic characteristics of proposed locations; and
- E. Provide sites for public and semi-public land uses such as parks, schools, day care, and other community uses that will serve City residents and will complement surrounding residential development.

Additional purposes of each Residential Zone:

Residential Rural Estates (RE). The RE Zone is intended to provide for residential development on large lots and provide a transition between agricultural lands and residential designated lands. This Zone provides for residential development of up to one unit per 2.5 acres. Allowed uses include detached single-units and accessory dwelling units, limited agricultural uses, public and quasi-public uses, and other uses that may be appropriate in a rural residential area. This Zone implements the Rural Estates (RE) General Plan Land Use Designation.

Residential-Rural Agricultural (RRA). The RRA Zone is intended to provide areas for rural residential development with limited agricultural uses and limited on-site water and sewer systems. This Zone provides for residential development of between 0.5 and 1.0 units per acre. Allowed uses include detached single-units and accessory dwelling units, limited agricultural uses, public and quasi-public uses, and other uses that may be appropriate in a residential-rural agricultural area. This Zone implements the Rural Residential General Plan Land Use Designation.

Residential One Family (R-1-A/B). The R-1 Zone is intended to provide areas for single-unit dwellings and to protect the characteristics of existing single-unit neighborhoods. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a medium density residential environment. Residential densities shall be in the range of 1.1 to 6.0 units per gross acre. This Zone implements the Low-Density Residential General Plan Land Use Designation.

Residential-Medium Density (R-2). The R-2 Zone is intended to provide areas for a variety of housing types at densities in the range of 6.1 to 12.0 units per acre. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a medium density residential environment. Residential densities shall be in the range of 6.1 to 12.0 units per gross acre. This Zone implements the Medium-Density Residential General Plan Land Use Designation.

Residential-Medium High Density (R-2.5). The R-2.5 Zone is intended to provide areas for a variety of housing types at densities in the range of 12.1 to 20.0 units per acre. Types of dwelling units include attached and detached single-unit dwellings, townhomes, condominiums, two-unit dwellings, multi-unit developments, and apartments. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a medium high density residential environment. This Zone implements the Medium High-Density Residential General Plan Land Use Designation.

Residential-Multifamily (R-3). The R-3 Zone is intended to provide areas for a wide variety of high-density residential development. Housing types include single-unit attached, townhouses, condominiums, and apartment buildings at densities ranging from 20.1 to 50.0 units per acre. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a higher-density residential environment. This Zone implements the High Density Residential General Plan Land Use Designation.

17.08.020 Land Use Regulations

Table 17.08.020, Land Use Regulations—Residential Zones, sets the land use regulations for the Residential Zones. Land uses are defined in Chapter 17.50, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially like the uses below may be allowed pursuant to Conditional Use Permit approval. Section numbers in the right-hand column refer to other sections of this Title.

TABLE 17.08.020: LAND USE REGULATIONS – RESIDENTIAL ZONES							
<i>“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required, “-” Use Not Allowed</i>							
<i>Use Classification</i>	<i>RE</i>	<i>RRA</i>	<i>R-1</i>	<i>R-2</i>	<i>R-2.5</i>	<i>R-3</i>	<i>Additional Regulations</i>
Residential Uses							
Residential Housing Types	See subclassifications below						
<i>Single-Unit Dwelling, Detached</i>	P	P	P	P	M	C	
<i>Single-Unit Dwelling, Attached</i>	-	-	P	P	P	M	
<i>Two-Unit Dwelling</i>	-	-	-	P	P	C	
<i>Multi-Unit Residential</i>	-	-	-	P	P	P	
<i>Accessory Dwelling Unit</i>	P	P	P	P	P	P	See §17.30.040, Accessory Dwelling Units
Family Day Care	See subclassifications below						
<i>Small</i>	P	P	P	P	P	P	
<i>Large</i>	P	P	P	P	P	P	
Group Residential	-	-	C	C	P	P	
Manufactured Home Park	-	-	-	C	C	C	
Residential Care Facilities	See subclassifications below						
<i>Small</i>	P	P	P	P	P	P	
<i>Large</i>	M	M	M	P	P	P	
Residential Facility, Assisted Living	-	-	-	P	P	P	
Single-Room Occupancy	C	C	C	C	P	P	See §17.30.200, Single-Room Occupancy
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zone.						
Transitional Housing							
Public/Semi-Public Uses							
Colleges and Trade Schools	-	-	-		C	C	
Community Assembly	See below						
<i>Less than 5,000 sq. ft.</i>	-	-	P	P	P	P	
<i>5,000 sq. ft. or greater</i>	-	-	M	M	M	M	
Cultural Institutions	See below						
<i>Less than 5,000 sq. ft.</i>	M	M	P	P	P	P	
<i>5,000 sq. ft. or greater</i>	M	M	M	M	M	M	
Day Care Centers	M	M	M	P	P	P	
Hospitals and Clinics	See subclassification below						
<i>Skilled Nursing Facility</i>	-	-	-	-	M	M	

TABLE 17.08.020: LAND USE REGULATIONS – RESIDENTIAL ZONES							
<i>“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required, “-” Use Not Allowed</i>							
<i>Use Classification</i>	<i>RE</i>	<i>RRA</i>	<i>R-1</i>	<i>R-2</i>	<i>R-2.5</i>	<i>R-3</i>	<i>Additional Regulations</i>
Park and Recreation Facilities	P	P	P	P	P	P	
Schools (TK-12)	C	C	C	C	C	C	
Commercial Uses							
Animal Care, Sales, and Services	See subclassification below						
<i>Boarding/Kennels</i>	C	C	-	-	-	-	
Farmer’s Markets	-	-	M	M	M	M	See §17.30.110, Farmer’s Markets
Lodging	See subclassification below						
<i>Short-term Rental</i>	P	P	P	P	P	P	
Transportation, Communication, and Utility Uses							
Communication Facilities	See subclassification below						
<i>Telecommunication</i>	See §17.30.240, Wireless Telecommunication Facilities						
Agricultural and Extractive Uses							
Agriculture	See subclassifications below						
<i>Animal Production</i>	C	C	-	-	-	-	
<i>Crop Production</i>	P	P	-	-	-	-	
<i>Horticultural Production</i>	C	C	-	-	-	-	
Urban Agriculture	See subclassifications below						
<i>Aquaculture</i>	P	P	P	P	P	P	See §17.30.230, Urban Agriculture
<i>Community Garden</i>	P	P	P	P	P	P	See §17.30.230, Urban Agriculture
<i>Market Garden, less than 1 acre</i>	P	P	P	P	P	P	See §17.30.230, Urban Agriculture
<i>Market Garden, 1 acre or more</i>	M	M	M	M	M	M	See §17.30.230, Urban Agriculture
<i>Private Garden</i>	P	P	P	P	P	P	See §17.30.230, Urban Agriculture
Other Uses							
Accessory Uses and Structures	See Section 17.30.030, Accessory Uses and Section 17.22.020, Accessory Buildings and Structures						
Animal Keeping	See Section 17.30.060, Animal Keeping						
Home Occupations	See Section 17.30.120, Home Occupations						
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots						
Recharging Stations	See Section 17.30.180, Recharging Stations						
Solar Energy Systems	See Section 17.30.210, Solar Energy Systems						
Temporary Uses	See Section 17.30.220, Temporary Uses						

17.08.030 Development Standards

Table 17.08.030, Development Standards—Residential Zones, prescribes the development standards for the Residential Zones. Individual letters in parenthesis refer to subsections that directly follow the table. Additional regulations are also denoted in the righthand column. Section numbers in this column refer to other sections of this Title.

TABLE 17.08.030: DEVELOPMENT STANDARDS – RESIDENTIAL ZONES								
<i>Standard</i>	<i>RE</i>	<i>RRA</i>	<i>R-1</i>	<i>R-2</i>	<i>R-2.5</i>	<i>R-3</i>	<i>Additional Regulations</i>	
Lot and Density Standards								
Maximum Density (units/acre)	0.4	1	6	12	20	50		
Minimum Lot Size (square feet, unless otherwise indicated)	2.5 acres (A)	1 acre	R-1A: 5,000 R-1B: 6,000	5,000	10,000	20,000	In the R-1, R-2, R-2.5, and R-3 Zones, smaller lots may be allowed through Conditional Use Permit approval pursuant to §17.08.040.C, Single Unit Small Lot Development	
Minimum Lot Width (feet)	100	100	50	50	80	100		
<i>Corner Lot (feet)</i>	110	110	60	60	90	110		
Minimum Lot Depth to Width Ratio	3:1	3:1	3:1	3:1	3:1	3:1		
Maximum Lot Coverage (% of lot)	25	25	50	50	60	70		
Building Form and Location								
Maximum Height (feet)	30(B)	30(B)	30(B)	45(B)	55(B)	65(B)	See §17.22.070, Height and FAR Exceptions	
Minimum Setbacks (feet)	Certain setback requirements in the R-2, R-2.5, and R-3 zones differ whether the development is located north or south of the Deep Water Ship Channel (DWSC)							
<i>Front</i>	30	20	R-1A: 20 R-1B: 15	N of DWSC: Major arterials: 20, Other streets: 15 S of DWSC: 10		See §17.22.050, Encroachments into Required Setbacks, and §17.27.090.B.3, Driveway Length.		
<i>Street Side</i>	20	16	R-1A: 15 R-1B: 10	N of DWSC: Major arterials: 20, Other streets: 15 S of DWSC: 10				
<i>Interior Side</i>	10	10	5(C)	5(C)	N of DWSC: 8(C) S of DWSC: 5(C)			
<i>Rear</i>	20	20	R-1A: 10(C) R-1B: 15(C)	10(C)	N of DWSC: 8(C) S of DWSC: 15(C)			
<i>Alley</i>	20	20	5	5	5			5

TABLE 17.08.030: DEVELOPMENT STANDARDS – RESIDENTIAL ZONES							
Standard	RE	RRA	R-1	R-2	R-2.5	R-3	Additional Regulations
Open Space Standards							
Minimum Open Space (square feet per unit)	N/A	N/A	N/A	200, of which 100 must be private	150, of which 50 must be private	150, a minimum of 50% of the units must have 50 sf of private open space	See §17.22.090, Open Space

- A. **Clustered Housing.** In the RE Zone, smaller lots, at a minimum of 1.25 acres, may be approved through a Planned Development (PD) Permit pursuant to Chapter 17.18, Planned Development (PD) Overlay Zone, to accommodate clustered housing development.
- B. **Maximum Height, First Floor Plate.** For detached single unit dwellings the first floor plate height shall not exceed 12 feet in the front one-third of the structure.

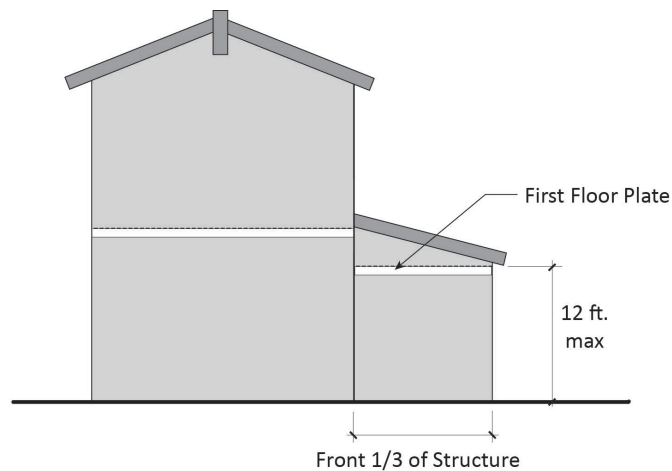


FIGURE 17.08.030.B: MAXIMUM HEIGHT, FIRST FLOOR PLATE

- C. **Zero Lot Line Option.**
 - 1. All or part of the setback requirements of interior yards along property lines adjoining other private lots may be waived with the written approval of the City and the property owner of the lot adjoining the yard which is being encroached upon. This written agreement shall take the form of a zero lot line agreement which shall be recorded on the chain of title of both properties involved. The zero lot line agreement shall describe in detail the extent of said

waiver. Zero lot line agreements may be executed between private property owners only. Swimming pools are not eligible for zero lot line agreements.

2. Approval of a zero lot line agreement shall be subject to the following requirements:
 - a. All building and fire code requirements resulting from the waiver of the setback requirement shall be met by the construction;
 - b. Approval by the fire chief of the City of West Sacramento to ensure that adequate fire-fighting access is retained shall be obtained; and
 - c. Where the setback is reduced to less than three feet, a maintenance access easement of five feet in width shall be provided on the adjoining property.

17.08.040 Supplemental Regulations

- A. **Paving.** In the R-1, R-2, and R-2.5 zones, impervious surfaces including parking, walkways and paved patio areas shall cover no more than fifty (50) percent of the entire front yard that is not covered by a residential structure. Landscaped (pervious) area shall include a combination of well-maintained ground cover, shrubs, hedges, trees, and other pervious vegetation that shall not be paved. Permanent structures, including but not limited to retaining walls, fences, arbors, trellises, shall not be constructed in public service easements.
- B. **Attached Single Unit and Multi-Unit Development.** All attached single-unit and multi-unit development shall meet the following development standards.
 1. **Building Entrances.**
 - a. *Orientation.* All units located along public rights-of-way shall have the primary entrance facing this right-of-way. Exceptions to this requirement may be approved for projects where the project site is located on major arterials carrying high traffic volumes and/or streets that do not allow on-street parking.
 - b. *Projection or Recess.* Building entrances shall have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and a minimum horizontal area of 30 square feet. Exceptions to this requirement may be approved for alternative designs that create a welcoming entry feature facing the street, such as a trellis or landscaped courtyard entry.

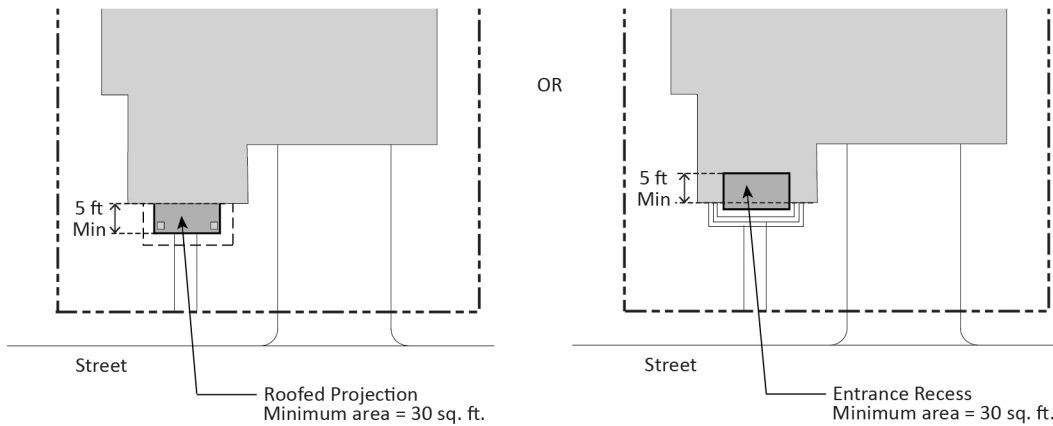


FIGURE 17.08.040.B.1.B: PROJECTION OR RECESS, ATTACHED SINGLE-UNIT AND MULTI-UNIT DEVELOPMENT

- c. *Dwelling Unit Access.* Exterior entrances to units shall be in a form of individual or shared entrances at the ground floor of the building. Unit entrances above the ground floor are also permitted; however, no exterior access corridor located above the ground floor may provide access to five or more units.
- 2. **Building Design.** Buildings shall include adequate design features to create visual variety and avoid a large-scale and bulky appearance.
 - a. *Roof Line.* The roof line at each elevation shall demonstrate an offset of at least 18 inches for each one to three units exposed on that elevation. Large, continuous roof planes are prohibited.



The roof line for each elevation shall be offset at least 18 inches for each one to three units exposed on that elevation.

FIGURE 17.08.040.B.2.A: ROOF LINE, ATTACHED SINGLE-UNIT AND MULTI-UNIT DEVELOPMENT

- b. *Window Trim or Recess.* Trim at least one-half inch in depth shall be provided around all windows, or windows shall be recessed at least two inches from the plane of the surrounding exterior wall. Foam is not a permitted trim material.

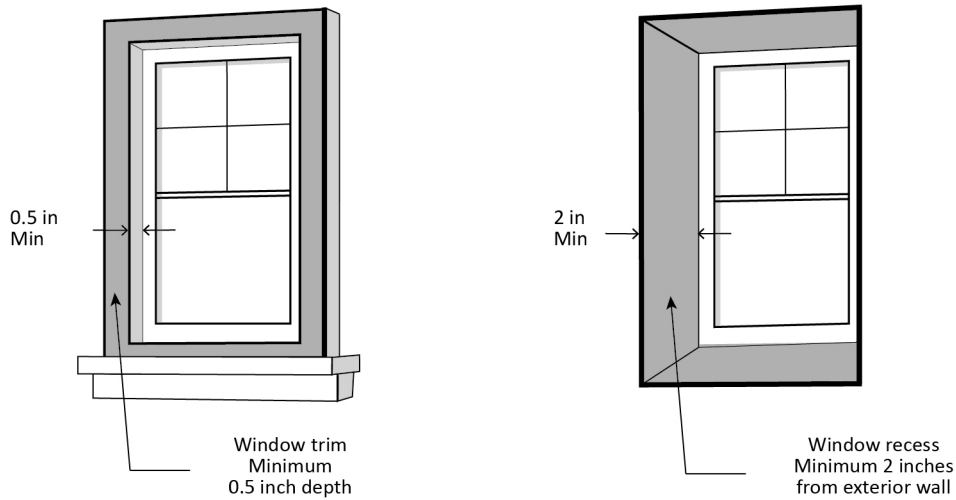


FIGURE 17.08.040.B.2.B: WINDOW TRIM OR RECESS, ATTACHED SINGLE-UNIT AND MULTI-UNIT DEVELOPMENT

- c. *Façade Articulation.* All street-facing facades shall have at least one horizontal or vertical projection or recess at least two feet in depth, for every 25 horizontal feet of wall. Building entrances and front porches may count towards meeting this requirement.

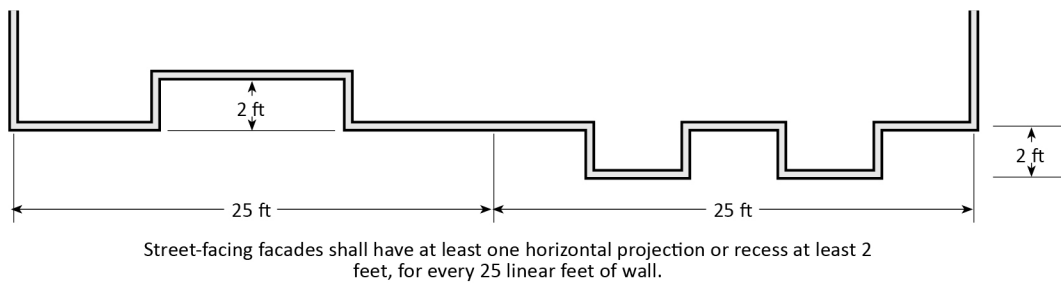


FIGURE 17.08.040.B.2.C: FAÇADE ARTICULATION, ATTACHED SINGLE-UNIT AND MULTI-UNIT DEVELOPMENT

- d. *Façade Detailing and Materials.* All visible building facades shall incorporate details, such as window and door trim, window recesses, cornices, changes in materials or other design elements, in an

integrated composition. Each side of a building that is visible from a public right-of-way shall be designed with a complementary level of detailing and quality of materials.

- e. *Building Colors.* A unified palette of quality materials shall be used on all sides of buildings. Every building shall have at least two complementary colors. Every building shall have at least two complementary colors.
- f. *Transition Areas.* Where new multi-unit development is built adjacent to existing lower-scaled residential development, the façade facing the existing lower-scaled residential development shall be designed to provide architectural relief and interest, while also respecting the scale of adjacent neighbors.
 - i. Height. Full-height recesses, a minimum of two feet deep, shall be provided along the façade to break the building into smaller discrete masses.

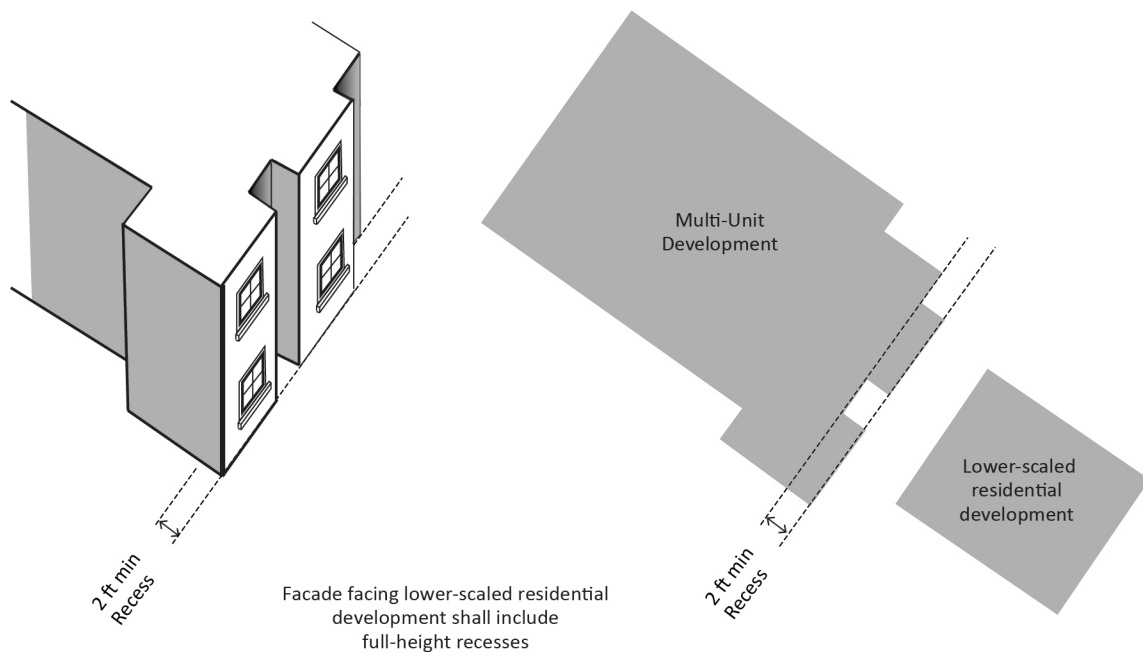


FIGURE 17.08.040.B.2.F.I: FULL-HEIGHT RECESSES, ATTACHED SINGLE-UNIT AND MULTI-UNIT DEVELOPMENT

- ii. Window and Balcony Placement. Windows shall be offset to avoid direct sightlines into and from neighboring properties. Balconies and other private open space shall be positioned so they minimize views into neighboring properties.

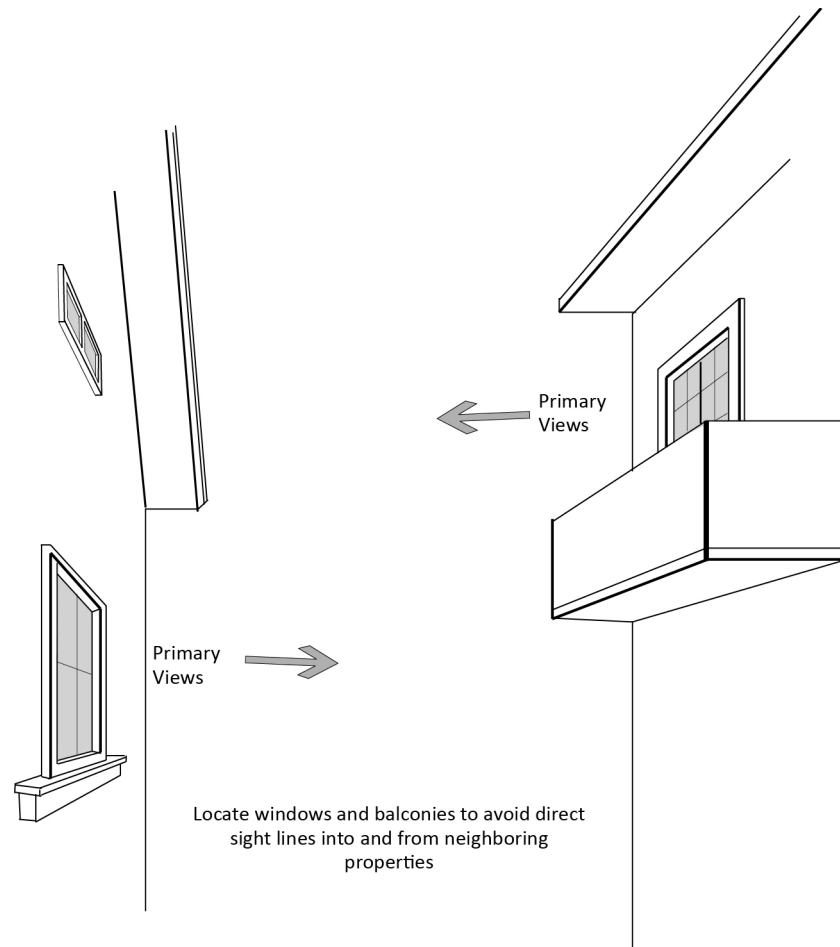


FIGURE 17.08.040.B.2.F.II: WINDOW AND BALCONY PLACEMENT, ATTACHED SINGLE-UNIT AND MULTI-UNIT DEVELOPMENT

3. **Private Storage Space.** Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet. The required private storage space may be used for bicycle parking.
4. **Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards.
 - a. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - b. **To Circulation Network.** Regular connections between on-site walkways and the public sidewalk and other planner or existing pedestrian routes

or trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

- c. *To Neighbors.* Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
- d. *To Transit.* Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
- e. *Pedestrian Walkway Design.*
 - i. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
 - ii. Where a required walkway crosses parking areas or loading areas, it shall be clearly identifiable by a raised crosswalk, a different paving material, or similar method.
 - iii. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

C. **Small Lot Single Unit Development.** Detached single-unit development located on lots less than the minimum lot size established for zones allowing single family or multifamily residential uses may be approved with a Conditional Use Permit subject to the following standards. Small lot single unit development that does not meet the following standards may be approved through a Planned Development pursuant to Chapter 17.18, Planned Development (PD) Overlay Zone, or a PD Permit if the development is proposed within an existing PD Overlay Zone.

- 1. **Development Standards.** Small lot single unit development is subject to the development standards and supplemental regulations of the base zone except as specified below.
 - a. *Maximum Density.* Density shall be determined by the base zone.
 - b. *Minimum Lot Size.* The minimum lot size is 2,000 square feet.
 - c. *Minimum Lot Width.* 25 feet.
 - d. *Minimum Lot Depth.* 50 feet.
 - e. *Maximum Lot Coverage.* 75 percent.
 - f. *Setbacks.*

- i. Perimeter Setbacks. The minimum setbacks from the property lines on the perimeter of the small lot single unit development shall be the required setbacks of the underlying base zone.
- ii. Interior Street Setbacks. The minimum setbacks from the back of sidewalk of any interior street shall be 18 feet to the garage door and 10 feet to any living area or covered porch.
- iii. Side Yard Setbacks. The side yard setback shall be a minimum of three feet. For attached units, a minimum side yard setback of 10 feet shall be provided at the end of the row of the attached units.
- iv. Rear Yard Setbacks. Rear yard setback shall be a minimum of 10 feet.

2. **Entrances.**

- a. Dwelling units that abut a public right-of-way or private street shall orient the primary entryway toward the street.
- b. Dwelling units located in the interior of the development shall orient the primary entryway toward and visible from a pedestrian pathway that is connected to a public right-of-way or private street.
- c. There shall be a minimum eight-foot separation between the primary entryway of a unit and the adjacent building wall of a neighboring unit.

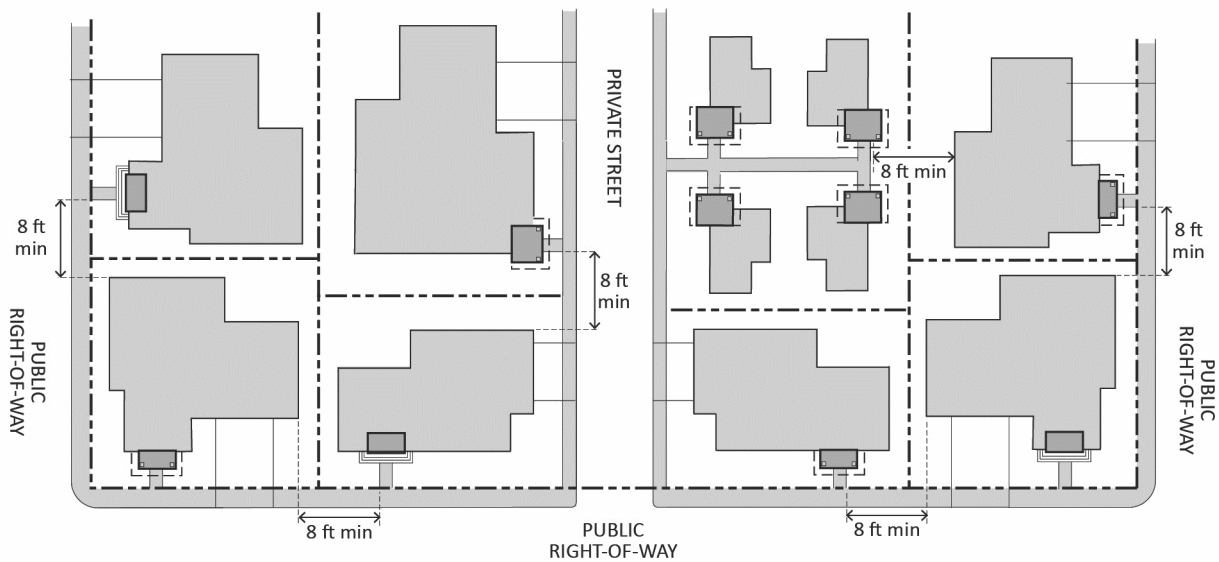


FIGURE 17.08.040.C.2: ENTRANCES, SMALL LOT SINGLE UNIT DEVELOPMENT

3. **Open Space.** Open space shall be provided pursuant to the open space requirements of the underlying base zone. In the R-1 Zone, open space shall be provided pursuant to the open space requirements of the R-2 Zone.
4. **Parking.**
 - a. Garages shall not be oriented to face perimeter streets.
 - b. Required parking shall be provided on each lot, within a common parking area, or in a combination of the two.
 - c. A maximum of one driveway curb cut shall be permitted for each 50 feet of perimeter street frontage.
5. **Pedestrian Circulation.** Pedestrian pathways a minimum three feet wide shall be provided from the public right-of-way to all primary entryways and common areas, guest parking, and centralized trash enclosures.
6. **Required Findings.** A Conditional Use Permit for a small lot single unit development shall only be approved if the following findings are made in addition to any other findings required by this Code:
 - a. The development will result in an intensity that is no higher than otherwise permitted in the zone and open space standards that are no less than required for a similar development within the zone;

- b. The design of the development provides for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking, and development amenities; and
 - c. The project relates to the existing and planned land use and circulation plans of the community and does not constitute a disrupting element in the development pattern of the neighborhood.
- D. **Metal Storage Containers** may not be used as permanent storage in Residential zones. Metal storage containers may be allowed on a temporary basis in connection with a valid building permit in any zone in the City.
- E. **Emergency Standby Generator.** An emergency standby generator shall not be located within any required setback adjacent to a public street, or within three feet of an interior side or rear property line, or within 10-feet of the living area of any dwelling unit on an adjacent parcel.

Chapter 17.09 Commercial and Mixed Use Zones

Sections:

- 17.09.010 Purpose and Applicability
- 17.09.020 Land Use Regulations
- 17.09.030 Development Standards
- 17.09.040 Supplemental Regulations

17.09.010 Purpose and Applicability

The purposes of the Commercial and Mixed Use Zones are to:

- A. Provide for the orderly, well-planned, and balanced development of commercial and mixed-use zones;
- B. Designate adequate land for a full range of local- and regional-serving commercial and retail services consistent with the General Plan;
- C. Maintain and strengthen the City's economic resources;
- D. Provide appropriately located commercial areas that provide a variety of goods and services for residents, employees, and visitors;
- E. Provide opportunities for a mix of complementary uses that may combine residential and nonresidential uses or combine a variety of nonresidential uses on the same site; and
- F. Promote pedestrian-oriented, mixed-use centers at appropriate locations.

Additional purposes of each Commercial and Mixed Use Zone:

Central Business District (CBD). The CBD Zone is intended to preserve and expand the unique characteristics of the City's original commercial center. This Zone provides for development of an urban civic and cultural core, including civic uses such as City Hall and the public library, as well as restaurants, retail, service, professional office, multi-unit residential, and similar and compatible uses. Residential densities range between 20.0 and 60.0 dwelling units per acre. This Zone implements the Central Business District General Plan Land Use Designation.

Commercial (C). The C Zone is intended to provide areas for locally-oriented retail and service uses, multi-unit residential above ground floor, public and quasi-public uses, and similar and compatible uses. Residential densities range between 5.1 to 18.0 dwelling units per acre. This Zone implements the Commercial General Plan Land Use Designation.

Commercial-Highway (CH). The CH Zone is intended to provide for retail, commercial, service, amusement, and transient residential uses proximate to highway locations and

dependent upon highway travel. This Zone implements the Highway Service Commercial General Plan Land Use Designation.

Mixed Use Neighborhood Commercial (MU-NC). The MU-NC Zone is intended to provide areas for a mix of medium-density residential units that support commercial retail, office, and open space uses. This Zone provides for lower intensity mixed-use development that contains a mix of residential townhomes, condominiums, and apartments that support pedestrian-oriented shopping, office, and open space. This Zone is intended to accommodate uses that provide essential daily services and retail needs as well as recreational amenities, within walking distance of the surrounding neighborhood. Residential densities range between 12.0 and 60.0 units per acre. This Zone implements the Neighborhood Commercial Mixed Use General Plan Land Use Designation.

Mixed Use Corridor (MU-C). The MU-C Zone is intended to provide areas for a mix of higher-density residential uses that support commercial retail and office uses along the City's major corridors. This Zone provides for mixed-use developments along major corridors (e.g., West Capitol Avenue) that include a mix of residential and office/commercial or single use residential, office, or commercial, with an emphasis on non-residential uses. Residential densities range between 20.0 and 60.0 units per acre. This Zone implements the Corridor Mixed Use General Plan Land Use Designation.

Waterfront (WF). The WF Zone is intended to provide areas for high-intensity mixed uses which capitalize on the City's river frontage, including amusement, retail, and visitor-serving amenities. This Zone provides for marinas, restaurants, retail, amusement, hotel and motel uses, mid-rise and high-rise offices, multi-unit residential units which are oriented principally to the river, public and quasi-public uses, and similar and compatible uses. Residential densities range between 40 and 120 dwelling units per acre. This Zone implements the Riverfront Mixed Use General Plan Land Use Designation.

17.09.020 Land Use Regulations

Table 17.09.020, Land Use Regulations—Commercial and Mixed Use Zones, sets the land use regulations for the Commercial and Mixed Use Zones. Land uses are defined in Chapter 17.50, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially like the uses below may be allowed pursuant to Conditional Use Permit approval. Section numbers in the right-hand column refer to other sections of this Title.

TABLE 17.09.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE ZONES							
<i>“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required, “-” Use Not Allowed</i>							
<i>Use Classification</i>	<i>CBD</i>	<i>C</i>	<i>CH</i>	<i>MU-NC</i>	<i>MU-C</i>	<i>WF</i>	<i>Additional Regulations</i>
Residential Uses							
Residential Housing Type	See subclassifications below						
<i>Single-Unit Dwelling, Attached</i>	P(1)/C	P(2)	-	P(3)/C	P(3)/C	C	
<i>Two-Unit Dwelling</i>	P(1)/C	P(2)	-	P(3)/C	P(3)/C	P	
<i>Multi-Unit Residential</i>	P(1)/C	P(2)	-	P(3)/C	P(3)/C	P	
<i>Accessory Dwelling Units</i>	P	P		P	P	P	See §17.30.040, Accessory Dwelling Units
Family Day Care	See subclassifications below						
<i>Small</i>	P	P	-	P	P	P	
<i>Large</i>	M	M	-	M	M	M	
Residential Facility, Assisted Living	-	-	-	C	C	-	
Single-Room Occupancy	C	C	-	C	C	C	See §17.30.200, Single-Room Occupancy
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zone.						
Transitional Housing							
Public/Semi-Public Uses							
Campground	-	-	C	-	-	-	
Colleges and Trade Schools	P	P	-	-	-	-	
Community Assembly	P	P	-	P	P	P	
Cultural Institutions	P	P	-	P	P	P	
Day Care Centers	P	M	-	P	P	M	
Government Offices	P	P	-	P	P	P	
Hospitals and Clinics	See subclassifications below						
<i>Clinic</i>	C	M	-	M	M	M	
<i>Hospitals</i>	C	C	-	C	C	C	
<i>Skilled Nursing Facility</i>	-	-	-	M	-	-	
Instructional Services	P	P	-	P	P	P	
Park and Recreation Facilities	P	P	P	P	P	P	
Parking Lots and Structures	C	C	P	-	M	C	
Schools (TK-12)	C	-	-	C	-	C	
Social Service Facilities	P	P	-	C	C	-	
Tutoring Facilities	P	P	-	P	P	M	

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Commercial Uses							
Adult Entertainment	-	C	-	-	-	-	See §17.30.050, Adult Entertainment Uses
Animal Care, Sales, and Services	See subclassifications below						
<i>Animal Sales and Grooming</i>	P	P	-	P	P	P	
<i>Veterinary Services</i>	P	P	-	P	P	-	
Automobile/Vehicle Sales and Services	See subclassifications below						
<i>Automobile Rentals</i>	-	P	C	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Automobile Repair, Major</i>	-	C	P	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Automobile Repair, Minor</i>	-	P	P	M	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Automobile/Vehicle Sales and Leasing</i>	-	M	M	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
	Must be located completely within an enclosed structure, including all vehicles for lease, sale, or display except as required by the DMV						
<i>Fueling Stations</i>	-	M	M	M	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Large Vehicle and Equipment Sales, Service and Rental</i>	-	-	P	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Towing and Impound</i>	-	-	P	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Washing</i>	-	P(4)	P	M	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
Banks and Financial Institutions	See subclassifications below						
<i>Banks and Credit Unions</i>	P	P	-	P	P	P	
Business Services	P	P	-	P	P	P	

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Commercial Entertainment and Recreation	See subclassifications below						
<i>Cinema/Theaters</i>	P	P	-	P	P	P	
<i>Indoor Sports and Recreation</i>	P	P	-	P	M	P	
<i>Outdoor Entertainment</i>	-	-	C	-	-	M	
<i>Outdoor Sports and Recreation</i>	-	M	C	-	-	M	
Drive-Through Facility	See §17.30.090, Drive-Through Facility						
Eating and Drinking Establishments	See subclassifications below						
<i>Bars/Night Clubs/Lounges</i>	M	C	-	M	M	M	See §17.30.160, Outdoor Dining and Seating
<i>Restaurant</i>	P	P	P	P	P	P	See §17.30.160, Outdoor Dining and Seating
Farmer’s Markets	P	P	P	P	P	P	See §17.30.110, Farmer’s Markets
Food Preparation	P	P	-	P	P	P	
Funeral Parlors and Interment Services	-	P	-	-	-	-	
Lodging	See subclassification below						
<i>Hotels</i>	M	M	P	M	M	P	
<i>Short-Term Rental</i>	P	P	-	P	P	P	
Maintenance and Repair Services	P	P	-	P	P	P	
Mobile Vendor	See §17.30.140, Mobile Vending						
Nurseries and Garden Center	P	P	-	P	P	M	
Offices	See subclassifications below						
<i>Business, Professional, and Technology</i>	P	P	-	P	P	P	
<i>Medical and Dental</i>	P	P	-	P	P	P	
Personal Services	See subclassifications below						
<i>General Personal Services</i>	P	P	-	P	P	P	See §17.30.170, Personal Services
<i>Fortunetelling</i>	P	P	-	P	P	P	See §17.30.170, Personal Services

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<i>Massage Establishments</i>	M	P	-	M	-	M	See §17.30.170, Personal Services
<i>Tattoo or Body Modification Parlor</i>	P	P	-	P	P	P	See §17.30.170, Personal Services
Retail Sales	See subclassifications below						
<i>Building Materials Sales and Services</i>	-	P	-	M	-	-	
<i>Convenience Markets</i>	P	P	P	P	P	P	
<i>Liquor Sales (Primary Use)</i>	C	C		C	C	C	
<i>Liquor Sales (accessory), building less than 10,000 square feet</i>	C	C		C	C	C	
<i>Liquor Sales (accessory), building more than 10,000 square feet</i>	P	M		M	M	P	
<i>Food and Beverage Sales</i>	P	P	-	P	P	P	
<i>General Retail</i>	P	P	-	P	P	P	
<i>Secondhand Store</i>	P	P	-	P	P	P	
Industrial Uses							
Custom and Artisan Manufacturing	P	P	-	P	P	P	
Food and Beverage Manufacturing	See subclassifications below						
<i>Small Scale</i>	M	P	-	M	M	M	
Transportation, Communication, and Utility Uses							
Airports and Heliports	-	-	C	-	-	-	
Communication Facilities	See subclassifications below						
<i>Telecommunication</i>	See §17.30.240, Wireless Telecommunications Facilities						
Docking Facilities	-	-	-	-	-	C	
Light Fleet-Based Services	-	P	P	-	-	-	
Marinas	-	-	-	-	-	C	
Recycling Facility	See subclassifications below						
<i>Reverse Vending Machine</i>	-	P	P	M	M	-	See §17.30.190, Recycling Facilities
Agricultural and Extractive Uses							
Urban Agriculture	See subclassifications below						

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<i>Community Garden</i>	P	P	-	P	P	P	See §17.30.230, Urban Agriculture
<i>Market Garden, less than 1 acre</i>	P	P	-	P	P	P	See §17.30.230, Urban Agriculture
<i>Market Garden, 1 acre or more</i>	C	-	-	C	C	C	See §17.30.230, Urban Agriculture
<i>Private Garden</i>	P	P	-	P	P	P	See §17.30.230, Urban Agriculture
Other Uses							
Accessory Uses and Structures	See Section 17.30.030, Accessory Uses, and Section 17.22.020, Accessory Buildings and Structures						
Home Occupations	See Section 17.30.120, Home Occupations						
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots						
Outdoor Dining and Seating	See Section 17.30.160, Outdoor Dining and Seating						
Outdoor Display and Sales	See Section 17.30.150, Outdoor Display and Sales						
Recharging Stations	See Section 17.30.180, Recharging Stations						
Solar Energy Systems	See Section 17.30.210, Solar Energy Systems						
Temporary Uses	See Section 17.30.220, Temporary Uses						
<p>Specific Limitations:</p> <p>(1) Permitted on upper stories in a mixed-use development. Ground floor residential and residential-only development is allowed subject to Conditional Use Permit approval.</p> <p>(2) Permitted on upper stories in a mixed-use development.</p> <p>(3) Permitted on upper stories and in the rear of the site where nonresidential space with a minimum depth of 45 feet is provided along the majority street frontage. Street fronting residential (more than 50%) and residential-only development is allowed subject to Conditional Use Permit approval. Live/work units along the ground floor may be counted towards the commercial requirement.</p> <p>(4) Only as accessory to a Fueling Station.</p>							

17.09.030 Development Standards

Table 17.09.030, Development Standards—Commercial and Mixed Use Zones, prescribes the development standards for the Commercial and Mixed Use Zones. Additional regulations are denoted in the righthand column. Section numbers in this table refer to other sections of this Title.

TABLE 17.09.030: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED USE ZONES							
<i>Standard</i>	<i>CBD</i>	<i>C</i>	<i>CH</i>	<i>MU-NC</i>	<i>MU-C</i>	<i>WF</i>	<i>Additional Regulations</i>
Lot, Density, and Open Space							
Density (units/acre)	Residential development that is part of a mixed-use building shall comply with the allowed floor area ratio (FAR) range and is not subject to the allowed density range. Standalone residential development shall comply with the allowed density range.						
<i>Minimum</i>	20	5	N/A	12	20	40	
<i>Maximum</i>	60	18	N/A	60	60	120	
Minimum Lot Size (square feet)	5,000	10,000	10,000	10,000	10,000	10,000	
Minimum Lot Width (feet)	50	80	80	80	80	80	
Maximum Lot Depth to Width Ratio	4:1	4:1	4:1	4:1	4:1	4:1	
Building Form and Location							
Floor Area Ratio (FAR)							
<i>Minimum</i>	0.3	0.25	N/A	0.3	0.3	.5	
<i>Maximum</i>	3.0	0.5	0.5	1.5	3.0	10 (office) 3 (other)	
Maximum Height (feet)	65(A)	65(A)	55(A)	65(A)	65 (A)	250(A)	
Minimum Setbacks (feet)							
<i>Front</i>	0(B)	0	15	0(B)	0(B)	0	See §17.22.050, Encroachments into Required Setbacks
<i>Street Side</i>	0(B)	0	15	0(B)	0(B)	0	See §17.22.050, Encroachments into Required Setbacks
<i>Interior Side</i>	0	0	8	0	0	0	See §17.22.050, Encroachments into Required Setbacks
<i>Rear</i>	10	10	10	10	10	0	See §17.22.050, Encroachments into Required Setbacks
<i>Alley</i>	0	0	0	0	0	0	

TABLE 17.09.030: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED USE ZONES							
Standard	CBD	C	CH	MU-NC	MU-C	WF	Additional Regulations
Parking, from front and street side lot line	40(C)	40(C)	40(C)	40(C)	40(C)	40(C)	
Open Space Standards							
Minimum Open Space (square feet per residential unit)	Total/unit: 150 Private: minimum 50 sf for 50% of units Common: minimum 75 sf/unit						See §17.22.090, Open Space

A. **Maximum Height Adjacent to Residential Zones.** The maximum height within 40 feet of a Residential Zone is limited to 40 feet. The maximum height within 50 feet of a Residential Zone is 50 feet.

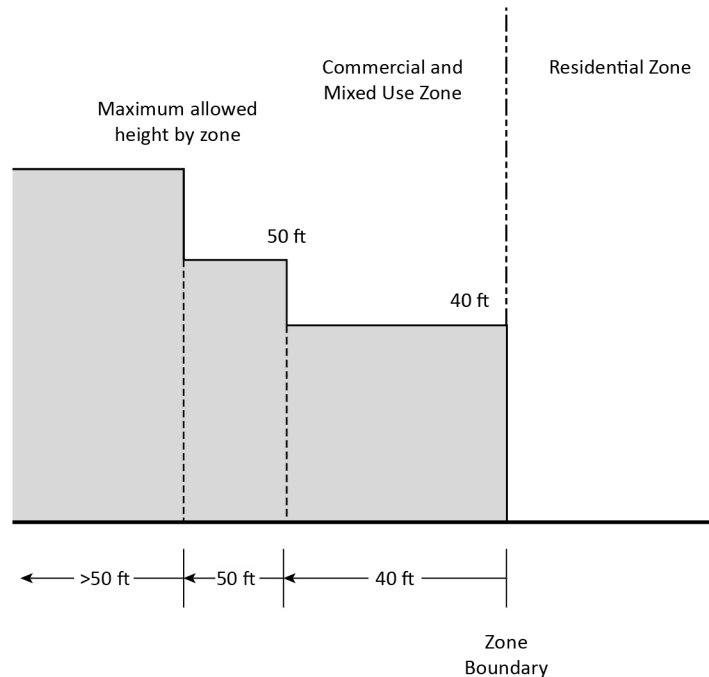


FIGURE 17.09.030.A: MAXIMUM HEIGHT ADJACENT TO RESIDENTIAL ZONES

B. **Required Building Location.** The following building location requirements apply in the CBD, MU-NC, and MU-C Zones:

1. **Build-to Line.** Buildings shall be located within 10 feet of the required setback line for at least 40 percent of the linear street frontage.
2. **Corner Build Area.** Buildings shall be located within 10 feet of the required setback line within 30 feet of the street corner.

3. **Frontage Improvements.** The area between buildings and the property line shall be improved as part of a wider sidewalk, as outdoor dining/seating area, or with landscaping.
4. **Exceptions.** These requirements may be modified or waived by the Director upon finding that:
 - a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the courtyard, plaza, or dining area; or
 - b. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.

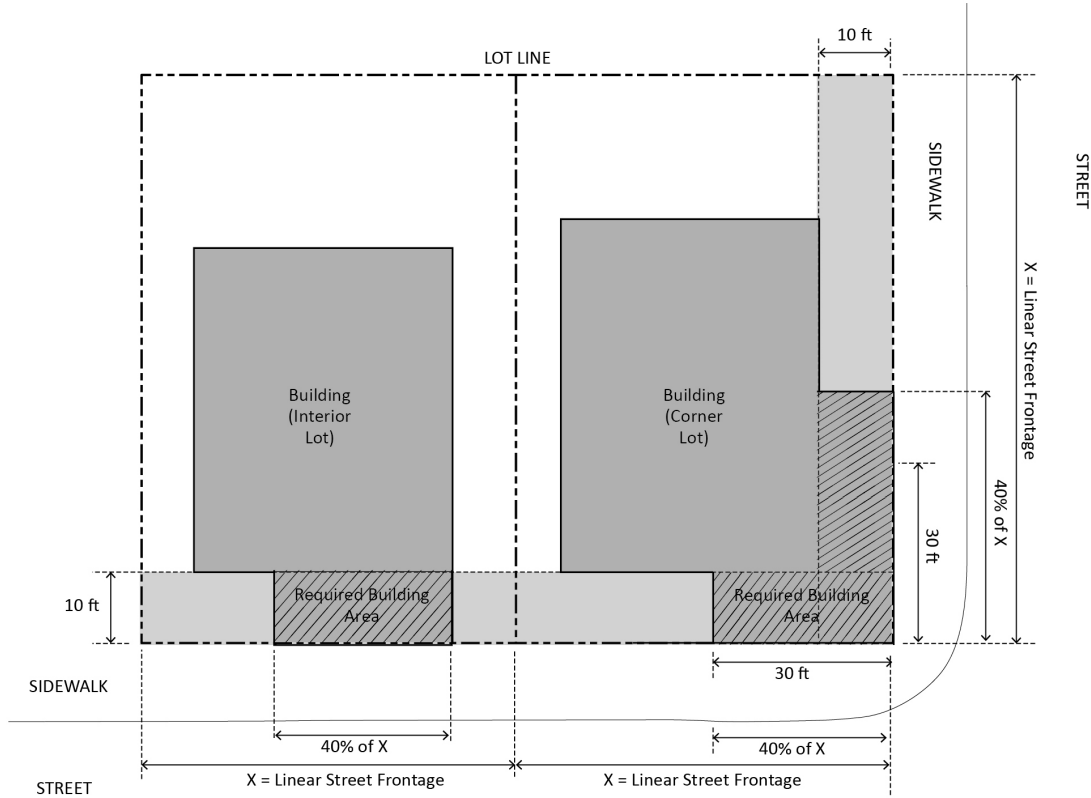


FIGURE 17.09.030.B: REQUIRED BUILDING LOCATION, CBD, MU-NC, AND MU-C ZONES

- C. **Limitations on Location of Parking.** Off-street parking spaces shall be located to the rear of principal buildings whenever possible. Above ground parking may not be located within 40 feet of a street facing property line. Exceptions may be granted where the Director makes the following findings:

1. The design incorporates habitable space built close to the public sidewalk to the maximum extent feasible; and
2. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible.

17.09.040 Supplemental Regulations

- A. **Building Transparency/Required Openings.** Exterior walls facing and within 20 feet of a front or street side lot line or pedestrian walkway shall include windows, doors, or other openings for at least 50 percent of the building wall area located between two and one-half and seven feet above the level of the sidewalk level. Such walls may run in a continuous plane for no more than 30 feet without an opening.
1. **Design of Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
 2. **Exceptions for Parking Garages.** Multi-level garages are not required to meet the ground-floor transparency requirement.
 3. **Reductions.** The building transparency requirement may be reduced or waived by the review authority upon finding that:
 - a. The proposed use has unique operational characteristics with which providing the required windows and opens is incompatible, and
 - b. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

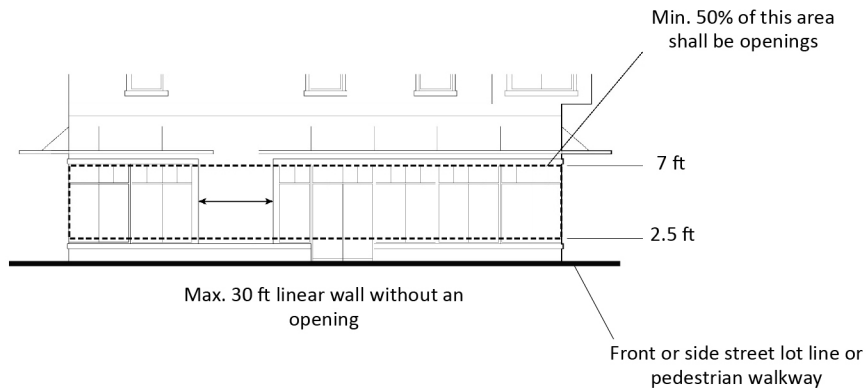


FIGURE 17.09.040.A: BUILDING TRANSPARENCY/REQUIRED OPENINGS

- B. **Building Articulation.** Any building over 125 feet wide shall be broken down to read as a series of buildings no wider than 75 feet each.



FIGURE 17.09.040.B: BUILDING ARTICULATION

- C. **Building Orientation.**

1. Buildings shall be oriented to face streets and pedestrian walkways.
2. Building frontages shall be generally parallel to streets and pedestrian walkways.

3. Buildings shall be designed and oriented to minimize the visual intrusion into adjoining residential properties. Window, balcony, and deck locations shall be directed away from window areas of adjoining residences (on-site or off-site).

D. Building Entrances.

1. The primary building entrance shall face a public sidewalk.
2. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.
3. All building and dwelling units located in the interior of a site shall have entrances from a pedestrian walkway that is designed as an extension of the public sidewalk and connect to a public sidewalk.

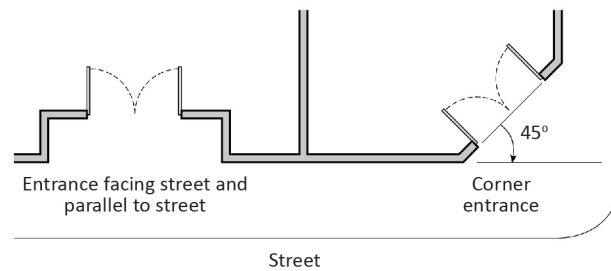


FIGURE 17.09.040.D: BUILDING ENTRANCES

E. Exterior Building Materials and Colors.

1. A unified palette of quality materials shall be used on all sides of buildings.
2. Exterior building materials shall be stone, brick, stucco, concrete block, painted wood clapboard, painted metal clapboard or other quality, durable materials approved by the review authority. Stucco, when used, shall cover no more than 50 percent of the front façade of the ground floor.

F. Pedestrian Access. On-site pedestrian circulation and access shall be provided according to the following standards.

1. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
2. **To Circulation Network.** Regular connections between on-site walkways and the public sidewalk and other planner or existing pedestrian routes or trails

shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

3. **To Neighbors.** Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
 4. **To Transit.** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
 5. **Pedestrian Walkway Design.**
 - a. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
 - b. Where a required walkway crosses parking areas or loading areas, it shall be clearly identifiable through use of a raised crosswalk, a different paving material, or similar method.
 - c. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.
- G. **Limitations on Curb Cuts.** Curb cuts shall be minimized and located in the location least likely to impede pedestrian circulation. Curb cuts shall be located at least 10 feet from an intersection curb return or pedestrian cross walk.
- H. **Metal Storage Containers** may not be used as permanent storage in Commercial and Mixed-Use zones. Metal storage containers may be allowed on a temporary basis in connection with a valid building permit in any zone in the City.

Chapter 17.10 Employment Zones

Sections:

- 17.10.010 Purpose and Applicability
- 17.10.020 Land Use Regulations
- 17.10.030 Development Standards
- 17.10.040 Supplemental Regulations

17.10.010 Purpose and Applicability

The purposes of the Employment Zones are to:

- A. Designate adequate land for industrial uses and growth consistent with the General Plan;
- B. Maintain and strengthen the City's economic resources;
- C. Provide a range of employment opportunities to meet the needs of current and future residents; and
- D. Provide areas for a wide range of manufacturing, industrial processing, and service industrial uses and protect areas where such uses now exist.

Additional purposes of each Employment Zone:

Limited Industrial (M-L). The M-L Zone is intended to accommodate a limited group of business, professional, research and technical manufacturing uses that have requirements for space, light and air. This Zone provides for industrial parks, wholesale and intensive retail commercial uses, warehouses, distribution centers, light manufacturing, offices, public and quasi-public uses, and similar and compatible uses. This Zone implements the Mixed Commercial/Industrial General Plan Land Use Designation.

Light Industrial (M-1). The M-1 Zone is intended to accommodate a diverse range of light industrial and workplace uses and protect these areas from incompatible uses. This Zone provides for industrial parks, warehouses, light manufacturing, public and quasi-public uses, and similar and compatible uses. This Zone implements the Light Industrial General Plan Land Use Designation.

Heavy Industrial (M-2). The M-2 Zone is intended to accommodate manufacturing, processing, storage, and similar industrial uses, including those which may create some objectionable conditions, subject to the regulations needed to control congestion and to protect the surrounding area or adjoining premises. This Zone provides for manufacturing, processing, assembly, research, wholesale and storage uses, trucking terminals, railroad facilities, and public and quasi-public uses, and similar and compatible uses. This Zone implements the Heavy Industrial General Plan Land Use Designation.

Water-Related Industrial (M-3). The M-3 Zone is intended to provide for heavy, water-related industrial activity, including those which may create some objectionable conditions, subject to the regulations needed to control congestion and to protect the surrounding area or adjoining premises. This Zone provides for docking facilities, bulk cargo handling, manufacturing and assembly, processing, warehousing, trucking terminals, railroad facilities, and wholesale and storage uses for industrial use and similar and compatible uses which are dependent on water transportation, and public and quasi-public uses. This Zone implements the Water-Related Industrial General Plan Land Use Designation.

Business Park (BP). The BP Zone is intended to provide areas for large-scale, planned business park development. This Zone provides for professional and administrative offices, medical and dental offices, laboratories, financial institutions, industrial parks, warehouses, distribution centers, light manufacturing, locally-oriented retail and service uses, public and quasi-public uses, and similar and compatible uses. This Zone implements the Business Park General Plan Land Use Designation.

17.10.020 Land Use Regulations

Table 17.10.020, Land Use Regulations—Employment Zones, sets the land use regulations for the Employment Zones. Land uses are defined in Chapter 17.50, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially like the uses below may be allowed pursuant to Conditional Use Permit approval. Section numbers in the right-hand column refer to other sections of this Title.

TABLE 17.10.020: LAND USE REGULATIONS – EMPLOYMENT ZONES						
<i>"P" = Permitted Use; "M" = Minor Use Permit required; "C" = Conditional Use Permit required, "-" Use Not Allowed; "D" = Development Agreement</i>						
<i>Use Classification</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>	<i>B-P</i>	<i>Additional Regulations</i>
Public/Semi-Public Uses						
Colleges and Trade Schools	P	P	P	P	C	
Emergency Shelter	C	C	C	C	C	See §17.30.100, Emergency Shelters and Daytime Services Facilities
Government Offices	P	P	P	P	P	
Hospitals and Clinics	See subclassifications below					
<i>Hospitals</i>	-	-	-	-	M	
Instructional Services	P	P	-	-	P	
Park and Recreation Facilities	P	P	P	P	P	
Parking Lots and Structures	C	P	P	P	C	

TABLE 17.10.020: LAND USE REGULATIONS – EMPLOYMENT ZONES						
<i>“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required, “-” Use Not Allowed; “D” = Development Agreement</i>						
<i>Use Classification</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>	<i>B-P</i>	<i>Additional Regulations</i>
Public Safety Facilities	P	P	P	P	P	
Schools	-	-	-	-	P	
Social Service Facilities	P	M	C	C	C	
Commercial Uses						
Adult Entertainment			C			See §17.30.050, Adult Entertainment Uses
Animal Care, Sales, and Services	See subclassifications below					
<i>Animal Sales and Grooming</i>	P	-	-	-	-	
<i>Boarding/Kennels</i>	P	P	P	P	-	
<i>Veterinary Services</i>	P	P	-	-	-	
Automobile/Vehicle Sales and Services	See subclassifications below					
<i>Automobile Rentals</i>	C	C	C	C	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Automobile/Vehicle Repair, Major</i>	M	M	P	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Automobile/Vehicle Service and Repair, Minor</i>	P	P	P	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Automobile/Vehicle Sales and Leasing</i>	M	M	M	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
	Outdoor use area, including vehicle display area, is limited to 25% of the indoor unless additional outdoor use area is authorized pursuant to CUP approval					
<i>Fueling Stations</i>	C	P	P	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Large Vehicle and Equipment Sales, Service, and Rental</i>	M	M	P	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Towing and Impound</i>	C	C	C	C	-	See §17.30.070, Automobile/Vehicle Sales and Services

TABLE 17.10.020: LAND USE REGULATIONS – EMPLOYMENT ZONES						
<i>“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required, “-” Use Not Allowed; “D” = Development Agreement</i>						
<i>Use Classification</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>	<i>B-P</i>	<i>Additional Regulations</i>
<i>Washing</i>	P	P	P	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Banks and Financial Institutions	See subclassifications below					
<i>Banks and Credit Unions</i>	-	-	-	-	P	
<i>Check-Cashing Businesses</i>	-	-	-	-	P	
Business Services	P	P	P	P	P	
Cannabis Retailer – Non-Storefront (Delivery Only)	D	D	D	D	D	See WSMC §5.28
Cannabis Microbusiness	D	D	D	D	D	See WSMC §5.28
Commercial Entertainment and Recreation	See subclassifications below					
<i>Cinema/Theaters</i>	M	M	-	-	-	
<i>Indoor Sports and Recreation</i>	M	M	C	-	P	
<i>Outdoor Sports and Recreation</i>	M	M	C	-	C	
Drive-Through Facility	See §17.30.090, Drive-Through Facility					
Eating and Drinking Establishments	See subclassifications below					
<i>Bars/Night Clubs/Lounges</i>	C	C	-	-	-	See §17.30.160, Outdoor Dining and Seating
<i>Restaurant</i>	P	P	P	P	P	See §17.30.160, Outdoor Dining and Seating
Farmer’s Markets	-	-	-	-	P	See §17.30.110, Farmer’s Markets
Food Preparation	P	P	P	P	P	
Funeral Parlors and Interment Services	P	-	-	-	P	
Lodging	See subclassifications below					
<i>Hotels</i>	C	-	-	-	P	
Maintenance and Repair Services	P	P	P	P	P	
Mobile Vendor	See §17.30.140, Mobile Vending					
Nurseries and Garden Centers	P	P	-	-	P	
Offices	See subclassifications below					
<i>Business, Professional, and Technology</i>	P	P	P	P	P	
<i>Medical and Dental</i>	M	M	-	-	P	
Personal Services	See subclassifications below					

TABLE 17.10.020: LAND USE REGULATIONS – EMPLOYMENT ZONES						
<i>“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required, “-” Use Not Allowed; “D” = Development Agreement</i>						
<i>Use Classification</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>	<i>B-P</i>	<i>Additional Regulations</i>
<i>General Personal Services</i>	P	P	P	P	P	See §17.30.170, Personal Services
<i>Massage Establishments</i>	P	-	-	-	-	See §17.30.170, Personal Services
<i>Tattoo or Body Modification Parlor</i>	P	P	-	-	-	See §17.30.170, Personal Services
Retail Sales	See subclassifications below					
<i>Building Materials Sales and Services</i>	P	P	P	P	P	
<i>Convenience Markets</i>	P	C	C	P	P	
<i>Food and Beverage Sales, less than 10,000 sq ft</i>	P	P	P	P	P	
<i>Food and Beverage Sales, 10,000 sq ft or more</i>	-	M	M	M	-	
<i>General Retail, less than 10,000 sq ft</i>	P	P	P	P	P	
<i>General Retail, 10,000 sq ft or more</i>	M	M	M	M	M	
Industrial Uses						
Cannabis-Related Industrial	See subclassifications below					
<i>Cannabis Indoor Commercial Cultivation Facility</i>	C	C	C	-	-	See §17.30.080, Cannabis
<i>Cannabis Laboratory Materials Testing Facility</i>	C	C	C	C	C	See §17.30.080, Cannabis
<i>Cannabis Manufacturing Facility</i>	C	C	C		-	See §17.30.080, Cannabis
<i>Wholesale Cannabis Logistics, Distribution, and Transportation Facility</i>	C	C	C	-	-	See §17.30.080, Cannabis
<i>Cargo Handling</i>	-	-	-	P	-	
<i>Construction and Material Yards</i>	P	P	P	P	-	
<i>Custom and Artisan Manufacturing</i>	P	P	P	P	-	
<i>Donation Center/Station</i>	C	C	C	-	-	
Food and Beverage Manufacturing	See subclassifications below					
<i>Small Scale</i>	P	P	P	P	P	
<i>Large Scale</i>	P	P	P	P	M	
<i>General Industrial</i>	M	M	P	P	C	
<i>Light Industrial</i>	P	P	P	P	P	
<i>Research and Development</i>	P	P	P	P	P	
<i>Salvage and Wrecking</i>	-	-	C	C	-	
Warehousing, Storage, and Wholesaling and Distribution	See subclassifications below					

TABLE 17.10.020: LAND USE REGULATIONS – EMPLOYMENT ZONES						
<i>“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required, “-” Use Not Allowed; “D” = Development Agreement</i>						
<i>Use Classification</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>	<i>B-P</i>	<i>Additional Regulations</i>
<i>Indoor Warehousing, Storage and Wholesaling and Distribution</i>	P	P	P	P	P	
<i>Outdoor Storage</i>	-	-	C	C	-	
<i>Personal Storage</i>	C	-	-	-	-	
Transportation, Communication, and Utility Uses						
Airports and Heliports	-	-	C	C	-	
Communication Facilities	See subclassifications below					
<i>Facilities Within Buildings</i>	P	P	P	-	P	
<i>Telecommunication</i>	See §17.30.240, Wireless Telecommunications Facilities					
Docking Facilities	-	-	-	C	-	
Freight/Trucking Facilities	-	-	C	C	-	
Light Fleet-Based Services	P	P	P	P	P	
Marinas	-	-	-	P	-	
Public Works and Utilities	-	-	C	C	-	
Rail Car Loading Facility	-	C	C	C	-	
Recycling Facility	See subclassifications below					
<i>Reverse Vending Machine</i>	M	M	M	-	-	See §17.30.190, Recycling Facilities
<i>Recycling Collection Facility</i>	-	-	C	C	-	See §17.30.190, Recycling Facilities
<i>Recycling Processing Facility</i>	-	-	-	C	-	See §17.30.190, Recycling Facilities
Other Uses						
Accessory Uses and Structures	See Section 17.30.030, Accessory Uses, and Section 17.22.020, Accessory Buildings and Structures					
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots					
Outdoor Dining and Seating	See Section 17.30.160, Outdoor Dining and Seating					
Outdoor Display and Sales	See Section 17.30.150, Outdoor Display and Sales					
Recharging Stations	See Section 17.30.180, Recharging Stations					
Solar Energy Systems	See Section 17.30.210, Solar Energy Systems					
Temporary Uses	See Section 17.30.220, Temporary Uses					

17.10.030 Development Standards

Table 17.10.030, Development Standards—Employment Zones, prescribes the development standards for the Employment Zones. Individual letters in parenthesis refer to subsections

that directly follow the table. Additional regulations are also denoted in the right-hand column. Section numbers in this column refer to other sections of this Title.

TABLE 17.10.030: DEVELOPMENT STANDARDS – EMPLOYMENT ZONES						
<i>Use Classification</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>	<i>B-P</i>	<i>Additional Regulations</i>
Lot and Density Standards						
Minimum Lot Size (square feet unless otherwise indicated)	10,000	10,000	1 acre	1 acre	10,000	
Minimum Lot Width (feet)	80	100	100	100	80	
Minimum Lot Depth to Width Ratio	4:1	4:1	4:1	4:1	4:1	
Building Form and Location Standards						
Maximum Floor Area Ratio (FAR)	0.5	0.5	0.5	0.5	0.5	
Maximum Height (feet)	65(A)	65(A)	75(A)	85(A)	65(A)	See §17.22.070, Height and FAR Exceptions
Minimum Setbacks (feet)						
<i>Front</i>	Major arterial: 25 Other street: 15					See §17.22.050, Encroachment into Required Setbacks
<i>Street Side</i>	Major arterial: 25 Other street: 15					See §17.22.050, Encroachment into Required Setbacks
<i>Interior Side</i>	8 on each side except that a minimum of 15 is required along each property line abutting a Residential or Commercial and Mixed Use Zone					See §17.22.050, Encroachment into Required Setbacks
<i>Rear</i>	8; 15 abutting a Residential or Commercial and Mixed Use Zone					See §17.22.050, Encroachment into Required Setbacks
<i>Alley</i>	0	0	0	0	0	See §17.22.050, Encroachments into Required Setbacks

- A. **Transitional Height Standards.** Where an Employment Zone abuts a Residential Zone, the following height limitations apply.
1. **Maximum Height Within 50 Feet of a Residential Zone Boundary:** 35 feet.
 2. **Maximum Height Between 50 and 75 Feet of a Residential Zone Boundary:** 50 feet.

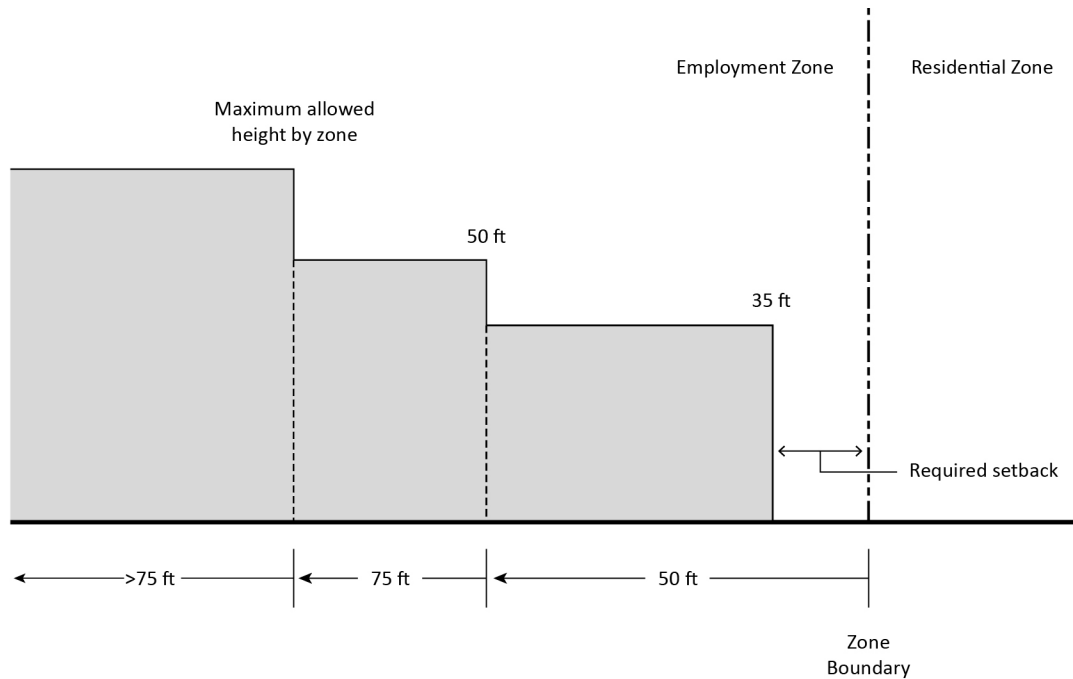


FIGURE 17.10.030.A: TRANSITIONAL HEIGHT STANDARDS

17.10.040 Supplemental Regulations

- A. **Large-Scale Office and Industrial Development.** All new office or industrial development containing 80,000 square feet or more of floor area shall provide the following:
1. Open space areas equal to 10 percent of the site area, providing gathering space or opportunities for active or passive recreation. Open space areas shall include amenities that enhance the comfort, aesthetics, and usability of the space, including but not limited to benches, trees, shade structures, drinking fountains, or public art.
 2. Pedestrian walkways that connect all parts of the park and to any existing or planned pedestrian facilities in adjacent neighborhoods.
 3. Stormwater detention facilities incorporated into the site landscaping as a visual amenity.

Chapter 17.11 Public and Semi-Public Zones

Sections:

17.11.010 Purpose and Applicability

17.11.020 Land Use Regulations

17.11.030 Development Standards

17.11.010 Purpose and Applicability

The purposes of the Public and Semi-Public Zones are to:

- A. Provide land for development of public, quasi-public, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses;
- B. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, and other similar and related supporting uses;
- C. Provide opportunities for outdoor recreation, and meet the recreational needs of City residents; and
- D. Reserve areas for passive recreation, open space, and habitat protection and enhancement.

Additional purposes of each Public and Semi-Public Zone:

Public/Quasi Public (PQP). The PQP Zone is intended to provide a broad range of government, institutional, educational, and assembly uses. All public streets, roads, highways, and bodies of water are assumed to be zoned PQP. This Zone provides for government-owned facilities, public and private schools, and other public and quasi-public uses. This Zone implements the Public/Quasi-public General Plan Land Use Designation.

Recreation and Parks (RP). The RP Zone is intended to provide lands of natural beauty or recreational features for public use. This Zone provides for existing and major planned public parks. This Zone implements the Recreation and Parks General Plan Land Use Designation.

Public Open Space (POS). The POS Zone is intended to preserve lands for such purposes such as open space, habitat protection, drainage/flood control, mitigation, and passive recreation. This Zone provides for natural open space areas where public ownership, easements, or other entitlement provide a public purpose. This Zone implements the Open Space General Plan Land Use Designation.

17.11.020 Land Use Regulations

Table 17.11.020, Land Use Regulations—Public and Semi-Public Zones, sets the land use regulations for the Public and Semi-Public Zones. Land uses are defined in Chapter 17.50, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially like the uses below may be allowed pursuant to Conditional Use Permit approval. Section numbers in the right-hand column refer to other sections of this Title.

TABLE 17.11.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC ZONES				
<i>“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required, “-” Use Not Allowed</i>				
<i>Use Classification</i>	<i>PQP</i>	<i>RP</i>	<i>POS</i>	<i>Additional Regulations</i>
Residential Uses				
Residential Care Facilities	See subclassifications below			
<i>Small</i>	P	-	-	
<i>Large</i>	P	-	-	
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zone.			
Transitional Housing				
Public/Semi-Public Uses				
Campground	-	P	-	
Colleges and Trade Schools	C	-	-	
Community Assembly	P	P	-	
Cultural Institutions	P	P	-	
Day Care Centers	P	P	-	
Government Offices	P	P	-	
Instructional Services	P	P	-	
Park and Recreation Facilities	P	P	P	
Public Safety Facilities	P	P	-	
Schools	P	-	-	
Commercial Uses				
Commercial Entertainment and Recreation	See subclassifications below			
<i>Indoor Sports and Recreation</i>	M	P	-	
<i>Outdoor Entertainment</i>	-	P	-	
<i>Outdoor Sports and Recreation</i>	P	P	-	
Farmer’s Markets	P	P	-	See §17.30.110, Farmer’s Markets

TABLE 17.11.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC ZONES				
<i>“P” = Permitted Use; “M” = Minor Use Permit required; “C” = Conditional Use Permit required, “-” Use Not Allowed</i>				
<i>Use Classification</i>	<i>PQP</i>	<i>RP</i>	<i>POS</i>	<i>Additional Regulations</i>
Transportation, Communication, and Utility Uses				
Communication Facilities	See subclassification below			
<i>Telecommunication</i>	See §17.30.240, Wireless Telecommunications Facilities			
Marinas	C	C	C	
Other Uses				
Accessory Uses and Structures	See Section 17.30.030, Accessory Uses and Section 17.22.020, Accessory Buildings and Structures			
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots			
Outdoor Dining and Seating	See Section 17.30.160, Outdoor Dining and Seating			
Outdoor Display and Sales	See Section 17.30.150, Outdoor Display and Sales			
Recharging Stations	See Section 17.30.180, Recharging Stations			
Solar Energy Systems	See Section 17.30.210, Solar Energy Systems			
Temporary Uses	See Section 17.30.220, Temporary Uses			

17.11.030 Development Standards

Table 17.11.030, Development Standards—Public and Semi-Public Zones, prescribes the development standards for the Public and Semi-Public Zones. Additional regulations are denoted in the righthand column. Section numbers in this table refer to other sections of this Title.

TABLE 17.11.030: DEVELOPMENT STANDARDS – PUBLIC AND SEMI-PUBLIC ZONES				
<i>Standard</i>	<i>PQP</i>	<i>RP</i>	<i>POS</i>	<i>Additional Regulations</i>
Building Form and Location				
Maximum Floor Area Ratio (FAR)	0.5	0.2	0.05	
Maximum Height (feet)	45	30	20	See §17.22.070, Height and FAR Exceptions
Minimum Setbacks (feet)				
<i>Front</i>	20	20	20	See §17.22.050, Encroachments into Required Setbacks
<i>Street Side</i>	15	15	15	See §17.22.050, Encroachments into Required Setbacks
<i>Interior Side</i>	5	5	5	See §17.22.050, Encroachments into Required Setbacks
<i>Rear</i>	5	5	5	See §17.22.050, Encroachments into Required Setbacks

Chapter 17.12 Storefront Retail Cannabis Overlay Zones

17.12.010 Purpose and Applicability

The Purpose of the Storefront Retail Cannabis Overlay Zones are to:

- A. Establish where storefront retail cannabis businesses may locate subject to all required approvals.
- B. Protect sensitive uses from potential incompatibilities with storefront retail cannabis businesses.

17.12.20 Land Use Regulations

- A. Storefront retail cannabis business on West Capitol Avenue must be at least 500 feet apart.
- B. Additional standards and requirements can be found in Chapter 5.28.

17.12.030 Cannabis Retail Overlay Map

(See following page)

Chapter 17.13 Reserved

Chapter 17.14 Reserved

Chapter 17.15 Specific Plan Zones

Sections:

- 17.15.010 Purpose
- 17.15.020 Applicability
- 17.15.030 Adopted Specific Plans

17.15.010 Purpose

The purpose of this Chapter is to identify all of the adopted Specific Plans that apply in the City of West Sacramento and reference the regulations that apply.

17.15.020 Applicability

Once adopted, a Specific Plan shall govern all use and development of properties within the bounds of that Specific Plan.

- A. Where a Specific Plan is silent regarding development standards, the provisions of this Title shall govern. The Director shall have the authority to determine which provisions of this Title apply where a Specific Plan is silent.
- B. When a use is not specifically listed as permitted in the Specific Plan, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the Specific Plan as permitted or not found to be substantially like a permitted use are prohibited.
- C. No discretionary entitlement applications or other permits may be approved, adopted, or amended within an area covered by a Specific Plan, unless found to be consistent with the adopted Specific Plan.

17.15.030 Adopted Specific Plans

The following is a list of the City's adopted Specific Plans. Each Specific Plan area is mapped on the official Zoning Map.

- A. **Bridge District Specific Plan.** See the Bridge District Specific Plan on file with the City of West Sacramento.
- B. **Washington Specific Plan.** See the Washington Specific Plan on file with the City of West Sacramento.
- C. **Liberty Specific Plan.** (Placeholder for the proposed Liberty Specific Plan.)

Chapter 17.16 Grand Gateway (GG) Overlay Zone

Sections:

17.16.010 Purpose

17.16.020 Applicability

17.16.030 West Sacramento Grand Gateway Master Plan

17.16.010 Purpose

The purpose of this Chapter is to identify the applicability of the West Sacramento Grand Gateway Master Plan.

17.16.020 Applicability

The West Sacramento Grand Gateway Master Planning Document applies to all use and development of properties within the boundaries of the Grand Gateway Master Planning area.

17.16.030 West Sacramento Grand Gateway Master Plan

All development within the GG Overlay Zone shall be consistent with the goals, objectives, and design requirements of the West Sacramento Grand Gateway Master Plan.

Chapter 17.17 Southport Framework Plan (SFP) Overlay Zone

Sections:

17.17.010 Purpose

17.17.020 Applicability

17.17.030 Southport Framework Plan

17.17.010 Purpose

The purpose of this Chapter is to identify the applicability of the Southport Framework Plan.

17.17.020 Applicability

The Southport Framework Plan applies to all use and development of properties within the boundaries of the Southport Framework Plan area.

17.17.030 Southport Framework Plan

All development within the SFP Overlay Zone shall be consistent with the requirements of the Southport Framework Plan.

Chapter 17.18 Planned Development (PD) Overlay Zone

Sections:

- 17.18.010 Purpose and Applicability
- 17.18.020 Zoning Map Designation
- 17.18.030 Land Use Regulations
- 17.18.040 Development Standards
- 17.18.050 Procedures
- 17.18.060 Required Findings
- 17.18.070 Conditions
- 17.18.080 Expiration and Extension
- 17.18.090 Amendments of Approved Plans
- 17.18.100 Project Review

17.18.010 Purpose and Applicability

The purpose of this Chapter is to establish a Planned Development (PD) Overlay Zone that provides for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions to:

- A. Promote the development of a cohesive and aesthetically pleasing urban structure;
- B. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of zone regulations;
- C. Ensure compliance with the General Plan and provide various types of land use which can be combined in compatible relationships with each other as a part of a holistically planned development; and
- D. Promote innovation and creativity in building design and development concepts.

17.18.020 Zoning Map Designation

A Planned Development Overlay Zone shall be noted on the Zoning Map by adding the designation “-PD” to the base zone.

17.18.030 Land Use Regulations

New development in a PD Overlay Zone requires a valid Planned Development (PD) Permit if it does not conform to the development standards in the PD Overlay Zone. Any permitted or conditional use authorized by this Title may be included in an approved PD Permit consistent with the General Plan designation(s) for the property.

17.18.040 Development Standards

- A. **Minimum Area.** The minimum area of a PD Overlay Zone shall be one acre; however, the City Council may approve a smaller area if it finds that a PD would provide greater benefits to the general welfare of the West Sacramento residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use.
- B. **Residential Unit Density.** Except where a density bonus is granted in compliance with Chapter 17.23, Affordable Housing, Density Bonuses, and Other Incentives, the total number of dwelling units in a PD Overlay Zone shall not exceed the maximum number permitted by the General Plan density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets.
- C. **Performance Standards.** The Performance Standards prescribed by Chapter 17.28, Performance Standards, apply.
- D. **Other Development Standards.** Other development standards shall be as prescribed by the PD Overlay Zone. Where the PD Overlay Zone is silent regarding particular development standards, the development standards of the applicable base zone shall apply.

17.18.050 Procedures

- A. **Review Authority.** A PD Overlay Zone must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review; and the Planning Commission shall make a recommendation to the City Council.
- B. **Review Procedures.**
 - 1. **Zoning Amendment.** An application for a PD Overlay Zone shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 17.44, Amendments to the General Plan, Zoning Code, and Zoning Map, and shall include a PD Permit.
 - 2. **PD Permit.** The PD Permit shall be processed in the same manner as a Conditional Use Permit application, pursuant to Chapter 17.38, Use Permits.
 - 3. **Tentative Subdivision Map.** When a PD Permit requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- C. **Initiation.** An application for a PD Overlay Zone shall be initiated by a property owner or authorized agent, Community Development Director, Planning Commission, or the City Council. If the property is not under a single ownership, all owners must join the

application, and a map showing the extent of ownership shall be submitted with the application.

- D. **Application Contents.** A qualified applicant shall apply for a PD Overlay Zone on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit additional information and supporting data as considered necessary to process the application.

17.18.060 Required Findings

A PD Permit and/or PD Overlay Zoning Amendment shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
- B. The subject site is physically suitable for the type and intensity of the land use being proposed;
- C. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- E. The development generally complies with applicable adopted design guidelines; and
- F. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zone, and will achieve superior community design, environmental preservation and/or substantial public benefit.

17.18.070 Conditions

In approving a PD Overlay Zone and/or PD Permit, the Review Authority may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
- B. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located;

- C. Achieve the findings listed above; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

17.18.080 Expiration and Extension

A. Expiration.

1. **PD Permit.** A PD Permit shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Permit may specify a development staging program exceeding two years.
2. **Tentative Map.** Where a tentative map has been approved in conjunction with a PD Permit, the PD Permit shall expire upon the expiration of the tentative map.
3. **Phased Development.** If the applicant intends to develop the project in phases, and the Review Authority approves phased development, the PD Permit shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase.

B. Extension. The Director may approve extensions of time for PD Permits, including those approved by the Planning Commission or City Council, in accordance with the following:

1. Such extensions shall be approved only when it is found that the circumstances under which the permits were granted have not substantially changed.
2. Such extensions shall be approved for not more than two years.

17.18.090 Amendments of Approved Plans

A. Amended Plans. Amendments to a PD Overlay Zone or PD Permit may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.

B. Major Amendments. Major Amendments to an approved PD Overlay Zone or PD Permit shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes.

1. A change in the boundary of the PD Overlay Zone;

2. An increase or decrease in the number of dwelling units for the PD Overlay Zone that is greater than the maximum or less than the minimum stated in the PD Permit;
 3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Permit;
 4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director;
 5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD Overlay Zone or to the overall major street system, as determined by the Public Works Director; or
 6. Any other proposed change to the PD Permit or the conditions of approval that substantively alters one or more of its components as determined by the Director.
- C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in 17.11.090.B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Director.

17.18.100 Project Review

Plans for a project in a PD Overlay Zone shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Permit and any conditions of approval or the PD Overlay development standards. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Permit or PD Overlay.

Chapter 17.19 Reserved

Chapter 17.20 Reserved

Chapter 17.21 Reserved

Division III: Citywide Regulations

Chapter 17.22 General Site Regulations

Sections:

- 17.22.010 Purpose and Applicability
- 17.22.020 Accessory Buildings and Structures
- 17.22.030 Development on Lots Divided by Zone Boundaries
- 17.22.040 Development on Substandard Lots
- 17.22.050 Encroachments into Required Setbacks
- 17.22.060 Fences, Walls, and Hedges
- 17.22.070 Heights and FAR Exceptions
- 17.22.080 Lighting and Illumination
- 17.22.090 Open Space
- 17.22.100 Outdoor Storage
- 17.22.110 Parking and Storage of Commercial and Recreational Vehicles
- 17.22.120 Refuse and Recycling Areas
- 17.22.130 Screening
- 17.22.140 Swimming Pools and Spas
- 17.22.150 Underground Utilities
- 17.22.160 Visibility at Intersections

17.22.010 Purpose and Applicability

The purpose of this Chapter is to prescribe site regulations that apply, except where specifically stated, to development in all zones. These standards shall be used in conjunction with the standards for each zone established in Division II, Zone Regulations. In any case of conflict, the standards specific to the zone shall control.

17.22.020 Accessory Buildings and Structures

A. Applicability.

1. **Detached Structures.** The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios which are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures such as play equipment, decks and trellises, that are over 18 inches in height and are detached from and accessory to the main building on the site.

2. **Attached Structures.** The provisions of this Section do not apply to accessory buildings or structures attached to the main building, which shall comply in all respects with the requirements of this Title applicable to the main building. Structures with a common wall or roof with the main building shall be considered part of the main building. Allowed building projections into yards and required building separations are stated in Section 17.22.050, Encroachment into Required Setbacks.
- B. **Relation to Existing Structures.** A detached accessory building or structure may only be constructed on a lot on which there is a permitted main building to which the accessory building or structure is related.
 - C. **Development Standards.** Accessory structures shall meet the development standards of the Zone in which it is located except as follows:
 1. **Interior Side and Rear Setbacks.** Accessory buildings and structures shall be set back a minimum of 10 feet from any rear lot line and five feet from any interior side lot line except as follows.
 - a. Accessory structures that do not contain conditioned space, do not exceed 12 feet in height, are 120 square feet or less, and are located a minimum of five feet behind the street facing façade of the primary structure on site may be located up to three feet from an interior side or rear property line.
 2. **Additional Location Limitation, R-1, R-2, and R-2.5 Zones.** In the R-1, R-2, and R-2.5 Zones, accessory structures shall be located in the rear half of the lot.
 - D. **Plumbing.** Accessory buildings and structures may have plumbing for a washer, dryer, toilet, shower, and/or utility sink.

17.22.030 Development on Lots Divided by Zone Boundaries

- A. **Generally.** Where a lot is divided by a zone boundary, the regulations applicable to each zone will be applied to the area within the zone, and no use, other than parking serving a principal use on the site, can be located in a zone in which it is not a permitted or conditionally permitted use.
- B. **Exceptions.** If more than 60 percent of a lot (as measured by lot area) is located in one zone, modifications to the provisions of this Section may be granted through approval of a Conditional Use Permit.

17.22.040 Development on Substandard Lots

Any lot or parcel of land that was legally created through a recorded deed may be used as a building site even when consisting of an area, width, or depth less than that required by zone regulations.

- A. **Development Standards.** Substandard lots shall be subject to the same development standards as a standard lot.
- B. **Reductions Prohibited.** No substandard lot shall be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.

17.22.050 Encroachments into Required Setbacks

Building projections may encroach into required setbacks according to the standards of Table 17.22.050, Allowed Encroachments into Required Setbacks, subject to all applicable requirements of the Building Code. The "Limitations" column states any dimensional, area, or other limitations that apply to such projections.

TABLE 17.22.050: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS				
<i>Projection</i>	<i>Front or Street Side Yard</i>	<i>Interior Side Yard</i>	<i>Rear Yard</i>	<i>Limitations</i>
All projections	No projection may extend closer than three feet to an interior lot line or into a public utility easement. Where any allowance of this Title conflicts with applicable building codes, the more restrictive shall apply.			
Cornices, canopies, eaves, and similar architectural features Chimneys Bay windows	3 feet	3 feet	3 feet	
Fire escapes required by law or public agency regulation	4.5 feet	3 feet	4.5 feet	
Uncovered stairs, ramps, stoops, landings, decks, porches, balconies, and platforms				
<i>All elements three feet or less above ground elevation</i>	6 feet	3 feet	6 feet	
<i>All elements more than three feet above ground elevation</i>	4.5 feet	3 feet	4.5 feet	
Covered porches and patios	May not encroach	May not encroach	10 feet	Must be unenclosed on three sides except for required vertical supports, insect screening, and kickboards not exceeding one foot in height measured from

TABLE 17.22.050: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS

<i>Projection</i>	<i>Front or Street Side Yard</i>	<i>Interior Side Yard</i>	<i>Rear Yard</i>	<i>Limitations</i>
				ground level measured at the post. Patio projections shall be no closer than 10 feet to the rear property line.
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the provisions of Chapter 17.42, Reasonable Accommodation.			

17.22.060 Fences, Walls, and Hedges

Fences, walls, dense hedges, and similar structures shall comply with the standards of this Section.

A. **Maximum Height.** Fences, walls, dense hedges, and similar structures are limited to a maximum height as follows:

1. **Residential Zones.**

- a. *Within Required Front Setbacks:* Three feet. An additional foot of fencing is allowed provided that all fencing above three feet in height is at least 50 percent open.
- b. *Within Required Street Side Setbacks:*
 - i. *Within 10 feet of the Property Line.* Three feet. An additional foot of fencing is allowed provided that all fencing above three feet in height is at least 50 percent open.
 - ii. *Within Five feet of a Separated Sidewalk.* Three feet. An additional foot of fencing is allowed provided that all fencing above three feet in height is at least 50 percent open.
 - iii. *Other Areas of the Required Street Side Setback.* Seven feet.
- c. *Within Required Interior Side Setbacks.* Seven feet.
- d. *Within Required Rear Setbacks.* Seven feet.

2. **Non-Residential Zones.**

- a. *Within 10 feet of Any Street-Facing Property Line, or Within Five Feet of a Separated Sidewalk.* Three feet. An additional foot of fencing is allowed provided that all fencing above three feet in height is at least 50 percent open.

b. *All Other Required Setback Areas.* Seven feet.

i. Exceptions.

Pursuant to §15.11.130 of the Municipal Code, electric fences must be at least 8-feet in height. This height exception only applies to zones where electric fences are permitted either conditionally or by-right under §15.11.130.

3. ***Decorative Features.*** One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing setback of each lot, provided that the maximum height or width of the structure does not exceed 10 feet. Such decorative feature shall not have any solid obstruction that exceeds two feet in diameter between the height of three and 10 feet.

B. **Intersection Visibility.** Notwithstanding other provisions of this Section, fences, walls, and related structures shall comply with Section 17.22.160, Visibility at Intersections.

C. **Materials.**

1. ***Prohibition on Potentially Hazardous Fencing Materials.*** The use of barbed wire, razor wire, ultra-barrier, electrified, and other hazardous fencing is not permitted unless such fencing is required by any law or regulation of the City, the State of California, Federal Government, or other public agency. Public safety and critical infrastructure facilities are exempt from this standard.

a. *Exception.*

i. Barbed wire/razor wire fencing is prohibited unless used in the A-1, RRA, and RE zones and used for security purposes in the M-1, M-2, and M-3 zones. Public safety facilities, such as police stations and fire stations, are exempt.

ii. Electrified fencing is prohibited unless used in the ML, M-1, M-2, and M-3 zones or used in the A-1, RRA, and RE zones for animal control. A Conditional Use Permit is required for use in the BP zone and for ML zoned property located east of Interstate 80.

iii. Temporary portable electric fencing utilized for the containment of grazing animals shall be permitted subject to the conditions listed in Section 15.11 of the Municipal Code.

2. ***Limitation on Chain-Link Fencing.***

a. *Non-Residential Zones.* In non-residential zones, chain-link fencing shall not be visible from adjacent at-grade public streets, a State highway, or adjacent Residential Zones.

3. **Limitation on Concrete Block.** Plain, concrete block is not permitted as a fencing material. Concrete block must be finished with stucco (or decorative split-faced block) and capped with a decorative cap.

D. Location.

1. Fencing shall not be located within any public utility easement without written approval from the City Engineer and all affected utility companies.

17.22.070 Height and FAR Exceptions

- A. **Height.** The structures listed in Table 17.22.070, Allowed Projections Above Height Limits, may exceed the maximum permitted building height for the zone in which they are located, subject to the limitations stated and further provided that no portion of a structure more than the building height limit may contain habitable areas or advertising. Additional height above this limit may be approved with a Conditional Use Permit, pursuant to the provisions of Chapter 17.38, Use Permits.
- B. **FAR.** Increases above the maximum permitted FAR shall only be considered for hotels and hospitals, and only with approval of a use permit, unless otherwise specified for the property in an adopted specific plan. This can be considered when the applicant can demonstrate that the proposed development will: (1) generate low peak-hour traffic; and (2) not create a dominating visual prominence. In each case where an increase in the maximum permitted FAR has been allowed, all other development standards for the site must be met.

TABLE 17.22.070: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Vertical Projection Above the Height Limit</i>	<i>Maximum Coverage and Locational Limitation</i>
Skylights	1 foot	None
Chimneys	8 feet	None
Decorative features including spires, cupolas, bell towers, domes, obelisks, and monuments Rooftop open space features including sun decks, sunshade and windscreens, trellises, and landscaping	10 feet	Limited to a total of 20% of roof area, inclusive of all structures Must be set back from the exterior wall one foot for every foot of projection above the height limit
Elevator and stair towers (for multi-unit residential and non-residential buildings only)	16 feet	Limited to a total of 10% of roof area Must be set back from the exterior wall one foot for every foot of projection above the height limit
Mechanical equipment penthouses	10 feet	Limited to 60% of roof area Must be set back from the exterior wall one

TABLE 17.22.070: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS

<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Vertical Projection Above the Height Limit</i>	<i>Maximum Coverage and Locational Limitation</i>
		foot for every foot of projection above the height limit
Mechanical equipment	5 feet	Must be set back from the exterior wall one foot for every foot of projection above the height limit and screened from view from adjacent at-grade public streets
Fire escapes, catwalks, and open railings required by law	No restriction	None
Telecommunications facilities, antennas, microwave equipment, and radio towers	Subject to the provisions of Section 17.30.240, Wireless Telecommunications Facilities	

17.22.080 Lighting and Illumination

- A. **Applicability.** The standards of this Section apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems, except as provided below.
 - 1. **Exceptions.** The following outdoor lighting shall not be subject to the provisions of this Section.
 - a. *Public and Private Street Lighting.*
 - b. *Athletic Field Lights.* Athletic field lights used within a school campus or public or private park.
 - c. *Safety and Security Lighting.* Safety and security lighting for public facilities.
 - d. *Construction and Emergency Lighting.* All construction or emergency lighting fixtures provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.
 - e. *Seasonal Lighting.* Seasonal lighting displays related to cultural or religious celebrations.
- B. **Prohibitions.** The following types of outdoor lighting are prohibited.
 - 1. **Searchlights.** The operation of searchlights for advertising purposes.
 - 2. **Mercury Vapor.** Mercury vapor lights.

3. **Other Light Types.** Laser lights or any other lighting that flashes, blinks, scrolls, alternates, or moves (excluding bi-level lighting).
- C. **General Requirements.** Outdoor lighting shall be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community while still employing Crime Prevention Through Environmental Design (CPTED) principles. Lighting for commercial installations adjacent to or near residential uses shall be compatible with and not directly illuminate nearby residential uses.
1. **Maximum Height.**
 - a. *Within 100 feet of a Residential Zone.* 16 feet.
 - b. *Other Locations.* 25 feet.
 - c. *Additional Height.* The Planning Commission may allow additional height for activities, uses, or development with unique lighting needs; accentuating historic architectural features of a building; accentuating signage and/or landscape features; or for security purposes.

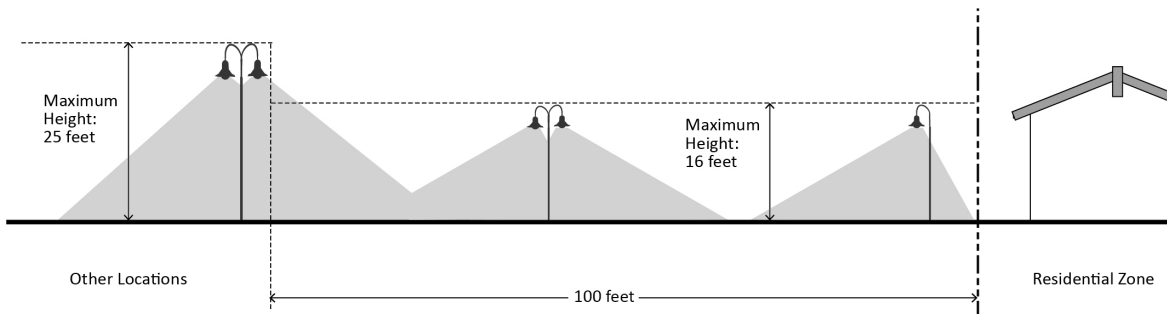


FIGURE 17.22.080: MAXIMUM HEIGHT, OUTDOOR LIGHTING

2. **Fixture Types.** All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for “Cut Off” or “Full Cut Off” luminaries.
3. **Design of Fixtures.** Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on building shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet, roof, or eave of the roof.
4. **Timing Controls.** All outdoor lighting in non-residential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or, in the case of shopping centers, all buildings, are not in use and the lighting is not required for security.

5. **Light Trespass.** All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candles.

D. **Supplemental Requirements.**

1. **Multi-Unit Residential Buildings.**
 - a. Lighting in parking, garage, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground level during the hours of darkness.
 - b. Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least one-quarter foot-candles at the ground level during the hours of darkness.
2. **Non-Residential Buildings.** All exterior doors, during the hours of darkness, shall be illuminated with a minimum of one-half foot-candle of light.

17.22.090 Open Space

Open space required by this Code shall be provided in accordance with the following.

A. **Configuration.**

1. Private open space typically consists of balconies, decks, patios, fenced yards, and other similar areas outside the residential unit.
2. Common open space typically consists of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development; these can be located at the ground level, on parking podiums, or on rooftops, provided they are adequately landscaped.

B. **Minimum Dimensions.**

1. **Private Open Space.** Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than eight feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.
2. **Common Open Space.** Minimum length and width dimension of 15 feet.

- C. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden,

flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.

D. Accessibility.

1. **Private Open Space.** The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
2. **Common Open Space.** The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.

17.22.100 Outdoor Storage

Storage of goods, materials, machines, equipment, and inoperable vehicles or parts outside of a building for more than 72 hours shall conform to the standards of Table 17.22.100, Outdoor Storage Regulations.

TABLE 17.22.100: OUTDOOR STORAGE REGULATIONS	
<i>Zone</i>	<i>Permissibility of Outdoor Storage</i>
AG, RE, and RRA	Permitted as an accessory use where: <ul style="list-style-type: none"> • Occupies less than 200 square feet or 5% of the lot area, whichever is greater. The Director may allow additional area on properties dedicated to agricultural production for agriculture related outdoor storage; • Located outside of all required setbacks, parking and circulation areas, and landscaped areas; and • Screened consistent with the requirements of Section 17.22.130, Screening.
R-1, R-2, R-2.5, and R-3	Permitted as an accessory use where: <ul style="list-style-type: none"> • Occupies no more than 200 square feet; • Located outside of all required setbacks, parking and circulations areas, and required landscaped areas; and • Screened consistent with the requirements of Section 17.22.030, Screening.
Commercial and Mixed-Use Zones, BP, RP, and POS	Not permitted. (All storage must be located within an enclosed building).
M-L, M-1, M-2, M-3, and PQP	Permitted as an accessory use where: <ul style="list-style-type: none"> • Located outside of all required setbacks, parking and circulation areas, and landscaped areas; and • Screened consistent with the requirements of Section 17.22.130, Screening.

17.22.110 Parking and Storage of Commercial and Recreational Vehicles

The parking and storage of commercial and recreational vehicles on private property is subject to the following standards.

A. **Commercial Vehicles and Equipment.**

1. **Commercial Vehicles.** Commercial vehicles, including any self-propelled vehicle over 10,000 pounds gross vehicle rating and/or having more than two axles and possessing a commercial license plate, shall not be parked or stored in any Residential Zone or any street adjoining a Residential Zone except as follows.
 - a. *RE or RRA Zones.* Commercial vehicles may be parked or stored in the RE or RRA Zones if kept fully within a garage or barn.

B. **Trailers and Equipment.** Trailers or equipment used for commercial purposes shall be stored within an enclosed building.

C. **Recreational Vehicles.**

1. **Location.** Recreational vehicles parked on residential lots which were of record on or before August 23, 1984, must be parked at least five feet from the sidewalk, street right-of-way or property line, whichever is farther. Recreation vehicles parked on residential lots created after August 23, 1984, may not be parked in a required setback adjacent to a public street.
2. **Paving and Surfacing.**
 - a. *Total Area of Surfacing.* No more than 350 square feet of paved or improved surfaces shall be used for the parking or storage of recreational vehicles in any Residential Zone.
 - b. *Surfacing for Parking in Front Yards.* Recreational vehicles located within front yards shall be parked on a paved surface in accordance with the provisions of Subsection 17.27.090.G, Paving and Surfacing.
 - c. *Surfacing for Parking in Side or Rear Yard.* Recreational vehicles located within side or rear yards shall be parked on a paved or improved surface, which may include pavement or turfstones. All surfaces shall be kept clear of weeds, debris, mud, and vehicle fluids that contaminate soil or groundwater.
3. **Secondary Driveway.** A secondary driveway for recreational vehicles may be allowed on corner lots outside of the vision triangle of the intersection, with the approval of an encroachment permit from the Community Development Department. Paving strips may be used on the driveway.

4. **Registration.** The recreational vehicle shall have a current and valid registration displayed.
5. **Dwelling Use Prohibited.** No recreational vehicle shall be used for dwelling purposes on any site except as an approved.
6. **Fluid Collection Systems.** Drip pans or other fluid collection systems shall be used on any recreational vehicle that shows evidence of leaky fluids.

17.22.120 Refuse and Recycling Areas

A. General Requirements.

1. In accordance with the California Solid Waste Reuse and Recycling Access Act of 1991 (Public Resources Code Sections 42900 through 42911), any project for which an application for a building permit is submitted after the effective date of this ordinance, shall include adequate, accessible areas for collecting and loading refuse and recyclable materials. These regulations apply to refuse and recycling areas not accessible to the public, and which are used exclusively by the tenants/owners of the development site.
2. In accordance with the California Waste Management Act of 1989 (Public Resources Code Sections 40050 through 40063) and the City of West Sacramento Municipal Code Chapter 8.08, areas for recycling shall be adequate in capacity, number and distribution to serve the development where the project occurs. These areas shall be located within, or as close as possible to, planned or existing exterior collection areas/enclosures.

B. Applicability. The provisions of this Section apply to all development except as follows.

1. Any project for which a building permit is not required from the City Building Department;
2. All commercial and multi-unit activity that requires only an over the counter permit;
3. All permits not related to the interior improvement of the building excluding new structures; and
4. Single-unit dwellings and other uses which participate in the City's curbside recycling program.

C. Size and Location. Refuse, including organic waste and fats, oils, and grease, and recycling collection areas shall be sized and located as provided below. Additional storage area and alternative designs may be required based on the types and quantities of materials to be generated by the proposed land use and the mode of

collection. Additional design requirements may be applied for the purposes of preventing stormwater pollution discharges.

1. **Size and Number.** Refuse and recycling collection areas shall be adequate in capacity, number, and distribution to accommodate all trash, garbage, recyclables, green waste, organic waste, and any other waste until such items are picked up by the City or its contracted collector.
 2. **Location.**
 - a. Refuse and recycling collection areas shall be located outside required yard and setback, parking or landscaped areas, or any other area required by the Municipal Code to be constructed or maintained unencumbered according to fire codes and other applicable building and public safety laws.
 - b. Enclosures shall be located a minimum of 10 feet from any structure, 25 feet from any public street, 15 feet from the edge of pavement of a private street and, in commercial areas, 25 feet from any residential zoned property line.
 - c. Collection areas shall be no more than 250 feet from each living unit within a residential development.
- D. **Storm Drain Inlets.** Storm drain inlets shall not be placed in the driving path of the collection vehicle. Drains installed in the exterior collection area, or beneath containers, must be connected to a grease removal device prior to discharging to sanitary sewer and the collection area shall be protected from the rain by a roof over the collection area. Storm drain inlets shall not be installed inside of the enclosure, or within the drainage area of the exterior collection areas.
- E. **Security and Function Design Measures.**
1. **Enclosure Required.** Exterior collection areas must be within an enclosure that meets the following standards.
 - a. *Minimum Height.* Five feet.
 - b. *Design.* The enclosure shall be designed to architecturally integrate with the adjacent building structure(s).
 - c. *Access.* A pedestrian access and separate access for primary collection shall be provided.
 - d. *Enclosure Materials.* Exterior collection areas must be within an enclosure constructed of solid concrete or masonry wall

1. Existing development proposing less than 50 percent increase in the gross floor area shall not be required to provide this landscaping.
2. The Zoning Administrator may waive the requirement, or reduce the required size, or require a landscaped area of equivalent square footage be installed in a different location on the property or require that existing landscape area(s) be brought up to current standards, including compliance with the city's Water Efficient Landscaping Ordinance (Chapter 13.04, Article XII).

G. **Access Requirements.** The storage area for refuse and recyclable materials must be accessible to pedestrians (both residents and/or employees) of the development site and to refuse and recycling haulers. Vehicle access requirements are as follows:

1. Driveways or travel aisles leading to exterior collection areas or enclosures shall be a minimum of sixteen feet in width and paved in accordance with this title's paving requirements.
2. Where driveways do not extend from street to street, a turnaround area for collection vehicles shall be provided. Minimum turning radius for collection vehicles at 26/46.
3. Driveways or travel aisles shall provide unobstructed paved access for collection vehicles and provide a minimum of 15 feet vertical clearance. In loading areas, minimum overhead vertical clearance shall be 25 feet for loading operations.
4. A concrete apron or pad, having a minimum size of 10 feet wide by 20 feet long, shall be constructed in front of each exterior collection area or enclosure or at the point of pick-up by the collection vehicle. The purpose of this pad is to prevent damage to the surrounding asphalt paving. The pad shall have a level surface (no slope) and shall be paved with concrete.
 - a. The Zoning Administrator may waive the requirement for, and/or size of, the concrete apron or pad provided the property owner can demonstrate that the existing asphalt located at the access and servicing areas of the refuse and recycling enclosure has withstood on-going, regular use without appreciable degradation. The property owner may also be required to enter into a private road agreement with the City as a condition to providing service.

H. **Signage.**

1. Signs shall be posted on each container for recyclable material, identifying which material shall be disposed of in that container.

2. One sign identifying each outdoor refuse and recycling area is required. Each sign shall not exceed four square feet and shall be posted on the exterior of the area adjacent to the access point. The sign shall also notify the public that unauthorized collection and/or scavenging is prohibited.
- I. **Exceptions.** The Zoning Administrator shall have the authority to approve exceptions, or consider modified design standards, to the requirements of this Section, for new development projects and projects involving the expansion or retrofit of an existing development. The property owner/applicant must first prove that he/she cannot meet the requirements for the refuse and recycling collections areas as set forth in this Section and any other applicable Section.
1. **Reasons for Exceptions.** Exceptions may be approved for reasons including, but not limited to, the following:
 - a. The requirement to provide adequate space for refuse and recyclable materials storage and collection would necessitate the conversion or removal of required parking spaces or required landscaping, or would conflict with some other essential site improvement required by the city;
 - b. The nature of the proposed development justifies the provision of less recyclable materials storage and collection space than mandated by this Chapter; or
 - c. Construction of the full enclosure with the landscaping buffer would reduce the vehicular access aisle to less than acceptable width. Cost alone is not a valid reason for granting an exception.
 2. **Required Findings.** Exceptions from any provision of this Section may be approved if the following findings can be made:
 - a. That the exception from these requirements will not be detrimental to public health, safety, or welfare nor result in a nuisance; and
 - b. That the project will provide adequate capacity, number and distribution of collection areas to serve the new or existing development.
- J. **Maintenance.** Maintenance of each enclosure area and any bins and containers shall be the responsibility of the property owner. The property owner shall be responsible for keeping the area clean and free of litter, rodents and insects. Enclosures that are damaged to the point of non-use will result in a service interruption if the hauler cannot access the containers and shall be repaired within 90 days.

- K. **Regular Collection.** The property owner is responsible for arranging the regular collection or pick-up of refuse and recyclable and/or organic materials stored in the container area. Materials shall not be allowed to accumulate such that a visual or public health or safety nuisance is created.
- L. **Unauthorized Collection Prohibited.** Unless otherwise provided by contract, recyclable materials which have been segregated from other waste materials and placed at the designated collection and storage location, shall not be removed by anyone other than the authorized recycling agent/hauler. Violation of this provision shall be punishable as a misdemeanor.

17.22.130 Screening

- A. **Screening of Mechanical and Electrical Equipment.** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from adjacent at-grade public rights-of-way and/or adjacent Residential Zones. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow devices, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Exceptions may be granted by the Zoning Administrator where screening is infeasible due to health and safety, structural limitations, or utility requirements.
- B. **Outdoor Storage Areas.** Outdoor storage areas shall be screened from view from any adjacent public street or freeway; existing or planned residential area; or publicly accessible open space area with a solid masonry wall a minimum of six feet in height.
 - 1. Screening walls shall be high enough to sufficiently screen stored material. Fences and walls shall not exceed the maximum allowable fence heights unless allowed pursuant to approval of a Modification.

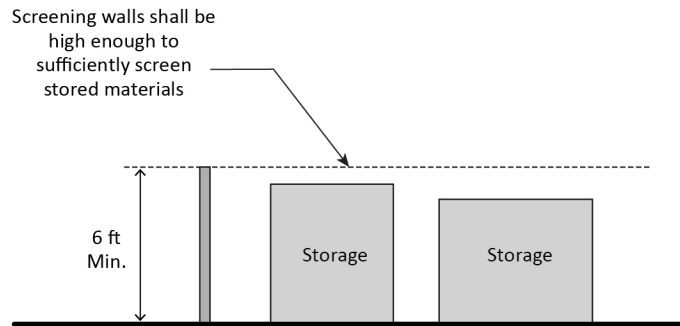


FIGURE 17.22.130.B: SCREENING OF OUTDOOR STORAGE AREAS

- C. **Other Outdoor Activity Areas.** Where the Zoning Administrator finds that an outdoor use without screening would have a detrimental effect, the outdoor use shall be screened from view from any public street or freeway; existing or planned residential area; or publicly accessible open space area.
- D. **Maintenance.** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter and advertising. Graffiti shall be removed within two days of notice of its placement. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the required and the maximum allowed height.
- E. **Types of screening material should be consistent with the style of the building.** Plastic tarps are not permitted as screening material.

17.22.140 Swimming Pools and Spas

Swimming pools, spas, and any body of water having a depth of more than 18 inches and related equipment shall comply with the following standards:

- A. **Water-Containing Portions of Swimming Pools and Spas.** The outside wall of the water-containing portion of any swimming pool or spa shall be located as follows:
 - 1. **Front Setback.** The outside wall of the water-containing portion of any swimming pool or spa shall meet the minimum front setback and shall not be constructed over public service easements.
 - 2. **Street Side Setback.** The outside wall of the water-containing portion of any swimming pool or spa shall be located a minimum of 5 feet from the street side property line. Where the lot is enclosed by a masonry subdivision perimeter wall, the street side setback is five feet.
 - 3. **Rear and Interior Side Setbacks.** The outside wall of the water-containing portion of any swimming pool or spa shall be located a minimum of five feet from the interior side and rear property line.

4. **Dwelling Unit Setback.** The outside wall of the water-containing portion of any swimming pool or spa shall be located a minimum of five feet from the exterior wall of any dwelling unit.
- B. **Filter, Heating, and Maintenance Systems.** All filter, heating, and maintenance systems and equipment shall not be located within any required setback adjacent to a public street, or within three feet of an interior side or rear property line, or within 10 feet of the living area of any dwelling unit on an adjacent parcel unless located completely within a soundproof enclosure.

17.22.150 Underground Utilities

All electrical, telephone, cable television, and similar distribution lines providing direct service to new development shall be installed underground within the site. This requirement may be waived by the Zoning Administrator upon determining that underground installation is infeasible.

17.22.160 Visibility at Intersections

Vegetation and structures located on a property at any corner from intersecting streets may not exceed a height of three feet within the vision triangle formed by drawing imaginary lines between points 30 feet from where the curb lines of the street intersection quadrant meet. Any vegetation or structures obstructing the view of the intersection may be removed pursuant to Section 10.20.050 of Title 10, Vehicles and Traffic, of the Municipal Code, as may be amended over time.

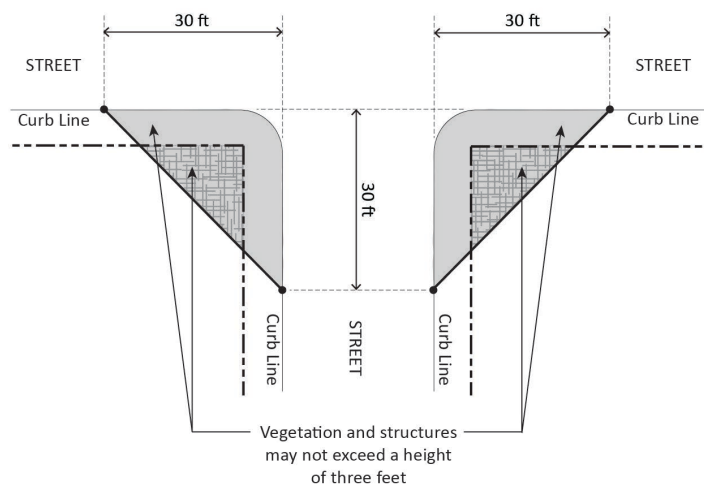


FIGURE 17.22.160: VISIBILITY AT INTERSECTIONS

Chapter 17.23 Affordable Housing, Density Bonuses, and Incentives

Sections:

- 17.23.010 Purpose
- 17.23.020 Applicable Zones
- 17.23.030 Qualifications
- 17.23.040 Density Increase and Other Incentives
- 17.23.050 Application
- 17.23.060 Retention
- 17.23.070 Denial of Affordable Housing Projects

17.23.010 Purpose

This Chapter is adopted in accordance with Section 65915 et seq., of the California Government Code. The purpose of this Chapter is to establish a density increase and incentive program to provide both density increases and other incentives for owner-occupied and rental housing developments to encourage the creation of housing affordable to moderate, low, and very low income households, and to encourage the creation of housing for senior citizens. As used in this Chapter, density bonus units are those units designated for senior citizens, or very low, low, or moderate income households that qualified the housing project for award of a density bonus or other incentives.

17.23.020 Applicable Zones

This Chapter shall be applicable to all zones that allow residential uses.

17.23.030 Qualifications

All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as may be amended.

17.23.040 Density Increase and Other Incentives

The City of West Sacramento shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.

17.23.050 Application

- A. An application for a density increase or other incentives under this Chapter for a housing development shall be submitted in writing to the planning division of the City of West Sacramento to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this chapter, and in connection with the project for which the request is made, including, but not limited to, the following:
1. A brief description of the proposed housing development;
 2. The total number of housing units proposed in the development project, including unit sizes and number of bedrooms;
 3. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
 4. The total number of units to be made affordable to or reserved for sale, or rental to, very low, low- or moderate-income households, or senior citizens, or other qualifying residents;
 5. The zoning, general plan designations and assessor's parcel number(s) of the project site;
 6. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout; and
 7. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.

The application shall be considered by the Planning Commission and/or the City Council at the same time each considers the project for which the request is being made. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made under this chapter shall be considered by the Community Development Director or designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 *et seq.*

17.23.060 Retention

Consistent with the provisions of California Government Code Section 65915 *et seq.*, prior to a density increase or other incentives being approved for a project, the City of West Sacramento and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units.

17.23.070 Denial of Affordable Housing Projects

If at least 20 percent of a housing development's units are sold or rented to low income households, and the balance of the units are sold or rented to either low or moderate income households, it shall not be disapproved or conditioned in a manner which renders the project infeasible for development for the use of low and moderate income households unless the decision making body finds, based upon substantial evidence, one of the following, pursuant to California Government Code Section 65589.5:

- A. The project is not needed for the City to meet its share of the regional need of low and/or moderate-income housing as outlined in the adopted Housing Element to the General Plan; or
- B. The project as proposed would have a specific, adverse impact upon the public health and safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the project unaffordable to low and/or moderate-income households; or
- C. Denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the project unaffordable to low and/or moderate-income households; or
- D. Approval of the project would increase the concentration of low-income households in a neighborhood that already has a disproportionately high number of low income households and there is no feasible method of approving the development at a different site, including sites identified in the adopted Housing Element, without rendering the development unaffordable to low and/or moderate income households; or
- E. The project is proposed on land zoned for resource preservation which is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project; or
- F. The project is inconsistent with the land use designation as outlined in the adopted General Plan or in any General Plan element as it existed on the date the application for the project was deemed complete.

Chapter 17.24 Childcare Development Fee Alternatives

Sections:

- 17.24.010 Purpose
- 17.24.020 Applicability
- 17.24.030 Childcare Development Fee Alternatives
- 17.24.040 Incentives

17.24.010 Purpose

The purpose of this Chapter is to offer alternatives to paying child care development fees as required in Chapter 12.44, Childcare Development Fees and Alternatives, of the Municipal Code to encourage the development of a range of childcare facilities to fulfill the child care needs of residents and the business community.

17.24.020 Applicability

The provisions of this Chapter are applicable to developers of residential and non-residential developments who desire an alternative to paying a child care development fee as required in Chapter 12.44, Childcare Development Fees and Alternatives, to satisfy the child care needs of a particular development.

17.24.030 Childcare Development Fee Alternatives

The following alternatives are available in lieu of paying a child care development fee as required in Chapter 12.44, Childcare Development Fees and Alternatives. The selected alternative or combination of alternatives must be equivalent in value to that which would have been paid as a childcare development fee and is subject to approval by the City Manager.

- A. Provision of on-site or off-site childcare facilities located in areas where the health and safety of the children, parents and day care providers will not be threatened or jeopardized.
 - 1. To the extent possible, on-site or off-site facilities shall be integrated with other facilities. Coordinated use of recreation or common areas within developments, schools or park facilities is encouraged.
 - 2. On-site or off-site childcare facilities may be provided in consortium with other developments.
- B. Donation of land for the development of a childcare facility.

- C. Financial assistance to either public or private entities for establishing new childcare facilities or for the expansion of existing childcare facilities.
- D. Other options approved by the City Manager.

17.24.040 Incentives

At the City's sole discretion, the City may grant one or more of the following incentives to developers for constructing childcare facilities.

- A. Exemption of floor area dedicated to on-site childcare facilities inform the calculation of a project's floor area ratio.
- B. Transportation management plan (TMP) credits where sufficient documentation demonstrates that the provision of an on-site childcare facility will contribute towards increasing the average vehicle ridership (AVR) required for the work site.
- C. Priority processing of applications for planning permits for childcare facilities.
- D. Other incentives approved by the City Manager where it is demonstrated that the proposed alternative furthers the efforts of pre-school education in addition to meeting childcare needs.

Chapter 17.25 Landscaping

Sections:

- 17.25.010 Purpose
- 17.25.020 Applicability
- 17.25.030 Requirements
- 17.25.040 Maximum Amount of Required Landscaping

17.25.010 Purpose

The purpose of this Chapter is to:

- A. Improve the appearance of the community by requiring permanently maintained landscaping;
- B. Aid in energy conservation by providing shade from the sun and shelter from the wind;
- C. Soften the appearance of parking lots and other development and minimize or eliminate conflicts between potentially incompatible uses through landscaping;
- D. Promote conservation and efficient use of water; and
- E. Provide opportunities for carbon sequestration.

17.25.020 Applicability

These standards shall apply to all new development and improvement of existing uses in the City, including any construction, expansion or improvement on private property which requires the issuance of a building permit or other approval by the City, except business licenses. This Chapter shall not apply to the following:

- A. Single-family developments of four or fewer units/lots.
- B. Properties zoned POS (Public Open Space).
- C. Properties designated by the city for riverfront parkway corridors.

17.25.030 Requirements

In addition to the landscaping standards set forth in this Chapter, landscaping shall be installed consistent with the following:

- A. Landscape Development Guidelines;
- B. Development Engineering Post Construction Standards Plan;

- C. Chapter 8.24, Tree Preservation, of the Municipal Code; and
- D. Chapter 13.04, Article XII, Water Efficient Landscaping, of the Municipal Code.

17.25.040 Maximum Amount of Required Landscaping

This Chapter shall not be applied so as to result in the requirement to landscape more than the following percent of lot area of a development site.

- A. **BP, C, CH, MU-NC, MU-C and PQP Zones.** 25 percent.
- B. **M-L, M-1, M-2, and M-3 Zones.** 20 percent.
- C. **CBD and WF Zones.** 20 percent.

Chapter 17.26 Nonconforming Uses, Structures, and Lots

Sections:

- 17.26.010 Purpose
- 17.26.020 Applicability
- 17.26.030 Nonconformities, Generally
- 17.26.040 Right to Continue
- 17.26.050 Nonconforming Site Improvements
- 17.26.060 Changes to and/or Substitutions of Nonconforming Uses
- 17.26.070 Elimination of Nonconforming Uses and Structures
- 17.26.080 Establishment of Amortization Periods
- 17.26.090 Maintenance of and Additions and Enlargements to Nonconforming Structures
- 17.26.100 Repair and Replacement of Damaged or Destroyed Nonconforming Structures
- 17.26.110 Abandonment of Nonconforming Uses
- 17.26.120 Abatement

17.26.010 Purpose

This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Title in a manner that does not conflict with the General Plan. To that end, this Chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan and public health, safety, and general welfare.

17.26.020 Applicability

The provisions of this Chapter apply to structures, land, and uses that have become nonconforming by adoption of this Title as well as structures, land, and uses that become nonconforming due to subsequent amendments to its text or to the Zoning Map.

17.26.030 Nonconformities, Generally

Any lawfully established use or structure that is in existence on the effective date of this Title or any subsequent amendment thereto but does not comply with the standards and requirements of this Title shall be considered nonconforming.

- A. A non-conformity may result from any inconsistency with the requirements of this Title including, but not limited to, use, location, density, floor area, height, setback, performance standards, or the lack of an approved Use Permit or other required authorization.
- B. A parcel of land may be considering nonconforming if it was previously used and/or developed without required site improvements including but not limited to paving, screening, landscaping, lighting, drainage, etc.

17.26.040 Right to Continue

Any use or structure that was lawfully established prior to the effective date of this Title or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure or use therein; or no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.

- A. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership, tenancy, or management.
- B. The right to continue a nonconforming use or structure shall not apply to uses or structures determined by the Planning Commission or City Council as described in this Chapter to be a public nuisance arising from conditions that constitute a threat to public health, safety or general welfare.
- C. The right to continue a nonconforming use or re-occupy a nonconforming structure shall terminate if the nonconforming use has been abandoned or the nonconforming structure has been vacated for the relevant period described in Section 17.26.110, Abandonment of Nonconforming Uses.

17.26.050 Nonconforming Site Improvements

In conjunction with the expansion of existing buildings or the construction of new buildings on a partially developed site, nonconforming property improvements shall be brought into compliance on the following basis:

- A. Ten percent or greater increase in floor area:
 - 1. Screening of outdoor storage areas consistent with Section 17.22.130, Screening. New fencing must observe required setbacks from the street,
 - 2. Installation or existing presence of landscaping equal to five percent of the parcel area. This landscaping shall be installed along street and building frontages wherever possible;

- B. Twenty percent or greater increase in floor area:
 - 1. Installation of street canopy landscaping as described in the landscape development guidelines,
 - 2. Screening and landscaping as defined in subsection A of this section;
 - 3. Provision of recycling areas in accordance with Section 17.22.120, Refuse and Recycling Areas
- C. Thirty percent or greater increase in floor area:
 - 1. Paving of existing required auto parking lot areas and installation of full parking lot canopy landscaping as described in the landscape development guidelines,
 - 2. Screening and landscaping as defined in subsections A and B of this Section,
 - 3. Provision of recycling areas in accordance with Section 17.22.120, Refuse and Recycling Areas;
- D. Fifty percent or greater increase in floor area:
 - 1. Full compliance with all site improvement standards is required.

All additions done in a five-year period beginning after the date of adoption of the ordinance codified in this title shall be combined for the purposes of determining the need for compliance with this section.

- E. The Director may, upon request by the property owner, consider substitution of the required landscaping on one portion of a site to another on a square foot per square foot basis where the overall change does not result in any loss of: 1) street landscaping; or 2) net square footage.
- F. Building additions of five hundred square feet or less are exempted from the provisions of this section. All additions done in a five-year period beginning after the date of adoption of the ordinance codified in this chapter shall be combined for the purposes of determining the need for compliance with this section.

17.26.060 Changes to and/or Substitutions of Nonconforming Uses

Nonconforming uses shall not be expanded, modified, or substituted for another nonconforming use except as provided below.

- A. **Expansion.** Nonconforming uses shall not expand in intensity and/or physical footprint

- B. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a Use Permit may be changed to a conforming use by obtaining the appropriate Use Permit pursuant to the requirements in Chapter 17.38, Use Permits.
- C. **Substitutions.** The Zoning Administrator may allow substitution of a nonconforming use with another nonconforming use pursuant to the following.
 - 1. **Limitation on Use.** The allowance for a substitution is limited to the use and its operations and activities as specifically described in the approval of the substitution.
 - 2. **Duration.** The allowance for the new nonconforming use shall expire five years from the date of approval.
 - 3. **Public Notice Required.** Public notice pursuant to Section 17.35.060, Public Notice, shall be provided.
 - 4. **Public Hearing.** A public hearing shall be held if requested by the applicant or other interested person(s) in writing and received by the Zoning Administrator within 10 days of the mailed notice.
 - 5. **Required Findings.** To allow substitution of a nonconforming use with another nonconforming use, the following findings must be made.
 - a. The existing nonconforming use was legally established and has not ceased to operate, whether with the intent to abandon the use or not, for a continuous period of one year, or six months for any property fronting West Capitol Avenue or within the Central Business District;
 - b. The proposed new use will cease to operate and vacate the site no later than five years from the date of approval.
 - c. Alterations, enlargements, additions, improvements, or other changes to any building or structure do not exceed ten percent of the replacement value of the building or structure;
 - d. The operation of the proposed new use will comply with the standards included in Chapter 17.28, Performance Standards.
 - e. The proposed new use will not result in an average daily trip increase of more than five percent of the current use based on the Institute of Traffic Engineers (ITE) trip generation rates;
 - f. The proposed new use would not be detrimental to public health, safety, or welfare;

- g. The proposed new use would not preclude or interfere with implementation of the General Plan or any applicable adopted specific, area, or community plan;
 - h. The proposed new use will not depress the value of nearby properties or create conditions that would impede their redevelopment or use in compliance with the General Plan;
 - i. The proposed new use will be no less compatible with the purposes of the district and surrounding uses that comply with the requirements of this Ordinance than the nonconforming use it replaces; and
 - j. The proposed new use will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent properties, the surrounding area, or the neighborhood because of noise, odors, dust, glare, vibrations, or other effects.
- D. **Conditions.** The Zoning Administrator may impose reasonable conditions deemed necessary to ensure compliance with the required findings. The Zoning Administrator may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

17.26.070 Elimination of Nonconforming Uses and Structures

A. Elimination of Nonconforming Uses and Structures.

1. ***Nonconforming Uses Not Occupying a Structure or Occupying a Structure with Valuation Less Than \$2,500.*** The following nonconforming uses shall be discontinued and removed from their sites within three year(s) from the effective date of this Ordinance:
 - a. A nonconforming use which does not occupy a structure; or
 - b. A nonconforming use occupying a structure having an appraised valuation of less than 2,500 dollars.
2. ***Other Nonconforming Uses.*** The City Council may require other nonconforming uses to be discontinued and removed from their sites within a period determined pursuant to the process set forth in Section TBD, Establishment of Amortization Periods.
3. ***Elimination of Nonconforming Structures.*** Nonconforming structures may continue except that the City Council may establish amortization periods for

specific structures pursuant to Section TBD, Establishment of Amortization Periods.

- B. **Time for Elimination When Use or Structure Becomes Nonconforming.** Whenever a use or structure becomes nonconforming, the period of time prescribed in this Chapter for the elimination of the use or the removal of the structure is computed from the effective date of the change that results in the nonconforming status of the use or structure.
- C. **Burden of Proof.** The burden of proof as to the nonconforming status of any use or structure shall rest with the property owner, tenant, and/or resident.

17.26.080 Establishment of Amortization Periods

Where a period during which a nonconforming use or structure is to be discontinued and removed from their site is to be established, such period shall be established as follows.

- A. The Zoning Administrator shall submit the nonconforming use or structure and a recommended amortization period, based on the criteria in Section 17.26.080.C.1, to the Planning Commission for review;
- B. The Planning Commission shall hold a public hearing, noticed pursuant to Chapter 17.35, Common Procedures, to consider the recommended amortization period. Following the public hearing, the Planning Commission shall make a recommendation on the proposed amortization period to the City Council.
- C. After receiving the recommendation from the Planning Commission, the City Council shall hold a public hearing, noticed pursuant to Chapter 17.35, Common Procedures, to consider the recommended amortization period.
 - 1. The City Council may establish a maximum time for which the nonconforming use shall be permitted to continue after considering the following in relation to the use or structure:
 - a. The amount of investment or original cost of the use or structure;
 - b. The present actual or depreciated value of the use or structure;
 - c. The remaining useful life of the use or structure;
 - d. The remaining term of the lease;
 - e. The date or dates of construction;
 - f. Amortization of the business or structure for tax purposes;
 - g. The salvage value;

- h. The threat to the public health, safety, and welfare posed by the continuance of the nonconforming use; and
 - i. Other factors as appropriate.
 2. The time period established by the City Council shall be no less than three years in length.

17.26.090 Maintenance of and Additions and Enlargements to Nonconforming Structures

Nonconforming structures may be continued and maintained in compliance with the following provisions.

- A. **Maintenance and Repairs.** Structural and non-structural maintenance, repair, and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge the structure, change the building footprint, or increase building height or roof pitch. This excludes any improvements required to meet accessibility requirements.
- B. **Additions.** Additions to and/or enlargements of nonconforming structures are allowed if the addition or enlargement complies with all applicable laws and requirements of this Title, the use of the addition/enlarged area of the property is authorized by this Title, and there is no increase in the discrepancy between existing conditions and the requirements of this Title, except as provided below.
 1. **Nonconforming Setbacks, Residential Zones.** In Residential Zones, a nonconforming setback may be maintained and extended, and shall not be considered an increase in the discrepancy, provided that:
 - a. A new encroachment into any other required setback is not created;
 - b. The height of the portion of the structure that is within the required setback is not increased; and
 - c. Any residential additions above the first floor shall conform to the setbacks in effect at the time the application for the addition is submitted.

17.26.100 Repair and Replacement of Damaged or Destroyed Nonconforming Structures

A nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster that was not caused by an act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with them, may be restored or rebuilt subject to the following provisions.

- A. **Restoration When Damage is 50 Percent or Less of Value.** If the cost of repair or reconstruction is less than or equal to 50 percent of the appraised value of the structure, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed. The determination of the appraised value shall be made by a professional appraiser selected by the City, whose fee shall be paid by the building or property owner.
- B. **Restoration When Damage Exceeds 50 Percent of Value.** If the cost of repair or reconstruction exceeds 50 percent of the appraised value of the structure, as determined pursuant to Subsection A above, the land and building shall be subject to the requirements of this Title, except as provided below.
1. **Non-Residential Structures.** Any nonconforming use must permanently cease. The Zoning Administrator may approve a Minor Use Permit for the structure to be rebuilt to the same size, extent, and configuration as previously existed provided that the use of the structure is permitted or conditionally permitted in the zone. In such cases any expansion or change to the previous use must conform to the requirements of this Chapter.
 2. **Residential Structures.** Any nonconforming residential structure may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed subject to a Zoning Clearance in the case of single-unit dwellings or Zoning Administrator approval in the case of other residential uses, unless the review authority finds that the reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood.
- C. **Timing.** Building permits must be obtained within two years of the date of the damage or destruction and construction shall be completed within one year of issuance unless another time period is specified through Zoning Administrator consideration. Building permits must be maintained valid through the completion of the project.

17.26.110 Abandonment of Nonconforming Uses

If the nonconforming use ceases to operate, whether with the intent to abandon the use or not, for a continuous period of one year, or six months for any property having any frontage on West Capitol Avenue or within the Central Business District, it shall be considered abandoned and shall not be resumed, reestablished, reopened, or replaced by any other nonconforming use, except as provided in this Section. It is the responsibility of the applicant

to provide evidence demonstrating to the satisfaction of the Zoning Administrator that the use was legally established and has not been abandoned.

- A. **Abandonment.** The time period set forth above shall commence when the use ceases to operate, whether with the intent to abandon the use or not, and any one of the following occurs:
1. The site is vacated;
 2. The business license expires or is revoked;
 3. Utilities are terminated; or
 4. The applicable lease is terminated.
- B. **Extension of Abandonment Period.** The Zoning Administrator may approve an additional one-year time period during which the use will not be considered abandoned; provided, that the Zoning Administrator finds that economic conditions warrant the additional time. If such additional time period is approved, the total period during which the use will not be considered abandoned shall not exceed two years from the date the use ceased to operate.

17.26.120 Abatement

The provisions of this Chapter are in addition to existing state law authority to declare and abate a public nuisance pursuant to California law and other applicable provisions of the Municipal Code. If a legal nonconforming structure or use is found to constitute a public nuisance, appropriate action may be taken by the City pursuant to the Municipal Code and Chapter 17.46, Enforcement.

Chapter 17.27 Parking and Loading

Sections:

- 17.27.010 Purpose
- 17.27.020 Applicability
- 17.27.030 General Provisions
- 17.27.040 Required Parking Spaces
- 17.27.050 Parking Reductions
- 17.27.060 Location of Required Parking
- 17.27.070 Bicycle Parking
- 17.27.080 Loading
- 17.27.090 Parking Area Design Standards

17.27.010 Purpose

The purposes of this Chapter are to:

- A. Require parking spaces and loading spaces for all land uses that are sufficient in number, size, and arrangement;
- B. Minimize the negative environmental and urban design impacts of parking lots, driveways, and drive aisles within parking lots;
- C. Ensure the provision of adequate off-street bicycle parking
- D. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts within parking lots and, where appropriate, create buffers from surrounding land uses;
- E. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand;
- F. Encourage modal shift; and
- G. Reduce urban run-off and heat island effect.

17.27.020 Applicability

- A. **New Buildings and Land Uses.** On-site parking and loading shall be provided in accordance with this Chapter at the time any main building or structure is erected or any new land use is established.

B. Existing Non-Residential Buildings.

1. When a change in use, expansion of use, or expansion of floor area creates an increase of 30 percent or more in the number of required parking or loading spaces, additional parking and loading shall be provided for such addition, enlargement, or change in use when that change would result in more than 10 new parking spaces being required.
2. Existing parking and loading not in excess of the minimum requirements shall be maintained. Parking and loading in excess of minimum requirements may be removed.
3. A change in tenancy or ownership is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
4. If the number of existing parking and loading spaces is greater than the requirements for a proposed use, the number of excess parking spaces may be counted toward meeting the requirements for any change, expansion, or major alteration.

C. Existing Residential Buildings. Parking in accordance with this Chapter shall be provided where additional dwelling units are created through the alteration of an existing building or construction of an additional structure or structures.

D. When Constructed. Parking and loading facilities required by this Chapter shall be constructed or installed prior to final inspection or the issuance of a Certificate of Occupancy for the uses that they serve.

17.27.030 General Provisions

A. Existing Parking and Loading to be Maintained. No existing parking and loading area serving any use may be reduced in amount or changed in design or location below the requirements for such use, unless equivalent substitute facilities are provided.

B. Nonconforming Parking and Loading. An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of parking and/or loading facilities required by this Chapter, if facilities used for parking and/or loading as of the date of adoption of this Title are not reduced in number to less than what this Chapter requires.

C. Accessibility. Parking and loading areas shall be accessible for its intended purpose during all hours of operation.

D. Stacked Parking. Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. If stacked parking managed by an

attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Zoning Administrator ensuring that an attendant will be present while the parking lot is in operation.

- E. **Assigned Parking.** Lots developed with multiple uses and a shared parking area shall not assign parking spaces to individual tenant spaces or uses, except that parking spaces for residential uses in a mixed-use development shall be assigned to residential occupants.
- F. **Unbundling Parking from Residential Uses.** The following rules apply to the sale or rental of parking spaces accessory to attached single unit and multi-unit development of four units or more in the Bridge District Specific Plan, Washington Specific Plan, and Central Business District Zone unless waived by the Zoning Administrator as infeasible:
 - 1. All off-street spaces shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.
 - 2. In cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential owners or renters of three-bedroom or more units, second to owners or renters of two-bedroom units, and then to owners and renters of other units. Spaces shall be offered to tenants first. Non-tenants may lease with a provision for 30 days to terminate the lease.
 - 3. Renters or buyers of on-site affordable units shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units.

17.27.040 Required Parking Spaces

Each land use is subject to the following minimum and maximum parking space requirements unless otherwise provided in another section of this Title.

- A. **Minimum Number of Spaces Required.** Each land use shall be provided at least the number of parking spaces stated in Table 17.27.040, Required Number of Parking Spaces. The parking requirement for any use not listed in Table 17.27.040 shall be determined by the Zoning Administrator based upon the requirements for the most similar comparable use, the characteristics of the proposed use, and any other relevant data regarding parking demand.

TABLE 17.27.040: REQUIRED NUMBER OF PARKING SPACES	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Residential Use Classifications	As specified below
Residential Housing Types	<ul style="list-style-type: none"> • 1 per studio or one-bedroom unit • 1.25 per two-bedroom unit • 1.5 per unit with three or more bedrooms Plus 1 guest space per every 10 units For units subject to an affordable housing agreement, the number of required parking spaces shall be reduced by 25 percent.
Caretaker Unit	1 per unit
Group Residential	1 per employee, plus 1 per bedroom or 1 per every two beds, whichever is greater
Residential Care Facilities	
<i>Small</i>	None beyond the parking required for the Residential Housing Type
<i>Large</i>	1 per every 3 beds
Residential Facility, Assisted Living	1 per every 3 beds
Single-Room Occupancy	0.5 per unit
Supportive Housing	None beyond the parking required for the Residential Housing Type
Transitional Housing	None beyond the parking required for the Residential Housing Type
Public and Semi-Public Use Classifications	1 per 400 square feet of floor area, except as specified below
Campground	1 per site
Hospitals and Clinics	
<i>Hospitals</i>	1 per every 3 beds
<i>Skilled Nursing Facilities</i>	1 per every 3 beds
Park and Recreation Facilities	To be determined by the Zoning Administrator based on use, facilities, and proximity
Parking Lots and Structures	None required
Schools	To be determined by the Zoning Administrator based on use, facilities, and proximity
Commercial Use Classifications	1 per 400 square feet of floor area, except as specified below
Animal Care, Sales, and Services	
<i>Boarding/Kennels</i>	1 per employee, plus a loading/unloading area for animals
Commercial Entertainment and Recreation	
<i>Cinema/Theaters</i>	1 per 40 square feet of seating area
<i>Outdoor Entertainment and Outdoor Recreation</i>	1 per 1,000 square feet of lot area

TABLE 17.27.040: REQUIRED NUMBER OF PARKING SPACES	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Eating and Drinking Establishments	CBD, MU-C, WF, Washington Specific Plan, and Bridge District Specific Plan Zones: 1 per 400 square feet of floor area Other Zones: 1/200 square feet of floor area
Hotels and Motels	CBD, MU-C, WF, Washington Specific Plan, and Bridge District Specific Plan Zones: 0.5 per guest room Other Zones: 1 per guest room
Nurseries and Garden Center	1 per 750 square feet of floor area
Retail Sales	
<i>Building Materials, Sales, and Services</i>	1 per 750 square feet of floor area
Industrial Use Classifications	1 per 1,000 square feet of floor area, except as specified below
General Industrial	1 per 2,000 square feet of floor area
Warehousing and Storage	
<i>Indoor Warehousing, Storage, and Wholesaling and Distribution</i>	1 per 2,000 of floor area
<i>Outdoor Storage</i>	1 per 10,000 square feet of lot area
<i>Personal Storage</i>	2 plus 1 per 1,000 square feet of storage unit area
Transportation, Communication, and Utility Use Classifications	1 per 400 square feet of office, except as specified below
Marina	1 per 2 boat slips

1. **Calculation of Required Spaces**

a. *Parking Ratios.*

- i. Floor Area. Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.
- ii. Employees. Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
- iii. Bedrooms. Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.

- iv. Students. Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students at the state-certified capacity or at Building Code Occupancy where no state certification is required.
 - b. *Sites with Multiple Uses.* If more than one use is located on a site, the number of required parking and loading spaces shall be equal to the sum of the requirements calculated separately for each use, unless a reduction is approved pursuant to Section 17.27.050, Parking Reductions.
- B. **Maximum Number of Spaces Allowed.** To support walking, transit, and other forms of non-automobile transportation in urban infill areas and to eliminate the incentive to build as much parking as possible, the number of parking spaces to be provided is limited. In the CBD, MU-C, MU-NC, WF, Washington Specific Plan, and Bridge District Specific Plan Zones, on-site parking shall not exceed 2.6 spaces per 1,000 square feet or 150 percent of the number of parking spaces required pursuant to Table 17.27.040, Required Number of Parking Spaces, whichever is greater. This limitation may be waived or modified pursuant to Chapter 17.40, Modifications, based on the following findings:
 - 1. Special conditions exist that will increase parking demand at the site. Conditions include but are not limited to, the nature of the proposed operation; lack of transit service or other transportation alternatives; or transportation characteristics of persons residing, working, or visiting the site;
 - 2. The use will not be adequately served by the maximum allowed number of parking spaces; and
 - 3. Parking demand generated by the project will exceed the maximum allowed number of parking spaces and have a significant impact on the supply of on-street parking in the surrounding area.

17.27.050 Parking Reductions

The number of parking spaces required by Section 17.27.040, Required Parking Spaces, may be reduced as follows if the Director finds any or all of the following criteria. Parking reductions are cumulative; all applicable parking reductions may be applied in determining the number of required parking spaces.

- A. **Ground Floor Uses, CBD, MU-C, MU-NC, Washington Specific Plan, and Bridge District Specific Plan Zones.** The first 5,000 square feet of a ground floor

nonresidential use in CBD, MU-C, MU-NC, Washington Specific Plan, and Bridge District Specific Plan Zones is exempt from parking requirements.

- B. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of the required number of parking spaces. Each motorcycle space must be at least four feet wide and seven feet deep, and can accommodate two-wheeled motorized vehicles, including scooters, mopeds, and similar vehicles.
- C. **Sites with Multiple Uses.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced by 25 percent with Zoning Administrator approval if the below findings are made. In order to evaluate a proposed project's compliance with the below criteria, submittal of a parking demand study that substantiates the basis for granted a reduced number of parking spaces may be required.
 - 1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 - 2. The proposed shared parking provided will be adequate to serve each use;
 - 3. Parking spaces in the shared parking facility will not be reserved for individual tenants, owners or their visitors without approval of an overall parking management plan; and
 - 4. A shared parking agreement will be recorded.
- D. **Urban Infill.** The required number of parking spaces shall be reduced by 50% percent of the normally required number of spaces for projects that are located within The Bridge District, Washington Specific Plan and Central Business District Zone.
- E. **Car Sharing Programs.** Required parking spaces may be substituted with designated carshare vehicle parking spaces, and the required number of parking spaces may be reduced, pursuant to the following.
 - 1. **Carshare Parking Designation.** A maximum of 20 percent of the required parking spaces may be designated as carshare vehicle parking spaces.
 - 2. **Reduction Allowed.**
 - a. *Parking Areas with 50 or Fewer Parking Spaces.* A five percent reduction in the required parking shall be allowed where five percent of the required spaces are designated as carshare vehicle parking spaces.
 - b. *Parking Areas with 51 or More Parking Spaces.* A 10 percent reduction in the required parking shall be allowed where 10 percent of the required spaces are designated as carshare vehicle parking spaces.

3. **Accessibility.** Car sharing spaces shall be made available to a car share organization for purposes of providing car share services for service subscribers. In addition to conforming to the requirements of Section 17.27.090, Parking Area Design Standards, the parking area shall be designed to be accessible to local and non-local car share subscribers 24 hours a day, seven days a week.
 - a. *Exception.* Car share parking spaces may be occupied by non-car share vehicles, if it is demonstrated to the satisfaction of the Director that no car share organization can make use of the parking spaces. These spaces shall not be separately leasable and shall be made available on a first come first serve basis.
 4. **Deed Restriction.** Prior to issuance of a building permit, a deed restriction shall be recorded identifying the number and location of the car share parking spaces. The location of the car share spaces shall be subject to approval by the Zoning Administrator.
- F. **Other Parking Reductions.** Required parking for any use may be reduced through approval of a Minor Use Permit as follows.
1. **Criteria for Approval.** A Minor Use Permit for a parking reduction may be approved if the Zoning Administrator finds that special conditions exist that will reduce parking demand at the site. Conditions include but are not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program.
 2. **Parking Demand Study.** In order to evaluate a proposed project's compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a parking reduction may be required.

17.27.060 Location of Required Parking

- A. Parking shall not be located within a required front or street-facing yard setback. However, driveways on residential lots count towards required residential parking.
- B. Required parking shall be located on the same lot as the use it serves, except as allowed in Subsection A below.
 1. **Off-Site Parking Allowances.** Required parking may be located off-site provided that the following conditions are met.
 - a. *Location.*

- i. CBD, MU-C, MU-NC, WF, and the Bridge District and Washington Specific Plan Zones. Any off-site parking facility must be located within 1,350 feet, along a pedestrian route, of the principal entrance containing the use for which the parking is required.
 - ii. Zones Other Than the CBD, MU-C, MU-NC, WF, or the Bridge District and Washington Specific Plan Zones. Any off-site parking facility must be located within 500 feet, along a pedestrian route, of the principal entrance containing the use for which the parking is required.
- b. *Evidence of Access and Right to Use.* The applicant shall provide evidence from the owner or manager of the off-site parking facility that customers, clients, employees, and other users of the subject use have access to and use of the off-site parking facility.

17.27.070 Bicycle Parking

- A. **Short-Term Bicycle Parking.** Short-term secure bicycle parking shall be provided to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a short time.
1. **Parking Spaces Required.** For the following uses, the number of short-term secure bicycle parking spaces shall be at least five percent of the requirements in Section 17.27.040, Required Parking Spaces, with a minimum of four secure bicycle parking spaces provided per establishment.
 - a. Multi-Unit Residential, Group Residential, and Single Room Occupancy.
 - b. All Public/Semi-Public Uses.
 - c. All Commercial Uses, except Automobile/Vehicle Sales and Services, Short-term Rentals, and Mobile Vendors.
 2. **Location.**
 - a. Short-term secure bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of a main entrance to the building it serves.
 - b. Short-term secure bicycle parking shall be located outside of the public right-of-way except as allowed through an encroachment permit.
 - c. Where the secure bicycle parking area is not visible from the main entrance of the buildings, signs located at the main entrance of the building shall identify the location of bicycle parking.

3. **Anchoring and Security.** For each short-term bicycle parking space required, a stationary, securely-anchored object shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.
4. **Size and Accessibility.** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

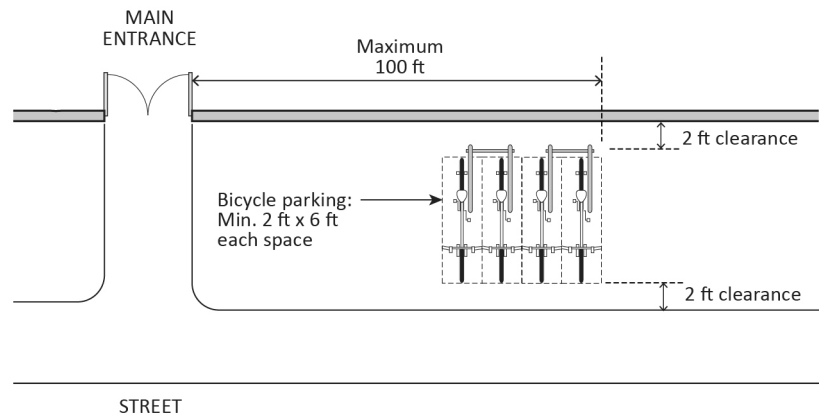


FIGURE 17.27.070.A: SHORT-TERM BICYCLE PARKING

- B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

1. **Parking Spaces Required.**
 - a. *Multi-Unit Residential, Group Residential, and Single-Room Occupancy.* A minimum of one long-term bicycle parking space shall be provided per every five dwelling units.
 - b. *Parking Structures.* Long-term bicycle parking shall be provided at a minimum ratio of one bicycle parking space per 25 vehicle parking spaces.
 - c. *Other Uses.* Any establishment with 25 or more full-time equivalent employees shall provide long-term bicycle parking at a minimum ratio of one bicycle parking space per 25 vehicle parking spaces.

2. **Location.** Long-term bicycle parking must be located on the same lot as the use it serves and near the facility entrance. In parking structures, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.
3. **Covered Spaces.** 100 percent of required long-term bicycle parking for multi-unit residential development shall be covered. A minimum of 50 percent of long-term bicycle parking required for other land uses shall be covered. Covered bicycle parking can be provided inside buildings, garages, bike lockers, or under roof overhangs, or awnings.
4. **Anchoring and Security.** Long-term bicycle parking must be in:
 - a. An enclosed bicycle locker;
 - b. A fenced, covered, locked, or guarded bicycle storage area;
 - c. A rack or stand inside a building that is within view of an attendant or security guard, visible from employee work areas, or within a secure/restricted bicycle storage room; or
 - d. Other secure areas approved by the Director.
5. **Size and Accessibility.** Each long-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

17.27.080 Loading

All uses requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas to handle the volume of truck traffic and loading requirements.

- A. **Residential Uses.** Residential uses with 10 or more units on a site shall provide a minimum of one passenger loading/unloading space near each common entrance. The Director may approve a Modification to this requirement pursuant to Chapter 17.40, Modifications, if the Director finds that adequate loading space exists due to characteristics of the project site and nature of the use.
- B. **Commercial and Industrial Buildings.**

1. **Number of Loading Spaces Required.** At a minimum, one loading space shall be provided for all commercial and industrial buildings in excess of 10,000 square feet plus one additional space for every additional 20,000 square feet of floor area.
 - a. *Multi-Tenant Buildings.* The gross floor area of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided with a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
 - b. *Reduction to Number of Loading Spaces Required.* The Zoning Administrator may waive the loading space upon finding that the applicant has satisfactorily demonstrated that, due to the specific nature of the use and building, such loading space will not be necessary.
 - c. *Additional Loading Spaces Required.* Additional loading spaces may be required to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck deliveries.
2. **Location.** Loading zones and docks shall be located to the rear of properties and no truck entrance door, loading zone, or dock-serving commercial vehicles shall be permitted to face a residential area within 500 feet as measured to the nearest residential property line.
 - a. *Exceptions.* The location requirement may be modified or waived where the review authority finds that:
 - i. The intended use of the property or the location of or shape of the site and/or existing development warrant a variance.
 - ii. That street-facing loading areas will exhibit architectural treatment, or will be enhanced with landscaping, in such a way as to minimize visual and noise impacts, and
 - iii. There are specific features of the site and design of the building such that strict application of the orientation requirement is impractical.
3. **Size and Dimensions.** Each on-site loading space required by this Section shall not be less than 10 feet wide, 35 feet long, and 14 feet high. The minimum size requirement may be modified if the Zoning Administrator finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.

4. **Screening.** All loading zones and truck parking areas shall be screened from view by a minimum of an eight-foot high hedge, vine-covered fence, or wall and landscaping in accordance with the Landscape Development Guidelines of the City of West Sacramento. Screen walls shall be designed with comparable building materials to the primary structure on the property excluding metal.

17.27.090 Parking Area Design Standards

All parking areas except those used exclusively for stacked or valet parking shall be designed and developed consistent with the following standards. Parking areas used exclusively for stacked or valet parking are subject only to Subsections G through K. Stacked or valet parking areas which will allow parking sometimes without attendants must be striped in conformance with the layout requirements of this Section.

- A. **Tandem Parking.** Tandem parking may be permitted to satisfy parking requirements in accordance with the following.
 1. No more than two vehicles shall be placed one behind the other.
 2. Both spaces shall be assigned to a single dwelling unit or non-residential establishment.
 3. Tandem parking to meet required parking for non-residential uses may be used for employee parking; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.
 4. Tandem parking to meet required parking for multi-unit residential development shall be located within an enclosed structure; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.
 5. Tandem parking shall not be used to meet the guest parking requirement.
- B. **Parking Access.**
 1. **Shared Access.** Non-residential projects are encouraged to provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Director shall be recorded in the County's Records Office, in a form satisfactory to the City Attorney.
 2. **Forward Entry.** Parking facilities of four or more spaces shall be provided with suitable maneuvering room so that all vehicles accessing the facility may enter an abutting street in a forward direction.

3. **Driveway Length.** Driveways providing direct access from a public street to a parking facility, garage, or carport shall be at least 20 feet in depth.
 4. **Driveway Width.** The minimum width of a driveway is as follows:
 - a. *One-way Driveways.* One-way driveways shall be a minimum of 10 feet in width.
 - b. *Two-way Driveways.* Two-way driveways shall be a minimum of 20 feet in width.
- C. **Size and Dimensions of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum size and dimensions established in Table 17.29.090.C.1, Parking Space Minimum Dimensions. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces. Maneuvering aisles shall meet the minimum size and dimensions established in Table 17.27.090.C.2, Maneuvering Aisle Minimum Dimensions.

TABLE 17.29.090.C.1: PARKING SPACE MINIMUM DIMENSIONS		
<i>Type of Parking Space</i>	<i>Width (feet)</i>	<i>Length (feet)</i>
Standard	9	18
Compact	8	16
Parallel	10	24
Accessible	Compliant with the California Building Code	

TABLE 17.27.090.C.2: MANEUVERING AISLE MINIMUM DIMENSIONS		
<i>Angle of Parking</i>	<i>Width (feet)</i>	
	<i>One-Way</i>	<i>Two-Way</i>
Parallel	12	25
0-30 degrees	12	25
31-45 degrees	14	25
46-60 degrees	16	25
61-90 degrees	25	25

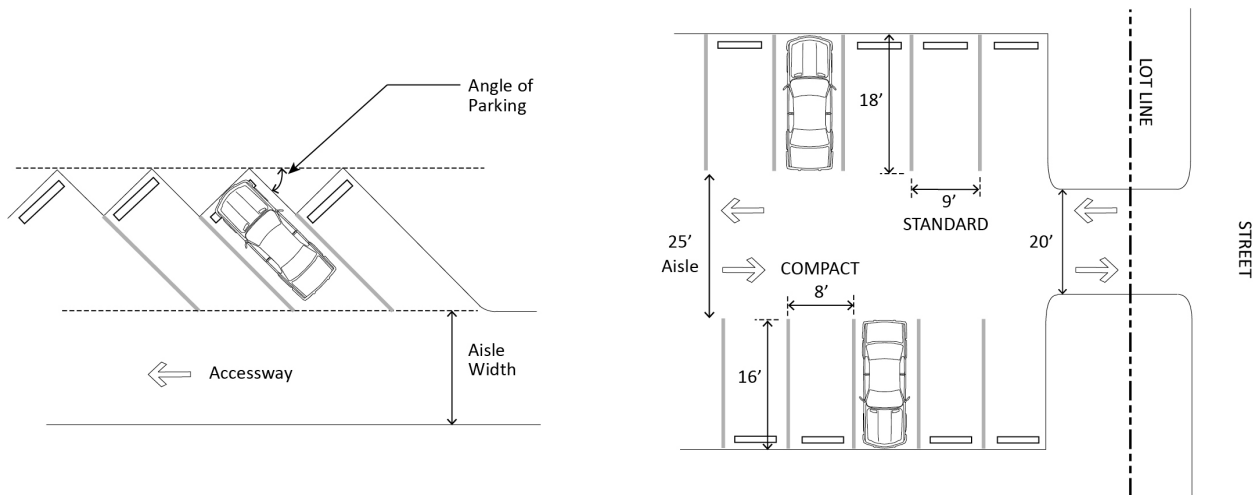


FIGURE 17.27.090.C: DIMENSIONS OF PARKING SPACES AND MANEUVERING AISLES

D. Electric Vehicle Charging Stations.

1. **Where Allowed.** Electric vehicle charging stations may be provided in any area designed for the parking or loading of vehicles.
2. **Where Required.** In new or renovated parking areas with five or more parking spaces, a minimum of one electric vehicle charging station shall be provided for every five parking spaces.

E. Striping and Marking.

1. **Space Outline.** All parking spaces shall be clearly outlined with double striping three inches in width, in durable white paint designed for that purpose.
2. **Maneuvering Areas.** All aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe movement.
3. **Compact Spaces.** All compact spaces shall be clearly marked as such.

- F. Bumpers, Curbs, and Wheel Stops.** A permanent curb, bumper, wheel stop, or similar device at least six inches high and thick shall be installed to protect buildings and landscaping from vehicular damage. If such protection is provided by a wheel stop, the stopping edge shall be placed no closer than two feet from the edges of the required sidewalks, planter or landscaped areas and from any building. The two feet beyond the wheel stop may be paved, landscaped with ground cover, or used as additional sidewalk width. No walkway used for a wheel stop may be less than seven feet wide.

- G. **Paving and Surfacing.** All parking spaces, driveways, maneuvering aisles, and other areas dedicated to parking shall be surfaced with a concrete, asphalt, masonry, turfstones, or another comparable durable and dustless surface, in accordance with Engineering Division specifications. All parking areas shall be graded and drained as to dispose of all surface water accumulated within the area. Site-specific pavement designs for alternative durable and dustless surfaces may be submitted to the Engineering Division for review.
- H. **Perimeter Curbing.** Parking areas designed to accommodate 10 or more vehicles shall provide a six-inch wide and six-inch high concrete curb along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
- I. **Heat Island Reduction.** A heat island is the increase in ambient temperature that occurs over large paved areas compared to natural landscape. In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light-colored materials with a solar reflectance index of at least 29, or a combination of shading and light-colored materials.
1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanisms. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
 2. Trees shall be selected from a list provided by the Community Development Department.
- J. **Lighting.** Parking lot lighting shall be required for areas designed to accommodate five or more vehicles, providing a minimum of one-half foot-candle and a maximum of three foot-candles of light during the hours of use from one-half hour before dusk until one-half hour after dawn.
1. All lighting used to illuminate an off-street parking or loading area shall be designed to direct light and glare away from any adjoining lots, residential areas, and public streets.
 2. Lighting design shall be coordinated with the landscape plan to ensure that vegetation will not substantially impair the intended illumination.
 3. Bi-level lighting shall be employed where feasible and desirable.
- K. **Landscaping.** Parking areas shall be landscaped in accordance with the Landscape Development Guidelines of the City of West Sacramento and/or applicable planned development standards, specific plans, or design guidelines.

L. **Circulation and Safety.**

1. **Visibility.** Visibility shall be ensured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.
2. **Public Service Vehicles.** Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing up unreasonable distances or making other dangerous or hazardous turning movements.
3. **Pedestrian Circulation.** Separate vehicular and pedestrian circulation systems shall be provided where possible. Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:
 - a. **Connection to Public Sidewalk.** An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.
 - b. **Materials and Width.** Walkways shall provide at least five feet of unobstructed width and be hard-surfaced.
 - c. **Identification.** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces using elevation changes, different paving and surfacing materials, and other methods.
 - d. **Separation.** Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barriers.

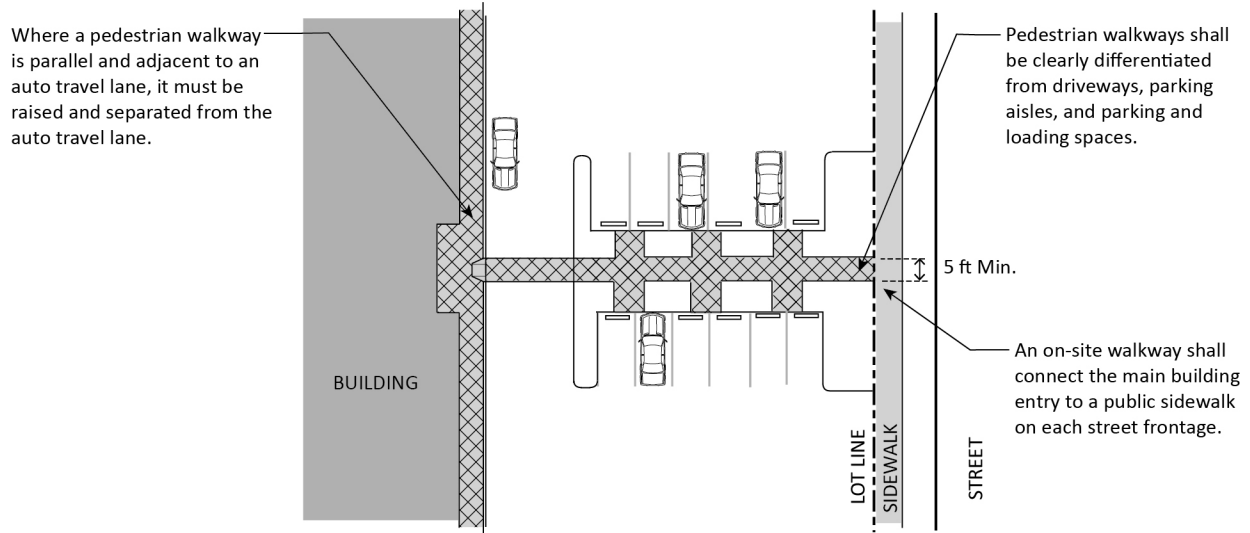


FIGURE 17.27.090.M.3.D: PEDESTRIAN CIRCULATION

- M. **Alternative Parking Area Designs.** Applicants may submit alternative parking area designs to the appropriate review authority if they can demonstrate that variations in the requirements of this Section are warranted to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED Green Building Rating System or equivalent, an alternative parking area design may be approved.
- N. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall always be kept in good repair.

Chapter 17.28 Performance Standards

Sections:

- 17.28.010 Purpose
- 17.28.020 Applicability
- 17.28.030 General Standard
- 17.28.040 Measurement of Impacts
- 17.28.050 Air Contaminants
- 17.28.060 Electromagnetic Interference
- 17.28.070 Fire and Explosive Hazards
- 17.28.080 Glare
- 17.28.090 Hazardous and Extremely Hazardous Materials
- 17.28.100 Heat and Humidity
- 17.28.110 Noise
- 17.28.120 Radioactivity
- 17.28.130 Waste
- 17.28.140 Vibration

17.28.010 Purpose

The purposes of this Chapter are to:

- A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
- B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and
- C. Protect industry from arbitrary exclusion from areas of the City.

17.28.020 Applicability

The standards of this Chapter shall apply to all uses and properties existing in the City at the time of adoption of this Title.

- A. The Planning Commission may approve a maximum five-year extension for compliance for existing uses with a contract and schedule for full compliance. The extension shall be based on the degree of expenditure needed to achieve full compliance compared to the total value of the improvements related to the use and the degree of hazard or impact to the adjoining properties and the community from the existing noncompliance with the standards.

17.28.030 General Standard

Land and buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard that would adversely affect the surrounding area.

17.28.040 Measurement of Impacts

Measurements necessary for determining compliance with the performance standards of this Chapter shall be taken at the property line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

17.28.050 Air Contaminants

Uses, activities, and processes shall not operate in a manner that emits excessive dust, odor, fumes, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Yolo-Solano Air Quality Management District (YSAQMD). The City shall consult with YSAQMD to determine which uses shall be equipped with emission-control devices or measures to preclude fugitive dust and particulate emissions from the site. Such devices or measures shall be approved by YSAQMD prior to issuance of a building permit or other approval authorizing construction activities. All devices shall be maintained by the owner.

17.28.060 Electromagnetic Interference

Uses, activities, and processes shall not cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities, and processes shall comply with the applicable Federal Communications Commission regulations.

17.28.070 Fire and Explosive Hazards

Uses, activities, and processes involving the use of, or storage of, flammable and explosive materials, shall be provided with adequate safety devices against the hazard of fire and explosion. No use shall store or process flammable or explosive materials more than the quantities exempted by the Building Code, unless a permit has been granted by the Fire Department. All incineration is prohibited with the exception substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department.

17.28.080 Glare

Uses, activities, and processes shall not be operated such that significant, direct glare, incidental to the operation of the use, is visible beyond the boundaries of the property where the use is located.

17.28.090 Hazardous and Extremely Hazardous Materials

Uses, activities, and processes involving hazardous and extremely hazardous materials shall comply with the provisions of Chapter 8.18, Hazardous Materials, of the Municipal Code, Fire and Building Codes, regulations of the California Department of Toxic Substances Control, and regulations of the County Environmental Health Agency. Hazardous materials shall include carcinogens and liquids and solids which are unstable at ambient temperatures. Projects utilizing hazardous and extremely hazardous materials shall comply with the following:

- A. **Hazardous Material Permit Required.** Uses, activities, and processes storing hazardous and extremely hazardous materials shall obtain a Hazardous Material Permit from the Fire Department pursuant to the Hazardous Materials Ordinance of Title 8, Health and Safety, of the Municipal Code.
- B. **Hazardous Material Management Plan.** Projects using hazardous and extremely hazardous materials shall provide a Hazardous Material Management Plan for the review and approval by the Hazardous Materials Division, the Hazardous Materials Committee, and the Fire Department prior to final building inspection. Hazardous Material Management Plans shall demonstrate that adequate safety precautions have been taken to ensure the proper handling of hazardous and extremely hazardous materials, including but not limited to the following:
 - 1. Proper on-site management and containment;
 - 2. Transportation and spill reduction during transport;
 - 3. Properly-designed and outfitted disposal facilities;
 - 4. Prevention of spills and sewer contamination;
 - 5. Source reductions and recovery; and
 - 6. Compliance with the Hazardous Materials Ordinance of Title 8, Health and Safety, of the Municipal Code.
- C. **Conditional Use Permit Required.** If upon the review of the Hazardous Materials Management Plan, the Hazardous Materials Division or Hazardous Materials Committee determines that the hazardous and extremely hazardous materials pose a significant public health risk beyond the property line, the applicant shall be required to obtain a Conditional Use Permit approved by the Planning Commission.

- D. **Hazardous Material Signage.** All buildings or structures containing hazardous and extremely hazardous materials shall be labeled on all doorways and entrances with easy-to-read signs. Signs shall provide emergency response teams with information on the hazardous contents of the building or structure and proper containment procedures. Signage shall conform to standards established by the Fire Department.

17.28.100 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with the ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase of more than five degrees Fahrenheit on another property.

17.28.110 Noise

- A. **Acoustic Study.** An acoustic study shall be required for any proposed project which could create or be subject to a noise that exceeds the levels contained in Tables S-7.1 through S-7.4 in the General Plan.
- B. **Noise Attenuation Measures.** Any project subject to the acoustic study requirements of Subsection 17.28.110.A, Acoustic Study, may be required as a condition of approval to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.
1. New noise-sensitive uses (*e.g.*, schools, hospitals, churches, and residences) shall incorporate noise attenuation measures to achieve and maintain an interior noise level of 45 dBA.
 2. Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels.
 3. Emphasis shall be placed upon site planning and project design measures. The use of noise barriers shall be considered and may be required only after all feasible design-related noise measures have been incorporated into the project.

17.28.120 Radioactivity

Uses, activities, and processes shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

17.28.130 Waste

- A. **Discharge.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with Title 13 of the Municipal Code, Public Services, applicable regulations of the Central Valley Regional Water Quality Control Board.
- B. **Containment.** Waste shall be handled and stored to prevent nuisances, health, safety, and fire hazards, and to facilitate recycling. Material, including but not limited to paper products, plastic, dirt, sand, lime, seed, bran, chaff, wood refuse, and other readily transportable compounds, shall be contained in a way it cannot be tracked or carried by wind off-site.

17.28.140 Vibration

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (*e.g.*, construction equipment, trains, trucks, etc.) are exempt from this standard. Where vibration dampeners are proposed, project applications shall include an engineered study establishing the effectiveness of the dampeners based on actual conditions.

Chapter 17.29 Signs

Sections:

- 17.29.010 Purpose
- 17.29.020 Definitions
- 17.29.030 Applicability
- 17.29.040 Exemptions
- 17.29.050 Prohibitions
- 17.29.060 Sign Measurement
- 17.29.070 General Provisions
- 17.29.080 Signage Allowances by Zone
- 17.29.090 Signage Standards for Specific Sign Types
- 17.29.100 Freeway Information Signs
- 17.29.110 Sign Permit Required
- 17.29.120 Master Sign Program
- 17.29.130 Nonconforming Signs
- 17.29.140 Sign Maintenance
- 17.29.150 Enforcement

17.29.010 Purpose

The purpose of this Chapter is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:

- A. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
- B. Encourage signs as an effective channel of communication while preventing visual clutter that will detract from the aesthetic character of the City;
- C. Protect and improve the local economy and quality of life by preserving and enhancing the appearance of the streetscape;
- D. Maintain and enhance the City's appearance by regulating the location, number, type, quality of materials, size, illumination, and maintenance of signs;
- E. Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers;
- F. Provide clear and unambiguous sign standards that enable fair and consistent enforcement; and

- G. Ensure that the constitutionally guaranteed right of free speech is protected.

17.29.020 Definitions

As used in this Chapter, the following terms shall have the following meanings:

- A. **Animated Sign.** A sign with messages that visually change, or images that move or appear to move, flash on or off, wink or blink with varying light intensity, show motion or create the illusion of motion, or revolve to create an illusion of being on or off.
- B. **Awning Sign.** A sign placed on an awning.

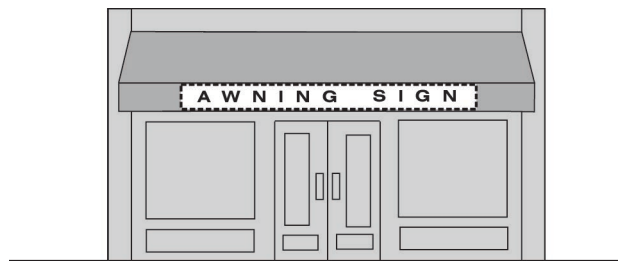


FIGURE 17.29.020.C: AWNING SIGN

- C. **Balloon.** Any air- or gas-filled device used for the purposes of signage or advertising.
- D. **Billboard.** A sign used for general advertising for hire, that is, some or all of the display area is customarily used to display the messages of advertisers or sponsors other than the owner of the sign.
- E. **Canopy Sign.** A sign attached to a fixed overhead shelter used as a roof, which may or may not be attached to a building.

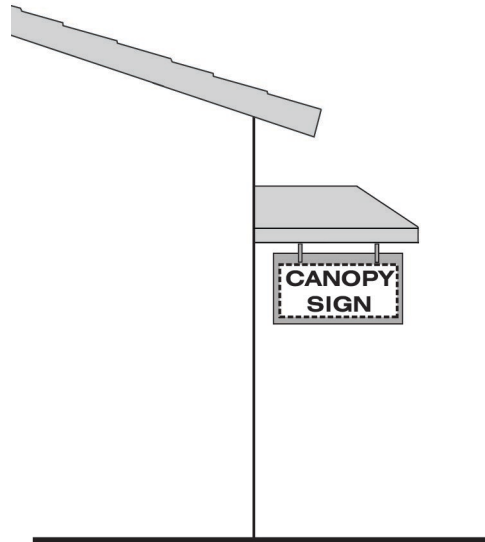


FIGURE 17.29.020.G: CANOPY SIGN

- F. **Commercial Message.** A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.
- G. **Copy.** Also called "sign copy." The visually communicative elements mounted on a sign.
- H. **Damaged Sign.** Any sign with cracked or broken panels, peeling paint, missing letters, or any sign that has been partially destroyed by any cause.
- I. **Directional Sign.** A sign that directs or guides pedestrian or vehicular traffic and which is non-advertising in nature (e.g., handicapped parking, one-way, exit, and entrance).
- J. **Electronic Copy.** A sign having the capability of presenting variable message displays by projecting an electronically controlled pattern, and which can be programmed to periodically change the message display.
- K. **Flag.** Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.
- L. **Freestanding Sign.** A sign supported by structures or supports that are placed on or anchored in the ground, and which are structurally independent from any building.

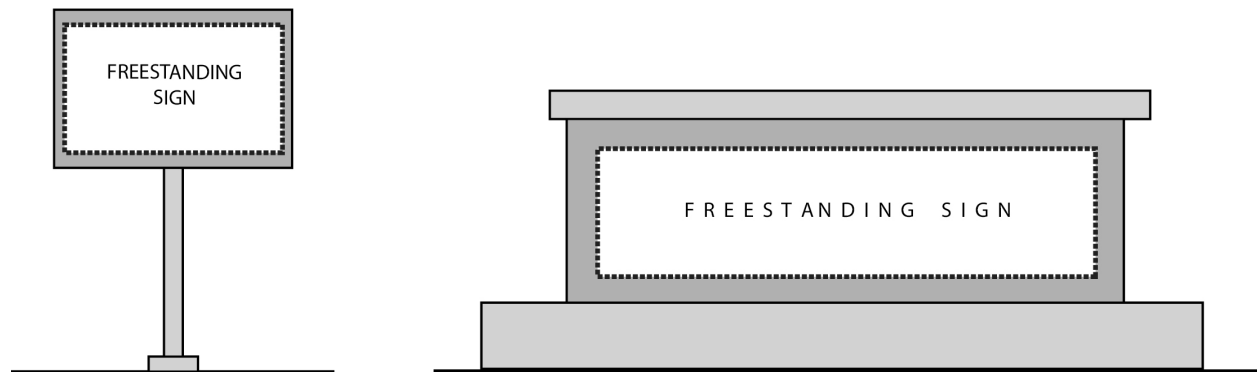


FIGURE 17.29.020.N: FREESTANDING SIGNS

- M. **Freeway Information Sign.** A multi-tenant sign advertising freeway-oriented businesses near a freeway interchange.
- N. **General Advertising for Hire.** The advertising or promoting of other businesses, establishments or causes using methods of advertising, typically for a fee or other consideration, in contrast to self-promotion or on-site advertising.
- O. **Government Sign.** A governmental sign for control of traffic and other regulatory purposes, including street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety.
- P. **Graffiti.** Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner's consent.
- Q. **High-Rise Building Identification Sign.** A sign on a building of at least four stories indicating the name of the building or residential development.
- R. **Illuminated Sign.** A sign with an artificial source of light incorporated internally or externally for illuminating the sign.
- S. **Inflatable Sign.** A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside a building to attract attention to or to advertise a business, a business location, a service, a product, or an event.
- T. **Internally Illuminated Sign.** A sign that is illuminated by a light source that is contained inside the sign where the message area is luminous, including cabinet signs and channel-letter signs.
- U. **Master Sign Program.** A coordinated sign plan which includes details of all signs (not including exempt or temporary signs) which are or will be placed on a site.

- V. **Memorial Sign.** An informational non-commercial sign, memorializing a person, event, structure, or site.
- W. **Mobile Billboard.** Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.

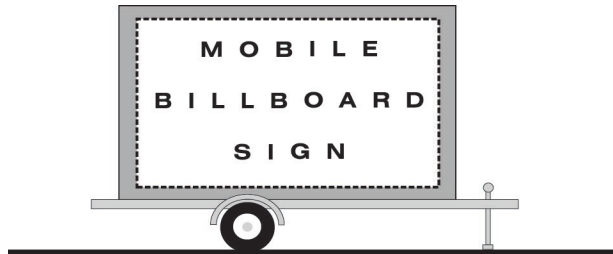


FIGURE 17.29.020.Y: MOBILE BILLBOARD

- X. **Moving Sign.** A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.
- Y. **Non-Commercial Message.** A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.
- Z. **Nonconforming Sign.** A sign lawfully erected and legally existing on the effective date of this Code, but which does not conform to the provisions of this Code.
- AA. **Outdoor Advertising Structure.** Any structure or any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced.
- BB. **Pennant.** A device made of flexible materials, (e.g., cloth, paper, or plastic) that may or may not contain copy, and which is installed for attracting attention.
- CC. **Permanent Sign.** A sign that is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall, or building.
- DD. **Portable Sign.** A moveable sign that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground, including but not limited to A-frame and H-frame signs are allowed subject to the following standards.

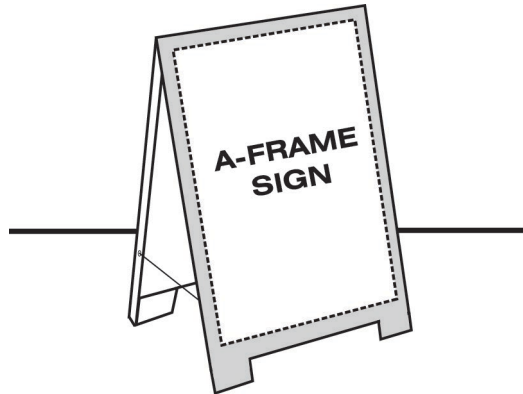


FIGURE 17.29.020.FF: PORTABLE SIGN, A-FRAME SIGN

- EE. **Projecting Sign.** A single- or double-faced sign that is perpendicular to the face of a building and projects more than 15 inches from the face.

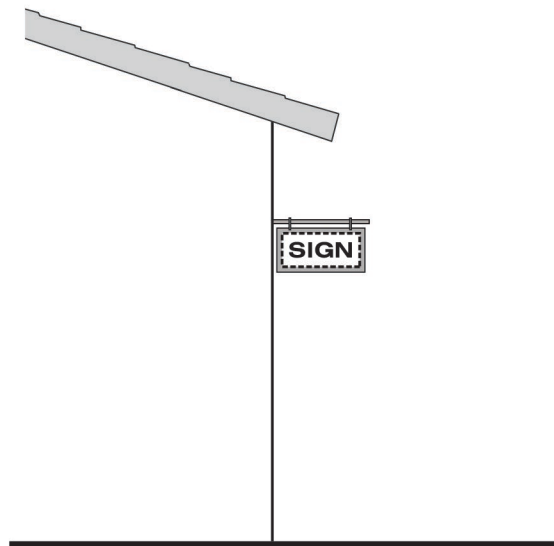


FIGURE 17.29.020.GG: PROJECTING SIGN

- FF. **Roof Sign.** Any sign located on a roof of a building or having its major structural supports attached to a roof that extend above the roofline or parapet.

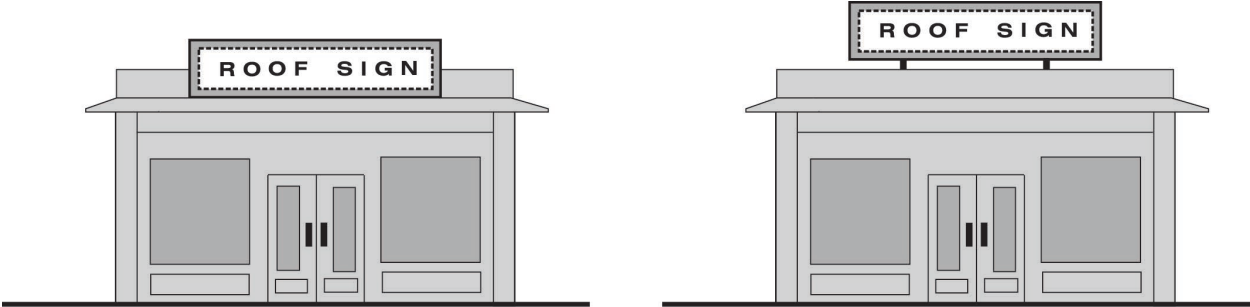


FIGURE 17.29.020.KK: ROOF SIGN

- GG. **Sign.** Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information. A display, device, or thing need not contain lettering to be a sign.
- HH. **Sign Area.** The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.
- II. **Sign Face.** An exterior display surface of a sign, including non-structural trim, exclusive of the supporting structure. The area of a sign which is available for mounting and public display of the visually communicative image.
- JJ. **Traffic Sign.** A sign for traffic direction, warning, and roadway identification.
- KK. **Wall Sign.** A sign affixed to and wholly supported by a building in such a manner that its exposed face is approximately parallel to the plane of such building.

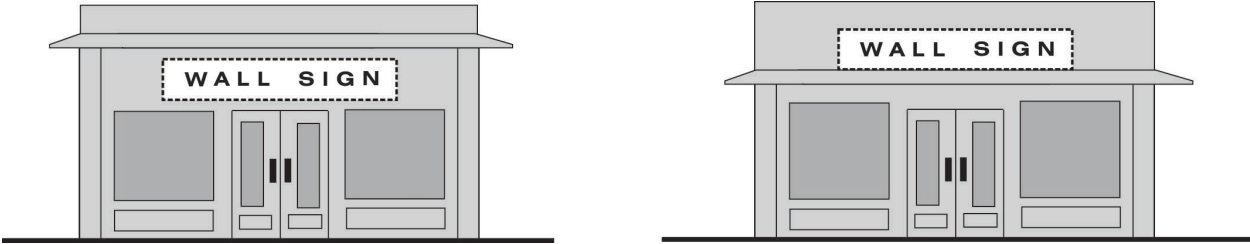


FIGURE 17.29.020.QQ: WALL SIGN

- LL. **Window Sign.** A temporary or permanent sign with a single face of copy that is painted or installed on a glass window or door, or located within 12 inches from inside the window, in a manner that it can be viewed from the exterior of a structure.

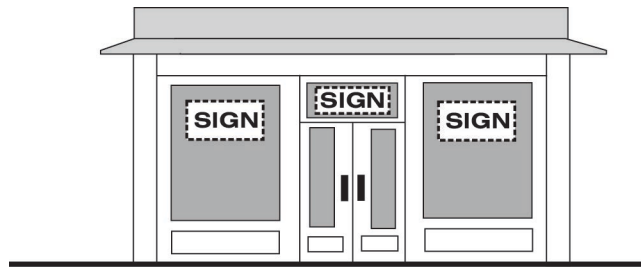


FIGURE 17.29.020.RR: WINDOW SIGN

17.29.030 Applicability

- A. The provisions of this Chapter apply to all signs in all zones, constructed or physically altered on or after the effective date of this Title, unless otherwise specified.
1. The provisions of this Chapter shall not be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings; create a safety hazard by impeding travel on sidewalks, bike lanes, or vehicle lanes; or violate any other reasonable time, place, and manner restrictions adopted by the City.
 2. The provisions of this Chapter shall not require alteration of the display of any registered mark, trademark, service mark, trade name, or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. It is the responsibility of the applicant to established that a proposed sign includes a registered mark.
- B. **Regulatory Interpretations.** The provisions of this Chapter shall be applied in a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Chapter. “Non-communicative aspects” include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

17.29.040 Exemptions

The following signs are exempt from the permit requirements of this Chapter, and do not count toward the maximum sign area limitation for a site, provided that they conform to the specified standards.

- A. **Address Signs.** Required address identification signs that are in conformance with the Building Code.
- B. **Commercial Displays on Vehicles.** Displays on vehicles related to the goods or services provided by the vehicle owner or operator and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the City.
- C. **Directional Signs.** Directional and/or informational signs not more than eight square feet in area or four feet in height for the direction or convenience of the public such as outlining/assisting vehicle and pedestrian circulation within a site, egress, ingress, and any public facilities such as restrooms, telephones, walkways, and other similar features.
- D. **Flags.** Flags that do not display a commercial message and are erected and located in accordance with the following standards:
 - 1. **Maximum Allowable Sign Area.** The maximum allowable sign area for an individual flag is 32 square feet.
 - 2. **Maximum Sign Height.** The maximum flagpole height is 30 feet.
 - 3. **Location of Sign.** Flagpoles shall not be located within any required setback.
 - 4. **Maximum Number of Signs.** No more than two flags per lot in Residential Zones, no more than three flags per lot in all other zones.
- E. **Government Signs.** Official notices issued by a court, public body, or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; non-commercial bus stop signs erected by a public transit agency, or other signs required or authorized by law.
- F. **Historic Plaques and Commemorative Signs.** Historic plaques, memorial signs or tablets, or commemorative signs indicating names of buildings and dates of building erection, either attached to or cut into the surfaces of buildings, with a maximum allowable sign area of four square feet per sign.
- G. **Interior Signs.** Signs that are in the interior areas of a building or site not visible from the public right-of-way, and at least three feet from a window, door, or other exterior wall opening.
- H. **Manufacturer's Mark.** Manufacturer's marks, including signs on items such as vending machines, gas pumps, and ice containers with a maximum allowable sign area of four square feet per sign.

- I. **Mobile Vendor Signs.** Signs fixed to mobile vending vehicles that identify or advertise the name, product, or service provided by the vendor. Each mobile vending vehicle is limited to a maximum sign area of eight square feet.
- J. **Nameplate.** One nameplate for each tenant or occupancy not to exceed two square feet in area indicating the name of the occupant or tenant.

17.29.050 Prohibitions

Unless otherwise permitted by a specific provision of this Chapter, the following sign types are prohibited:

- A. **Animated or Moving Signs.** Animated, flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind, unless expressly permitted by another section of this Chapter.
- B. **Balloons, Inflatable Signs, Streamers, Pennants and Other Attention-Getting Devices.** Balloons, inflatable signs, streamers, pennants, and other attention-getting devices, made of light-weight fabric or similar material, designed to rotate or move with the wind, that direct, promote, or that are otherwise designed to attract attention.
- C. **Cabinet or Can Signs.** Internally illuminated cabinet and can signs.
- D. **Fence Signs.** Signs attached or painted on fences or freestanding walls that are not part of a building.
- E. **General Advertising.** Temporary signs that publicize or promote other businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales, or on-site advertising). General advertising is also known as advertising for hire.
- F. **Mobile Billboards.** Any sign carried or conveyed by a vehicle for the primary purpose of general advertising for hire. This prohibition eliminates mobile billboard advertising within the City to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and improve the aesthetic appearance of the City. This prohibition does not apply to displays on vehicles related to the goods or services provided by the vehicle owner or operator and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the City.
- G. **Roof Signs.**
 - 1. Attached signs that extend above the roofline or parapet (whichever is higher) of a building with a flat roof.
 - 2. Attached signs that extend above the deck line of a mansard or false-mansard roof.

3. Signs on rooftop structures, such as penthouse walls or mechanical enclosures.
- H. **Search Lights and Klieg Lights.** Search and Klieg lights when used as attention-attracting devices for commercial uses.
- I. **Signs Located in the Public Right-of-Way or on Public Property.** Other than official government signs or warning signs required by law, no inanimate sign can be placed in or project into the public right-of-way or on public property unless authorized by an encroachment permit.
- J. **Signs Affixed to Trees.** Signs affixed to or cut into trees or other living vegetation shall be prohibited.
- K. **Signs on Terrain.** Signs cut, burned, marked, or displayed in any manner on a street, sidewalk, cliff, hillside, or other terrain feature shall be prohibited.
- L. **Signs Creating Traffic or Pedestrian Safety Hazards.** Signs placed, located, or displayed in such a manner as to constitute a traffic or pedestrian safety hazard shall be prohibited.
1. Signs that obstruct use of any door, window, or fire escape.
 2. Signs that impede normal pedestrian use of public sidewalks. A minimum unobstructed width of four feet must always be maintained.
 3. Signs that constitute a traffic hazard or obstruct the view of traffic, any authorized traffic sign, or signal device.
 4. Signs that create confusion or conflict with any authorized traffic sign or signal device due to color, location, wording, or use of specific phrases, symbols, or characters.
- M. **Signs Producing Noise or Emissions.** Signs producing visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line shall be prohibited. This prohibition excludes menu boards with voice units at Drive-Through Facilities.
- N. **Signs for Prohibited Uses.** A sign displaying a commercial message promoting a business that is a prohibited use and has not been established as a legal nonconforming use.
- O. **Unauthorized Signs.** Signs shall not be placed on private or public property without the permission of the property owner.

17.29.060 Sign Measurement

- A. **Measuring Sign Area.** Building painting, striping, and supporting structures are not included in sign area. The sign area is the total area contained within the smallest

rectangular perimeter encompassing the sign, structures, and any background embellishments. The sign area for individual channel letter signs is the area contained by the smallest rectangular perimeter that will encompass each word. The area of an individual sign shall be calculated as follows:

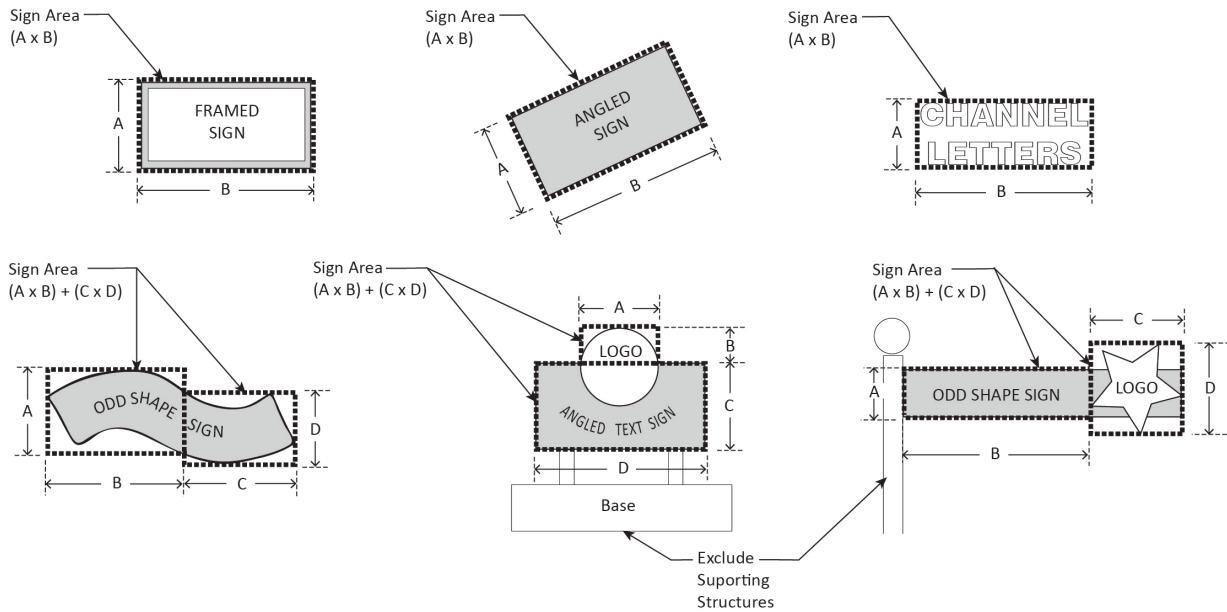


FIGURE 17.29.060.A: MEASURING SIGN AREA

1. **Single-Faced Signs.** The sign area is the area of the sign face.
2. **Double-Faced Signs.** Where two faces of a double-faced sign are located two feet or less from one another at all points or located at an interior angle of 45 degrees or less from one another, the sign area of double-faced signs is computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or greater than 45 degrees from one another, both sign faces are counted toward sign area.

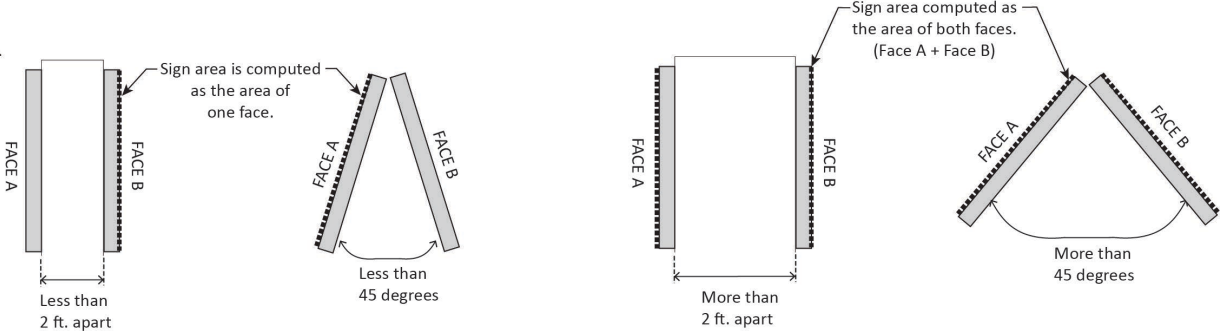


FIGURE 17.29.060.A.2: MEASURING DOUBLE-FACED SIGNS

3. **Multi-Faced Signs.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area will be calculated as the sum of all faces.

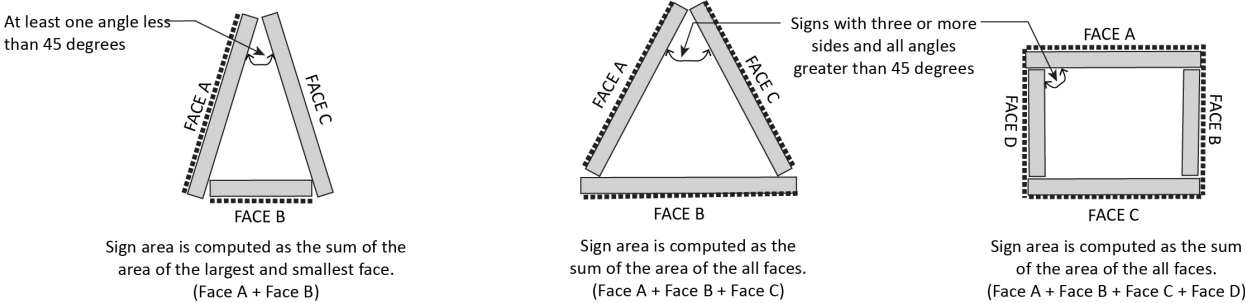
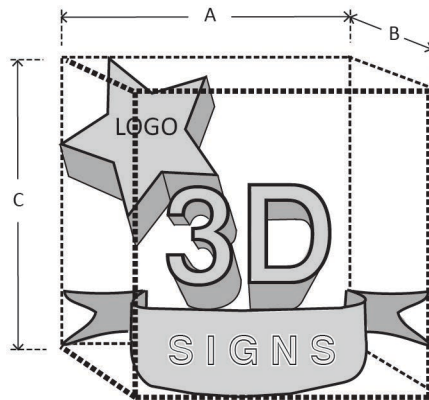


FIGURE 17.29.060.A.2: MEASURING MULTI-FACED SIGNS

4. **Three-Dimensional Signs.** Three-dimensional signs include those that consist of, or have attached to them, one or more three dimensional objects such as balls, cubes, clusters, sculpture, or statue-like trademarks. The sign area is the sum of all areas using the four vertical sides of the smallest rectangular prism that will encompass the sign.



Sign area is computed using the smallest rectangular prism that will encompass the entire sign.
 $(2(A \times C) + 2(B \times C))$

FIGURE 17.29.060.A.4: MEASURING THREE-DIMENSIONAL SIGNS

B. **Measuring Sign Height.** The height of a sign is the vertical distance from the uppermost point used to measure sign area to the existing grade immediately below the sign.

1. **Freestanding Signs.** The height of freestanding signs, including freeway information signs, shall be measured as the vertical distance from grade at the edge of the right-of-way along which a sign is placed, to the highest point of the sign, including any structural or architectural component of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the sign’s overall height.

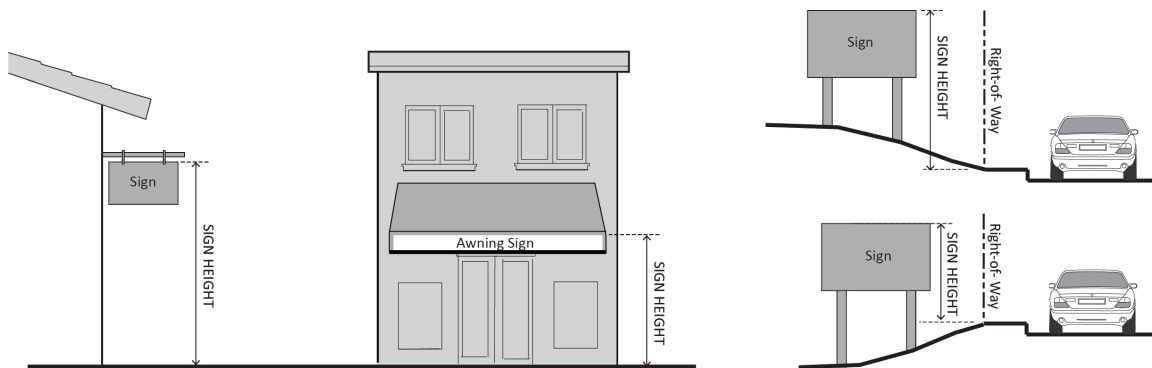


FIGURE 17.29.060.B: MEASURING SIGN HEIGHT

C. **Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or background embellishments.

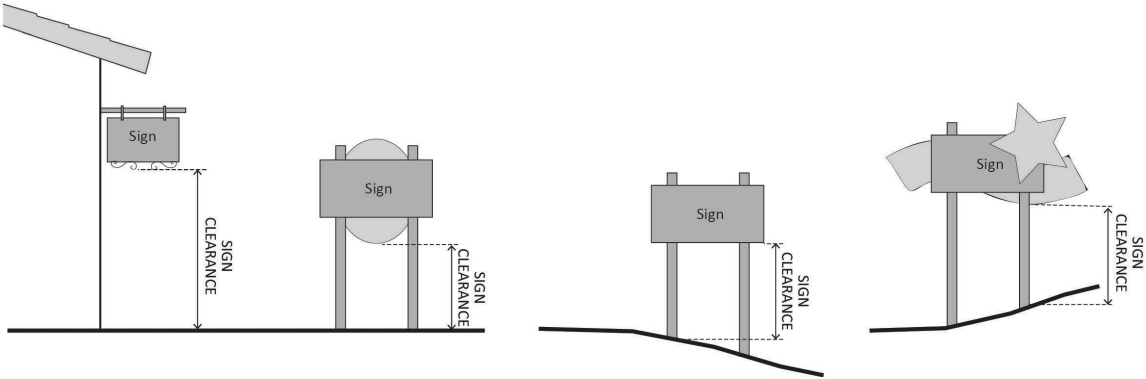


FIGURE 17.29.060.C: MEASURING SIGN CLEARANCE

D. **Building Frontage.** Building frontage shall be measured as the widest lineal dimension, parallel to the ground, of a continuous frontage. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed 10 feet in any direction. For buildings with two or more frontages, the length of the frontage and allowable sign area shall be calculated separately for each building frontage.

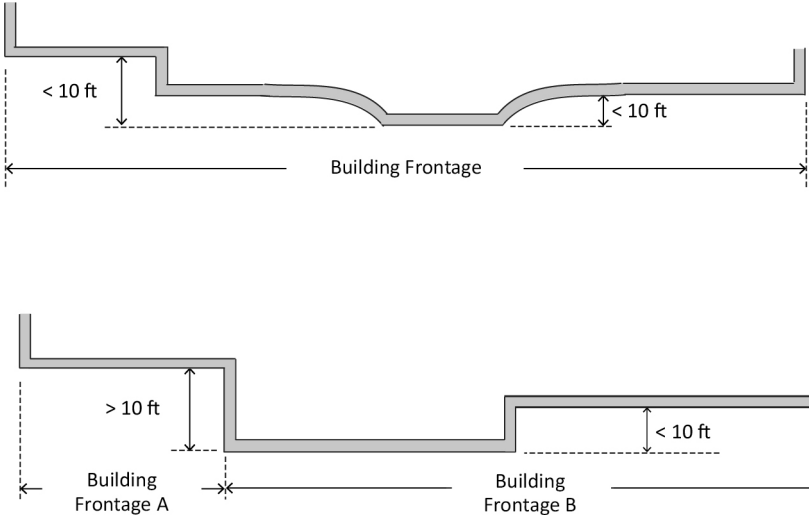


FIGURE 17.29.060.D: BUILDING FRONTAGE

E. **Street Frontage.** The length of street frontage is measured along the property line adjacent to the public right-of-way.

17.29.070 General Provisions

- A. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs must be constructed in accordance with the Uniform Building code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.
- B. **Changes to Copy of Approved Signs.** Changes to the copy of approved signs that were legally established and have not been modified to become illegal are exempt from permitting pursuant to this Title. Changes to copy do not include changes to the type or level of illumination of an approved sign.
- C. **Noncommercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. For purposes of this Chapter, all non-commercial speech messages will be deemed to be "on-site," regardless of location.
- D. **Message Substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, any non-commercial message may be substituted for any non-commercial message, and any on-site commercial message may be substituted for any on-site commercial message.
 - 1. **No Additional Approval Required.** Such substitution of message may be made without any additional approval, permitting, registration, or notice to the City. This provision prevents any inadvertent favoring of commercial speech over non-commercial speech or favoring any non-commercial message over any other non-commercial message.
 - 2. **Limitations.** This provision does not allow the following:
 - a. Create the right to increase the total amount of signage for a parcel, lot, or land use;
 - b. Affect the requirement that a sign structure or mounting device be properly permitted;
 - c. Allow a change in the physical structure of a sign or its mounting device; or
 - d. Authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.
- E. **Sign Materials.** All signs shall be made of sturdy, durable materials.

1. **Paper, Cardboard, and Similar Materials.** Paper, cardboard, and similar materials subject to rapid deterioration shall be limited to temporary signs.
2. **Fabric.** Fabric materials shall be limited to awnings, canopies, flags, and temporary signs.

F. **Changeable Copy.**

1. **Manual Changeable Copy.** Manually changeable copy shall represent no more than 50 percent of the sign area.
2. **Automatic Changeable Copy and Electronic Message Center Signs.** Electronic Message Center (EMC) signs and automatic changeable copy in which copy can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, are allowed subject to the following standards.
 - a. **Permit Required.** All automatic changeable copy and electronic message center signs require Minor Use Permit approval, except service and gas station price signs and time and temperature signs.
 - b. **Display Duration.** The display shall change no more frequently than once every eight seconds and must have an unlighted interval between copy displays of 0.3 second or more.
 - c. **Static Message.** Displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity
 - d. **Light Intensity.** 0.3 foot-candles over ambient lighting conditions when measured at a distance equal to the square root of 100 times the area of the sign in square feet. All electronic copy must be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.
 - e. **Automatic Controls.** All electronic message displays shall be equipped with automatic controls to allow for adjustment of brightness based on ambient lighting conditions.

G. **Illumination.** Illuminated signs shall be designed according to the following standards:

1. Illuminated channel letter signs and neon signs are allowed.

2. Lighting fixtures used to illuminate an outdoor sign shall be mounted on top of the sign structure, unless approved with a Master Sign Permit.
- H. **Encroachment.** Signs mounted on private property may project into or above public property or the public right-of-way only with approval of an encroachment permit.

17.29.080 Signage Allowances by Zone

This Section establishes the types of signs and, where applicable, the total aggregate sign area, allowed per zone.

- A. **Agricultural Zone.** Non-residential uses that are the primary use on a site in the Agricultural Zone are allowed the following types of signs with a total aggregate sign area of one foot per eight feet of street frontage and subject to Section 17.29.090, Signage Standards for Specific Sign Types.
1. Freestanding signs (Subsection 17.29.090.B, Freestanding Signs)
 2. Wall signs (Subsection 17.29.090.E, Wall Signs)
- B. **Residential Zones.**
1. **Residential Developments.** Residential developments of two or more units or lots are allowed the following types of signs with a total aggregate sign area of one square foot per two dwelling units and subject to Section 17.29.090, Signage Standards for Specific Sign Types.
 - a. Freestanding signs (Subsection 17.29.090.B, Freestanding Signs)
 - b. Wall signs (Subsection 17.29.090.E, Wall Signs)
 2. **Non-Residential Uses.** Non-residential uses that are the primary use on a site in a Residential Zone are allowed following types of signs with a total aggregate sign area of one foot per eight feet of street frontage and subject to Section 17.29.090, Signage Standards for Specific Sign Types.
 - a. Awning and canopy signs (Subsection 17.29.090.A, Awning and Canopy Signs)
 - b. Freestanding signs (Subsection 17.29.090.B, Freestanding Signs)
 - c. Projecting and shingle signs (Subsection 17.29.090.D, Projecting and Shingle Signs)
 - d. Wall signs (Subsection 17.29.090.E, Wall Signs)
 - e. Window signs (Subsection 17.29.090.F, Window Signs)

- C. **Commercial and Mixed Use Zones.** The following types of signs are allowed in Commercial and Mixed Use Zones subject to Section 17.29.090, Signage Standards for Specific Sign Types.
1. Awning and canopy signs (Subsection 17.29.090.A, Awning and Canopy Signs)
 2. Freestanding signs (Subsection 17.29.090.B, Freestanding Signs)
 3. High-rise building identification signs (Subsection 17.29.090.C, High-Rise Building Identification Signs)
 4. Projecting and shingle signs (Subsection 17.29.090.D, Projecting and Shingle Signs)
 5. Wall signs (Subsection 17.29.090.E, Wall Signs)
 6. Window signs (Subsection 17.29.090.F, Window Signs)
- D. **Employment Zones.** The following types of signs are allowed in Employment Zones subject to Section 17.29.090, Signage Standards for Specific Sign Types.
1. Awning and canopy signs (Subsection 17.29.090.A, Awning and Canopy Signs)
 2. Freestanding signs (Subsection 17.29.090.B, Freestanding Signs)
 3. High-rise building identification signs (Subsection 17.29.090.C, High-Rise Building Identification Signs)
 4. Wall signs (Subsection 17.29.090.E, Wall Signs)
 5. Window signs (Subsection 17.29.090.F, Window Signs)
- E. **Public and Semi-Public Zones.** The following types of signs are allowed in Public and Semi-Public Zones subject to Section 17.29.090, Signage Standards for Specific Sign Types.
1. Freestanding signs (Subsection 17.29.090.B, Freestanding Signs)
 2. Wall signs (Subsection 17.29.090.E, Wall Signs)

17.29.090 Signage Standards for Specific Sign Types

This Section establishes standards for specific sign types that apply to all zones where such signs are allowed.

- A. **Awning and Canopy Signs.** Signs painted or printed on awnings, canopies, arcades, or similar attachments or structures are subject to the following standards.
1. **Maximum Allowable Sign Area.** Awning and canopy signs shall have a maximum allowable sign area of 10 square feet, or 25 percent of the total awning area, whichever is less.

2. **Maximum Sign Height.** Awning and canopy signs shall have a maximum height of 14 feet.
3. **Minimum Sign Clearance.** Awning and canopy signs shall have a minimum sign clearance of eight feet.
4. **Maximum Number of Signs.** Awning and canopy signs shall be limited to one per each establishment with an entrance or offering services under the awning or canopy.
5. **Illumination.** Awning and canopy signs shall not be illuminated.

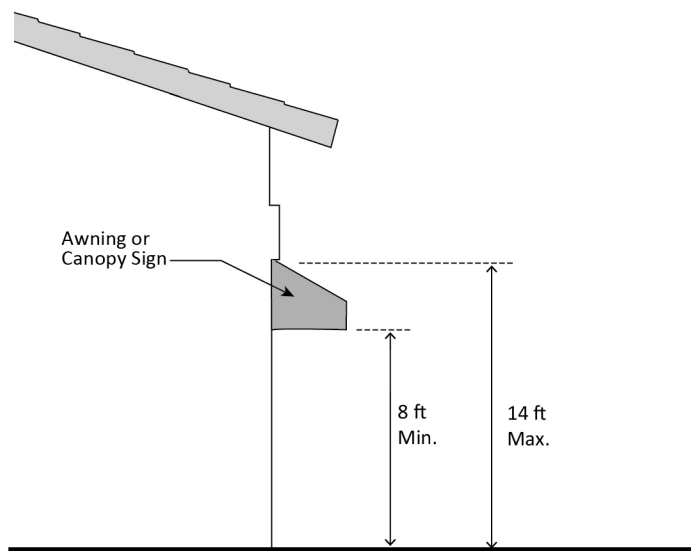


FIGURE 17.29.090.A: AWNING AND CANOPY SIGNS

- B. **Freestanding Signs.** Freestanding signs are subject to the following standards.
1. **Maximum Allowable Sign Area.**
 - a. *Agricultural and Residential Zones.* Six square feet.
 - b. *All Other Zones.* Freestanding signs shall have a maximum allowable sign area of one-half square foot per linear foot of street property line, up to 200 square feet.
 2. **Maximum Sign Height.**
 - a. *Agricultural and Residential Zones.* Six feet.
 - b. *Commercial and Commercial Highway Zones.* Freestanding signs in the Commercial and Commercial Highway Zones, except for freeway information signs, shall have a maximum height of 12 feet.

- c. *Mixed Use Zones.* Freestanding signs in the CBD, WF, MU-NC, and MU-C zones, shall have a maximum height of 8 feet.
 - d. *Employment and Public and Semi-Public Zones.* Eight feet.
 3. **Support Structure.** The width of the support structure of freestanding signs shall be least one-third of the width of the sign face. The support structure shall be made of materials present on the façade of the building of the related business.
 4. **Location of Sign.** All freestanding signs shall meet visibility requirements pursuant to Section 17.22.160, Visibility at Intersections.
 - a. *Commercial and Mixed Use Zones.* Freestanding signs in the Commercial and Mixed Use Zones shall be set back at least five feet from any street-facing property line, and at least 20 feet from any Residential Zone boundary.
 - b. *Employment Zones.* Freestanding signs in the Employment Zones shall be set back at least five feet from any street-facing property line, and at least 20 feet from any Residential boundary.
 - c. *All Other Zones.* Freestanding signs in all other zones shall be set back at least one foot for every foot of sign height.
- C. **High-Rise Building Identification Signs.** High-rise building identification signs are allowed on buildings of at least four stories, subject to the following standards.
 1. **Maximum Allowable Sign Area.** High-rise building identification signs shall have a maximum allowable sign area of one square foot per linear foot of building frontage.
 2. **Location of Sign.** High-rise building identification signs shall be located on the upper-most story of the building.
 3. **Maximum Number of Signs.** High-rise building identification signs shall be limited to one per building frontage.

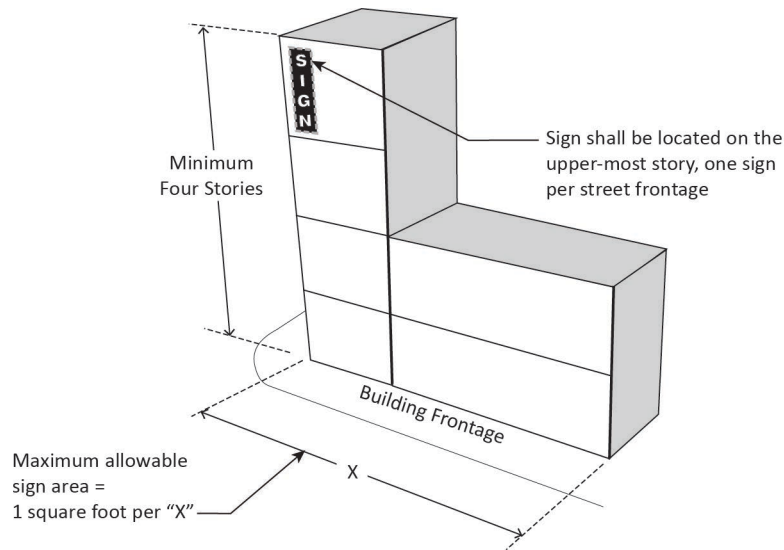


FIGURE 17.29.090.C: HIGH-RISE BUILDING IDENTIFICATION SIGNS

- D. **Projecting and Shingle Signs.** Signs that project horizontally from the exterior wall of a building or are suspended beneath a marquee, covered walkway, canopy, or awning, are subject to the following standards.
1. **Maximum Allowable Sign Area.**
 - a. *Agricultural and Residential Zones.* Six square feet.
 - b. *All Other Zones.* Nine square feet.
 2. **Maximum Sign Height.** 15 feet.
 3. **Minimum Sign Clearance.** Eight feet.
 4. **Maximum Number of Signs.** One for each building frontage or tenant space.
 5. **Projection Allowed.**
 - a. *Projecting Sign.* A projecting sign cannot extend more than four feet from the building to which it is attached and must be designed and located so as to cause no harm to street trees. Signs projecting into the public right-of-way are subject to an encroachment permit.
 - b. *Shingle Sign.* A shingle sign cannot extend further than the outer edge of the marquee, covered walkway, canopy, or awning from which it is suspended.
 6. **Illumination.** Projecting and shingle signs shall not be illuminated.

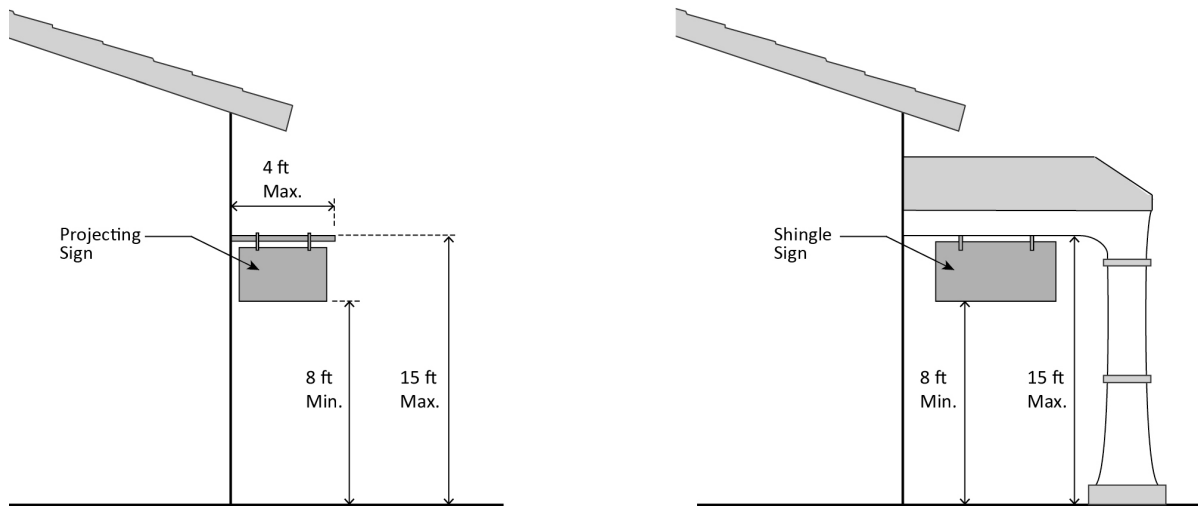


FIGURE 17.29.090.D: PROJECTING AND SHINGLE SIGNS

- E. **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure. Wall signs are subject to the following standards.
1. **Maximum Allowable Sign Area.** In all cases, wall sign copy shall not occupy more than 20 percent of the total area of the wall to which the sign is attached.
 - a. *Agricultural and Residential Zones.* 20 square feet.
 - b. *All Other Zones.* One square foot per linear foot of street property line building frontage, up to 200 square feet.
 2. **Location of Sign.**
 - a. Wall signs shall not be placed higher than the second story of a building.
 - b. Wall signs shall not cover or interrupt major architectural features, including such features as doors, windows, or tile embellishments.
 - c. Wall signs shall not extend higher than the building wall upon which they are attached.
 3. **Maximum Number of Signs.** One per building frontage or tenant space.
 4. **Attachment.** Wall signs may be attached according to the following standards:
 - a. Attached flat against or pinned away from a building wall, but not extending or protruding more than 15 inches from the wall; or

- b. Attached to the facade of a building or on a sloping roof (mansard roof), but not extending above the upper edge of the facade or the sloping roof.

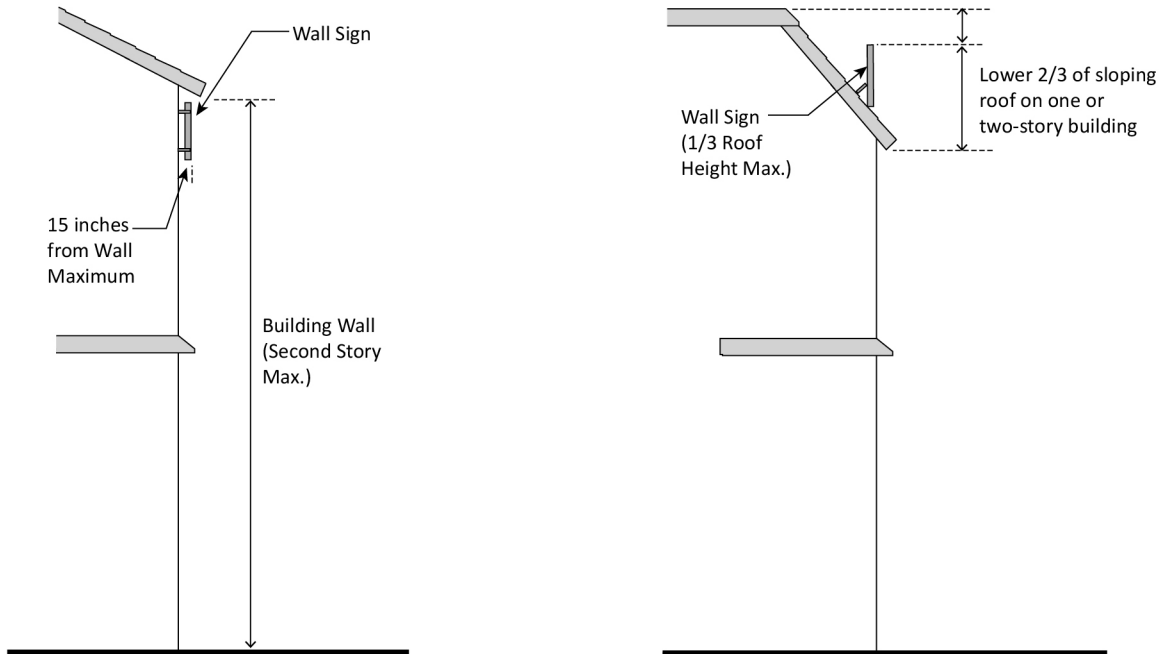


FIGURE 17.29.090.E: WALL SIGNS

- F. **Window Signs.** Signs painted on or otherwise adhered directly onto a window and signs that block a window in any way are subject to the following standards.
1. **Maximum Allowable Sign Area.** 25 percent of the window area.
 2. **Maximum Sign Height.** Window signs shall not be placed on windows higher than the second story.

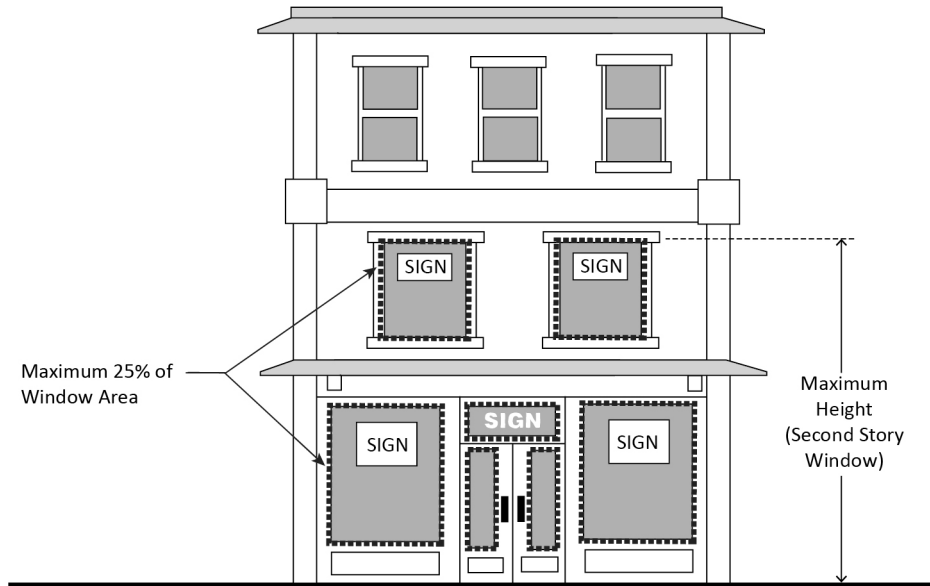


FIGURE 17.29.090.F: WINDOW SIGNS

17.29.100 Freeway Information Signs

- A. **Conditional Use Permit Required.** Freeway information signs are allowed subject to a Conditional Use Permit approval.
- B. **Maximum Allowable Sign Area.** Freeway information signs shall have a maximum allowable sign area of 600 square feet. Any individual business identified by the freeway information sign shall have a maximum sign area of 100 square feet. Any individual parcel shall be limited to 50 percent of the sign area.
- C. **Maximum Sign Height.** Freeway information signs shall have a maximum height of 65 feet.
- D. **Location of Sign.** Freeway information signs shall be located within 1,000 feet of the start of the off-ramp to which they apply.
- E. **Maximum Number of Signs.** Freeway information signs shall be limited to one per side of a freeway interchange.
- F. **Content of Sign.** Freeway information signs shall identify the following:
 - 1. Name of the city in which the businesses are located;
 - 2. Name of the off-ramp to which they apply; and
 - 3. Names of five or more businesses or centers directly served by the off-ramp.

17.29.110 Sign Permit Required

- A. **Sign Permit Required.** Except as otherwise provided in this Chapter, it is unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a face change of sign copy), move, or display any temporary or permanent sign within the City without first obtaining a sign permit from the Director. No sign permit is required for exempt signs or normal maintenance of a previously approved sign, unless a structural or electrical change is made.
- B. **Application.** Application for a permit shall be made upon forms provided by the Planning Division and accompanied by the required fee and application materials showing the following:
 - 1. Site plan showing the location and dimensions of existing structures and the relationship of the proposed sign to the existing structures;
 - 2. Location, dimension, and design of all existing signs; and
 - 3. Location, dimension, and design of proposed sign.
- C. **Review and Decision.**
 - 1. Upon acceptance of a sign application, the Director shall review the request for compliance with the standards and requirements of this Chapter, and with any standards established in a Master Sign Program pursuant to Section 17.29.140, Master Sign Program.
 - 2. The Director's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.
- D. **Agreement Required.** No sign permit shall be issued, and no sign erected, unless the City and the sign owner have entered into a written agreement ensuring that the sign is erected and maintained in compliance with this Chapter. The sign owner shall be solely responsible for all costs associated with construction, maintenance, and the ultimate removal of the sign. The agreement and the sign permit shall be revocable at any time for failure to comply with this Chapter or the terms of the agreement, or if the City determines that the sign interferes with the public's safe use of the right-of-way.
- E. **Permit Number Identification.** A tag issued by the City indicating the sign permit number shall be affixed to the sign to be readily visible by City staff.

17.29.120 Master Sign Program

- A. **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.
- B. **Applicability.** A Master Sign Program shall be required for:
 - 1. Projects with four or more non-residential tenants; and
 - 2. Projects where five or more signs are proposed for a single building or site.
- C. **Application.** A Master Sign Program application shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of maximum allowable sign area, and total proposed sign area, for the site.
- D. **Modifications to Sign Standards.** A Master Sign Program may provide for modifications from the standards of this Chapter.
- E. **Review Authority.** All Master Sign Programs are subject to review and approval of the Review Authority for the project with which the signs are associated. A Master Sign Program may be submitted separately or as part of the permit application for the project.
- F. **Required Findings.** The Review Authority must make all of the following findings in order to approve a Master Sign Program, in addition to the other applicable regulations in this Section. The inability to make one or more of the findings is grounds for denial of an application.
 - 1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
 - 2. Future tenants will be provided with adequate opportunities to construct, erect, or maintain a sign for identification; and
 - 3. Directional signage and building addressing are adequate for pedestrian and vehicular circulation and emergency vehicle access.
- G. **Lessees to Be Informed of Master Sign Program.** Lessees within developments subject to the requirements of an approved Master Sign Program shall be made aware of the Master Sign Program in their lease.

17.29.130 Nonconforming Signs

- A. **Continuance and Maintenance.** Reasonable and routine maintenance and repairs may be performed on signs that are nonconforming provided there is no expansion of any nonconformity.
- B. **Abandonment of Nonconforming Sign.** Whenever a nonconforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of 90 days, the nonconforming sign must be removed.
- C. **Restoration of a Damaged Sign.** A nonconforming sign may be restored if it meets either of the following criteria:
 - 1. A sign with damage that does not exceed 50 percent of the total sign area, including hardware and attachments, provided that the repairs start within 60 days of the date of damage and are diligently pursued to completion.
 - 2. A sign that is a danger to the public or is unsafe as determined by the Building Official.

17.29.140 Sign Maintenance

Each sign displayed within the City, including exempt signs, shall be maintained to comply with the following standards:

- A. Graffiti on a sign shall be removed within two days of notice of its placement on such sign.
- B. The display upon any sign area of a sign shall be maintained in good condition, without rips, tears, and similar damage.
- C. All parts, portions, units and materials composing a sign, together with the frame, background, surface, support or enclosure therefore shall be maintained in a safe condition, painted, and adequately protected from weathering with all braces, bolts and structural parts and supporting frames and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.
- D. Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, or other dilapidated condition shall be promptly repaired, to the satisfaction of the City, or removed.
- E. Whenever any sign, by virtue of its physical nature and condition, poses an immediate and serious threat to the public safety, the sign may be removed by City personnel, or its physical deficiency cured, to the extent necessary to protect the public safety. The cost of such removal or repair shall be assessed against the sign owner.

- F. An on-premise sign identifying an activity, business, service or product shall be removed within 30 days following the actual discontinuance of the activity, business, service or product. If the sign is not so removed, the Director may have the sign removed in accordance with the public nuisance abatement provisions of this Title.

17.29.150 Enforcement

Signs that do not conform to the provisions of this Chapter and are erected after its effective date without obtaining required permits thereby are declared to be unlawful and a public nuisance. All violations of this Chapter shall be subject to enforcement remedies, penalties, and abatement as provided by Chapter 17.46, Enforcement, and Title 19, Nuisance Abatement Code, of the Municipal Code.

Chapter 17.30 Standards for Specific Uses and Activities

Sections:

- 17.30.010 Purpose
- 17.30.020 Applicability
- 17.30.030 Accessory Uses
- 17.30.040 Accessory Dwelling Units
- 17.30.050 Adult Entertainment Uses
- 17.30.060 Animal Keeping
- 17.30.070 Automobile/Vehicle Sales and Services
- 17.30.080 Cannabis
- 17.30.090 Drive-Through Facility
- 17.30.100 Emergency Shelters and Daytime Services Facilities
- 17.30.110 Farmer's Markets
- 17.30.120 Home Occupations
- 17.30.130 Manufactured Home Parks
- 17.30.140 Mobile Vending
- 17.30.150 Outdoor Display and Sales
- 17.30.160 Outdoor Dining and Seating
- 17.30.170 Personal Services
- 17.30.180 Recharging Stations
- 17.30.190 Recycling Facilities
- 17.30.200 Single Room Occupancy
- 17.30.210 Solar Energy Systems
- 17.30.220 Temporary Uses
- 17.30.230 Urban Agriculture
- 17.30.240 Wireless Telecommunication Facilities

17.30.010 Purpose

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all zones. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the public.

17.30.020 Applicability

Each land use and activity covered by this Chapter shall comply with the requirements of the section applicable to the specific use or activity, in addition to any applicable standard this

Title requires in the zone where the use or activity is proposed and all other applicable provisions of this Title.

- A. The uses that are subject to the standards in this Chapter shall be located only where allowed by base, specific plan, and overlay zone use regulations.
- B. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by zone regulations, such as a Conditional Use Permit, except where this Chapter establishes a different planning permit requirement for a specific use.

17.30.030 Accessory Uses

An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zone. These regulations are found in the land use regulation tables in Division II, Zone Regulations, and may be subject to specific standards found in this Chapter or within each zone, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Chapter 17.22, General Site Regulations.

17.30.040 Accessory Dwelling Units

Accessory dwelling units shall comply with all provisions of the base, overlay, or specific plan zone, except as modified by this Section.

- A. **Residential Density.** Even if requirements such as floor area ratio, proportionality (i.e. 50% threshold) to the existing or proposed primary dwelling unit's floor area, or other zoning standards cannot be met, the City must still allow an 850 square foot unit with setbacks of four (4) feet from side and rear property lines, and up to the maximum building height permitted by the underlying zoning district.
- B. **Primary Dwelling Unit Required.** The lot shall contain an existing detached single-unit dwelling at the time an application for an accessory dwelling unit is submitted, or the application for the accessory dwelling unit may be made in conjunction with the development of the primary dwelling. For ADUs in multifamily dwellings see subsection C below.
- C. **Number of Units.** No more than one accessory dwelling unit and one junior accessory dwelling unit shall be permitted on any one lot. If the lot has an existing multifamily unit building then multiple ADUs are allowed in portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. Two detached ADUs can be added on a lot that has an existing multifamily dwelling.

- D. **Floor Area.** The allowable square footage is 850 square feet for a 1-bedroom ADU and 1,000 for an ADU over 1 bedroom. Lots larger than one acre can continue to have an ADU up to 1,200 square feet. The Junior ADU maximum square footage is 500 square feet.
- E. **Setbacks.** Accessory dwelling units shall be setback four feet from the side and rear property lines except as provided below.
1. **Garage Conversions.** No setback shall be required for an existing, legally permitted, garage that is converted to an accessory dwelling unit. However, no addition may be constructed to the converted garage that increases the encroachment into the setback.
 2. **Accessory Dwelling Unit Constructed Above a Garage.** If an accessory dwelling unit is constructed above a garage, a setback of no more than four feet from the interior lot lines shall be required for the accessory dwelling unit.
- F. **Design and Materials.** The exterior design and materials of the accessory dwelling unit shall be visually compatible with the primary dwelling regarding the roof, building walls, doors, windows, horizontal/vertical expression, and architectural detail.
- G. **Utilities.** Accessory dwelling units shall be metered separately from the primary dwelling for gas, electricity, communications, water, and sewer services except for accessory dwelling units constructed entirely within existing structures pursuant to Subsection 17.30.040.J, Special Provisions for Accessory Dwelling Units Constructed Entirely Within Existing Structures.
- H. **Required Parking.** In addition to the required parking for the primary dwelling, an accessory dwelling unit shall be provided pursuant to Chapter 17.27, Parking and Loading.
1. **Parking Configuration.** The automobile parking for the accessory dwelling unit may be provided in setback areas and through tandem parking unless the Public Works Director finds that parking in setback areas or tandem parking is not feasible based upon the topographical conditions of the specific site or region or fire and life safety conditions.
 2. **Parking Exceptions for Certain Accessory Dwelling Units.** Automobile parking is not required for an accessory dwelling unit in any of the following instances:
 - a. The accessory dwelling unit is located within one-half mile of public transit.
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district.

- c. The accessory dwelling unit is contained entirely within the permitted floor area of the existing primary residence or an existing accessory structure.
- d. When on-street parking permits are required but not offered to the occupant(s) of the accessory dwelling unit.
- e. When there is a car share vehicle located within one block of the accessory dwelling unit.
- f. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit.

I. **Special Provisions for Accessory Dwelling Units Constructed Entirely Within Existing Structures.** Notwithstanding any other provision of this Section, the City shall ministerially approve an application for a building permit to create an accessory dwelling unit and shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge if all the following requirements are satisfied:

1. The lot is located within a Residential Zone on a lot that otherwise would not qualify for more than one dwelling unit;
2. The construction will result in no more than one primary residence and one accessory dwelling unit and one junior accessory dwelling unit on the lot;
3. The proposed accessory dwelling unit will be contained entirely within the permitted floor area of the existing primary residence or an existing accessory structure on the same lot as the primary residence;
4. The proposed accessory dwelling unit will have exterior access that is independent from the existing primary residence; and
5. The interior setbacks of all structures on the lot are sufficient for fire safety.

For purposes of this Subsection, to be considered an existing primary residence or an existing accessory structure, the structure must be a legally permitted structure that conforms to current zoning or is legal nonconforming as to current zoning. Accessory dwelling units constructed pursuant to this Subsection shall not be required to provide fire sprinklers if they are not required for the primary residence.

17.30.050 Adult Entertainment Uses

Adult Entertainment Uses shall be located, developed and operated in compliance with following standards:

- A. **Location.** Adult entertainment uses shall be located a minimum of 600 feet from a Residential Zone and any TK-12 school, preschool, library, publicly-owned park, playground, church, synagogue or other place of worship to which the public is invited or permitted to attend.
- B. **Hours of Operation.** Hours of operation may be designated by the Planning Commission as condition to the issuance of a Use Permit if the Planning Commission finds, based on substantial evidence presented to it, that there is a need for regulation of hours due to a specifically identified significant problem linked to the adult entertainment use. When regulating the hours of operation of an adult entertainment use, the Planning Commission shall, whenever possible, designate hours which are consistent with the hours of operation of nearby businesses which are similar in nature. If shorter hours than those of nearby businesses of a similar nature are imposed, the Planning Commission shall:
 - 1. Identify in writing the need for such shorter hours;
 - 2. Make a specific finding, that a less restrictive condition or requirement would not alleviate the problems imposed by the longer hours of operation of such use; and
 - 3. Set forth the period of time after which the permit holder could seek review of the Planning Commission's designation of the hours of operation of the use.
- C. **Nonconforming Uses.** Notwithstanding any other provision of this Title, adult entertainment uses which were in existence prior to the effective date of this Title and made nonconforming by reason of the provisions of this Section are subject to the following regulations:
 - 1. The use shall not be enlarged, increased or extended to occupy a greater area.
 - 2. Upon the damage of the building, or portion of the building, in which the adult entertainment use exists to the extent of more than 50 percent of the building's assessed value, the use shall be considered terminated and may not be resumed.
 - 3. If such use is discontinued for a continuous period of more than 90 days for any reason, the use shall be considered terminated and may not be re-established.
 - 4. The use shall be terminated within 180 days from the effective date of this Title. A variance from this provision may be obtained if the use continues to

be in noncompliance with the requirements of this Section, upon the finding that the use is obligated by written lease entered into before October 18, 1989, for a period exceeding one year from the effective date of this Title, or that the activity involves investment of money in a leasehold or improvements such that a longer period is necessary to prevent undue financial hardship.

- a. For this Subsection, an option to renew a lease shall not be evidence that a use is obligated by a written lease for a period beyond the current term of the lease.
5. Nonconforming adult entertainment uses shall, within 30 days from the effective date of this Title, comply with all other applicable provisions of this Title.

17.30.060 Animal Keeping

Animal keeping is allowed as an accessory use to a primary residential use. Animals may be kept in compliance with Title 6, Animals, of the Municipal Code, and the following standards:

A. Domestic Animals.

1. **Small Domestic Animals.** Small domestic animals, including dogs, cats, potbellied pigs, hen chickens, and all animals recognized by regulation promulgated by the California Department of Fish and Wildlife as domestic animals except large domestic animals, may be kept in accordance with the following.
 - a. *Maximum Number.* The following limits do not apply to small animals primarily kept in indoor enclosures such as fish, hamsters, and birds.
 - i. Parcels One Half Acre or Less in Size. Up to four adult small domestic animals per unit may be kept on parcels of up to one-half acre in size, in addition to no more than four hen chickens.
 - ii. Parcels Greater than One Half Acre in Size. Eight adult small domestic animals per acre.
 - b. *Nonconforming Small Domestic Animal Keeping.* Residents having more than four adult small domestic animals at the time of the effective date of this Title may continue to keep them provided that the animals:
 - i. Are licensed in compliance with Title 6, Animals, of the Municipal Code;
 - ii. Are kept in a safe and sanitary environment; and
 - iii. Do not generate nuisance complaints that require abatement.
2. **Large Domestic Animals.** Large domestic animals including horses, burros and mules (family Equidae), domestic swine (family Suidae, excluding potbellied pigs), domestic cattle, sheep and goats (family Bovidae), and American Bison, may be kept in accordance with the following.
 - a. *Minimum Lot Size.* One acre.
 - b. *Maximum Number.*
 - i. Beef cows, two years and over, one per acre;
 - ii. Calves four to eight months, three for the first acre and one for each additional one-third acre;
 - iii. Weaner calves eight or nine months, not exceeding 450 pounds, two for the first acre and one for each additional one-half acre;

- iv. Yearling steers and heifers more than 450 pounds, one per acre;
- v. All other cattle, one per acre;
- vi. Horses, burros or mules, one per acre;
- vii. Sheep or goats, five for the first acre and one for each additional one-fifth acre;
- viii. Lambs, weaning to one year, five for the first acre and one for each additional one-fifth acre;
- ix. Pigs, five for the first acre and one for each additional one-fifth acre; or
- x. Fowl, 40 for the first acre and 10 for each additional one-fourth acre.

3. ***Fencing and Enclosure Regulations.***

a. *Fencing.*

- i. *Fenced Area Required.* All animals, except small domestic animals kept indoors, shall be kept in an area which is fenced to prevent the animals from roaming.
- ii. *Fenced Area Location.* The fenced area shall be wholly located within the rear yard of the residence where the animals are kept.

b. *Enclosure.*

- i. *Enclosure Required.* Within the fenced area, an enclosure or shed shall be provided of sufficient size to provide cover for the animals kept on the parcel. An enclosure is not required for cats or dogs.
- ii. *Enclosure Location.* No part of the animal enclosure shall be located within 25 feet of any neighboring dwelling, within a required side or front setback, or within 300 feet of a community assembly facility, school or institution licensed by the state for the care or treatment of humans.

- c. Animal fecal matter more than which can be safely and sanitarly utilized on the premises shall be removed and shall not be allowed to accumulate.

B. **Bees.**

1. ***Number of Hives.***

- a. *AG and RE Zones.* No limit on number of hives.
 - b. *Other Zones.* Maximum of two hives per parcel unless otherwise approved with a Minor Use Permit.
2. **Hive Location.**
- a. Hives shall be located at least five feet from all property lines.
 - b. Hive entrances shall face away from or parallel to the nearest property line(s).
 - c. Hives must either be screened so that the bees must fly over a six-foot barrier, which may be vegetative, before leaving the property, or be placed at least eight feet above the adjacent ground level.
3. **Hive Management.**
- a. Hives shall be continually managed to provide adequate living space for their resident bees to prevent swarming.
 - b. Hives shall be requeened at least once every two years to prevent swarming.
 - c. A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property.
 - d. Hive maintenance materials or equipment must be stored in a sealed container or placed within a building or other bee-proof enclosure.
4. **Nuisance.** Bees or hives shall be considered a public nuisance and subject to Chapter 17.46, Enforcement, when any of the following occurs:
- a. Colonies of bees exhibit defensive or objectionable behavior or interfere with the normal use of neighboring properties.
 - b. Colonies of bees swarm.
 - c. Bees or hives do not conform to this Title.
 - d. Hives become abandoned by resident bees or by the owner.
- C. **Wild, Dangerous, Exotic and Prohibited Animals.** The keeping of roosters, peacocks, geese, and any animal which requires a permit from the Department of Fish and Wildlife pursuant to Section 2118 of the Fish and Game Code is prohibited.

17.30.070 Automobile/Vehicle Sales and Services

Automobile/vehicle sales and service establishments shall be located, developed and operated in compliance with following standards:

- A. **Application Review.** All automobile/vehicle sales and services establishments that require Use Permit approval are subject to the following requirements.
 - 1. **Findings for Approval.** The review authority shall only approve a Use Permit upon making the following findings:
 - a. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
 - b. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
 - c. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.
 - d. Lighting is designed to be low-profile, indirect or diffused and to avoid adverse impacts on surrounding uses.
 - e. The washing facility, if proposed, will not have an adverse impact on water supply and quality.
 - 2. **Conditions of Approval.** Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, or other site elements, to avoid adverse impacts on adjacent lots or the surrounding area.
- B. **Automobile/Vehicle Sales and Leasing.** Automotive servicing or repair is permitted as an accessory use for automobile/vehicle sales and leasing establishments that offer maintenance and servicing of the type of vehicles sold on site.
- C. **Automobile/Vehicle Service and Repair, Major and Minor.** In addition to other applicable standards of this Section, major and minor automobile/vehicle service and repair uses, as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards:
 - 1. **Noise.** All body and fender work or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building.

2. **Work Areas.** All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.
 3. **Vehicle Storage.** Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened in compliance with Section 17.22.130, Screening. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City.
 4. **Litter.** The premises shall always be kept in an orderly condition. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.
- D. **Automobile/Vehicle Washing.** In addition to other applicable standards of this Section, automobile/vehicle washing facilities are subject to the following standards:
1. **Washing Facilities.** No building or structure shall be located within 30 feet of any public street or within 20 feet of any interior property line of a Residential Zone. Vehicle lanes for car wash openings shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.
 2. **Hours of Operation.** Automobile/vehicle washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven days a week. When abutting a Residential Zone, the hours of operation shall be between 8:00 a.m. to 8:00 p.m., seven days a week.

17.30.080 Cannabis

Cannabis Uses shall be located, developed and operated in compliance with following standards. Violations of this Section shall constitute a public nuisance and may be enforced pursuant to the provisions of Chapter 19, Nuisance Abatement, of the Municipal Code.

- A. **Cannabis Retail.** Cannabis retailers, microbusinesses and dispensaries are regulated pursuant to Chapter 5.28, Cannabis Retail, of the Municipal Code.
- B. **Cultivation.** The following regulations shall apply to the cultivation of cannabis within the City.
 1. **Indoor Cultivation in Residential Zones.** The indoor cultivation of cannabis shall only be conducted within a detached, fully enclosed, and secure structure, or within a residential structure conforming to the following minimum standards:

- a. Any detached structure, regardless of square footage, constructed or altered for the cultivation of cannabis must comply with State and local building codes in effect at the time.
 - b. Indoor grow lights shall not exceed 1,200 watts each and shall comply with the California Building, Electrical and Fire Codes as adopted by the City. Gas products (including, without limitation, CO₂, butane, propane, and natural gas), or generators shall not be used within any detached structure used for the cultivation of cannabis.
 - c. Any detached, fully enclosed and secure structure, or residential structure used for the cultivation of cannabis must have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with the California Building Code Section 402.3, Mechanical Ventilation, as now existing or as amended.
 - d. A detached, fully enclosed, and secure structure used for the cultivation of cannabis shall be located in the rear yard area of a legal parcel or premises, maintain a minimum 10-foot setback from any rear and/or interior property line. In the case of a corner lot, the structure shall maintain the street side setback required in that zone. Detached structures used for cultivating cannabis are not eligible for zero lot line agreements. The structure must be enclosed and secured by a fence at least six feet in height.
 - e. Cannabis cultivation for sale is prohibited.
 - f. Cannabis cultivation may occur in both a detached structure and inside a residence on the same legal parcel so long as the total number of plants does not exceed that which is allowed under State of California law.
 - g. Cannabis cultivation areas, whether in a detached building or inside a residence, shall not be accessible to persons under 18 years of age.
2. ***Personal Manufacturing of Cannabis Prohibited.*** It is unlawful and a public nuisance for any person to cause, or allow, or participate in the manufacturing or compounding of cannabis or cannabis products for personal use by extraction methods within their residence or on their residential property.
 3. ***Cannabis Indoor Commercial Cultivation Facilities.*** Cannabis indoor commercial cultivation facilities are subject to the following standards.
 - a. Approval of a Development Agreement by the City Council prior to operation.

- b. Approval of a Conditional Use Permit pursuant to Chapter 17.38, Use Permits.
- c. Public safety and security plan reviewed and approved by the City prior to operation.
- d. No exterior signage other than the building address.
- e. The facility shall have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with the California Building Code Section 402.3, Mechanical Ventilation, as now existing or as amended.
- f. Outdoor Cultivation. It is unlawful and a public nuisance for any person to cause, or allow, or participate in the outdoor cultivation of cannabis plants within any zone in the City.

C. **Cannabis Laboratory Materials Testing Facility.** Cannabis laboratory testing facilities are subject to the following standards.

- 1. Approval of a Development Agreement by the City Council prior to operation.
- 2. Approval of a Conditional Use Permit pursuant to Chapter 17.38, Use Permits.
- 3. Public safety and security plan reviewed and approved by the City prior to operation.
- 4. No exterior signage other than the building address.
- 5. The facility shall have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with the California Building Code Section 402.3, Mechanical Ventilation, as now existing or as amended.

D. **Cannabis Manufacturing Facility.** Cannabis manufacturing facilities are subject to the following minimum standards.

- 1. Approval of a Development Agreement by the City Council prior to operation.
- 2. Approval of a Conditional Use Permit pursuant to Chapter 17.38, Use Permits.
- 3. Public safety and security plan reviewed and approved by the City prior to operation.
- 4. No exterior signage other than the building address.
- 5. The facility shall have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with the California Building Code Section 402.3, Mechanical Ventilation, as now existing or as amended.

- E. **Wholesale Cannabis Logistics, Distribution, and Transportation Facility.** Wholesale cannabis logistics, distribution and transportation facilities are subject to the following minimum standards.
1. Approval of a Development Agreement by the City Council prior to operation.
 2. Approval of a Conditional Use Permit pursuant to Chapter 17.38, Use Permits.
 3. Public safety and security plan reviewed and approved by the City prior to operation.
 4. No exterior signage other than the building address.

17.30.090 Drive-Through Facility

Drive-in or drive-through facilities shall be located, developed and operated in compliance with the following standards:

- A. **Conditional Use Permit Required.** Drive-in and drive-through facilities may be allowed in non-residential zones pursuant to Conditional Use Permit approval.
- B. **Circulation Plan.** A pedestrian and vehicular circulation plan shall be submitted for approval by the Review Authority. Such plan shall indicate how drive-through, pedestrian, and vehicular circulation will be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas and provide for pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or use drive-up facilities in manner that will not impede traffic flow on any public right-of-way.
- C. **Drive Aisles.** Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets and adjoining properties, wherever feasible. Drive aisles shall be developed in accordance with the following except where modified by the Review Authority.
1. A minimum 15-foot interior radius at curves and a minimum 12-foot width is required.
 2. A minimum queuing line of 100 feet shall be provided. The queuing line shall not block any parking space or portion of travel lane.
 3. Drive-in and drive-through entrances and exits shall be at least 100 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the nearest curb cut on an adjacent property.
 4. Entrances to an aisle and the direction of flow shall be clearly designated by signs and/or pavement markings or raised curbs outside of the public right-of-way.

5. Drive-through aisles shall be screened with a combination of decorative walls and landscape to a minimum height of 20 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.
- D. **Pedestrian Walkways.** Pedestrian walkways shall not intersect drive-through aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

17.30.100 Emergency Shelters and Daytime Services Facilities

Emergency shelters shall be located, developed, and operated in compliance with the following standards:

- A. **Development Standards.**
1. **All Facilities.** The following standards apply to all emergency shelters.
 - a. Emergency shelters shall be located a minimum of 300 feet apart from one another. Programs may have multiple buildings on the same parcel.
 - b. On-site personnel shall be provided during hours of operation when clients are present.
 - c. A staffed reception area shall be located near the entry to the facility.
 - d. Facilities shall provide secure areas for personal property.
 2. **Overnight Service Facilities.** In addition to the standards in Subsection A above, that apply to all emergency shelter facilities, facilities that provide overnight service are also subject to the following standards.
 - a. *Parking.* Parking shall be provided in the ratio of one space for every ten adult beds, plus an additional space designated exclusively for the manager. All parking shall be off-street and on-site.
 - b. *Hours of Operation.*
 - i. The facility shall operate with clients only permitted on-site and admitted to the facility beginning at 4:00 p.m. for dinner service, check-in, and case management, and continuing to 7:00 a.m.
 - ii. A curfew no later than 10:00 p.m. shall be established and strictly enforced. Clients shall not be admitted after the curfew, with exceptions allowed for client work schedules, special event attendance, and after hour admittance of clients by community organizations or public officials.

- c. *Screening.* Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six-foot tall decorative wall or fence. Pets and shopping carts are not permitted on-site.
- d. *Lighting.* Exterior lighting shall be provided for the entire outdoor and parking area of the property. Lighting shall reflect away from residential areas and public streets.
- e. *Waiting Area.*
 - i. For facilities with on-site client intake, an enclosed or screened waiting area must be provided within the premises for clients and prospective clients to ensure that public sidewalks or private walkways are not used as queuing or waiting area.
 - ii. A minimum of 200 square feet shall be provided for the waiting area, unless the Director determines that additional waiting space is required to meet the needs of the anticipated client load.

B. **Shelter Management Plan.** The operator of an emergency shelter or daytime service facility shall submit a management plan for approval by the Director. At minimum, the management plan shall include the following provisions:

- 1. A minimum of one staff member shall be awake and on duty, plus one additional staff or volunteer, on-premises when the facility is open. Facility staff shall be trained in operating procedures and safety plans. The facility shall not employ persons who are required to register as a sex registrant under Penal Code Section 290.
- 2. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who cannot be served by the establishment.
- 3. Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum stay at the facility shall not exceed 180 days in a 365-day period.
- 4. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, staff shall make information available to the client of alternative programs and locations where they may seek similar service.

5. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies.
 6. Service providers shall provide for the timely removal of litter attributable to clients on the property and adjacent property under the control of the service provider.
 7. Service providers will provide the City with the contact information for an individual with the authority to address operational issues.
 8. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.
 9. Alcohol and illegal drug use is prohibited on-site. Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs on-site.
 10. Service providers shall implement conditions and measures to maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.
 11. Other requirements as appropriate to ensure that the facility does not create a nuisance, including, without limitation, compliance with the provisions of Title 19, Nuisance Abatement Code, of the Municipal Code.
 12. Service providers shall ensure that all graffiti on the premises is promptly removed.
 13. Service providers shall establish affirmative measures to discourage loitering at the facility.
- C. **Compliance with Other Applicable Standards.** Emergency shelter facilities shall comply with all other laws, rules, and regulations that apply including building and fire codes. The facility shall be subject to City inspections prior to the commencement of operation.

17.30.110 Farmer's Markets

Farmer's markets shall be located, developed, and operated in compliance with the following standards:

- A. **Management Plan.** A management plan shall be prepared and provided to the Director. The management plan shall include the following:
 1. Identification of a market manager or managers, who shall be present during all hours of operation.

2. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.
- B. **Hours of Operation.** Market activities may be conducted between the hours of 7:00 a.m. and 10:00 p.m. with specific hours and duration to be approved by the City. Set-up of market operations cannot begin more than two hours prior to the operational hours of the market and take-down shall be completed within two hours of the close of the market.
- C. **Waste Disposal.** Adequate composting, recycling, and trash containers shall be provided during hours of operation and removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

17.30.120 Home Occupations

Home occupations shall be located, developed, and operated in compliance with the following standards:

- A. **Applicability.** This Section applies to home occupations in any residential unit in the City regardless of the zoning designation. It does not apply to family day care, which is regulated separately.
- B. **General Standards.** All home occupations shall be located and operated consistent with the following standards unless otherwise allowed by State law:
1. **Residential Appearance.** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.
 2. **Location.** All home occupation activities shall be conducted entirely within the residential unit, or within a garage that is attached to, and reserved for, the residential unit. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces for parking.
 3. **Floor Area Limitation.** No more than 25 percent of the floor area of the dwelling unit may be used in the conduct of the home occupation.
 4. **Employees.** No employees or independent contractors other than residents of the dwelling shall be permitted to work at the location of a home occupation except as otherwise allowed for cottage food operations.

5. **On-Site Client Contact.** No customer or client visits are permitted except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring) which may have up to two students at one time.
 6. **Direct Sales Prohibition.** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication or except as otherwise allowed for cottage food operations.
 7. **Storage.** There can be no exterior storage of materials, supplies, and/or equipment for the home occupation.
 8. **Hazardous Materials.** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.
 9. **Nuisances.** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a detached single-unit dwelling.
 10. **Traffic and Parking Generation.** Home occupations shall not generate a volume of pedestrian, automobile, or truck traffic that is inconsistent with the normal level of traffic in the vicinity or on the street on which the dwelling is located or which creates the need for additional parking spaces or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit.
 11. **Commercial Vehicles.** The use of commercial vehicles for the delivery of materials or equipment to or from the premises is expressly prohibited.
- C. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations:
1. Automobile/vehicle sales and services;
 2. Animal care, sales, and services;
 3. Cannabis retail;
 4. Eating and drinking establishments;
 5. Hotels and motels;

6. Hospitals and clinics;
7. Firearm sales, including firearms brokers;
8. Personal services; and
9. Retail sales.

17.30.130 Manufactured Home Parks

Manufactured home parks shall be located, developed, and operated in compliance with the following standards, in addition to the requirements of Title 25, Housing and Community Development, of the California Code of Regulations:

- A. **Minimum Site Area.** The minimum site area for a manufactured home park shall be five acres.
- B. **Minimum Number of Homes.** The minimum number of manufactured homes within a manufactured home park site shall be 50.
- C. **Minimum Setbacks.** All manufactured home parks within a manufactured home park development shall be setback from perimeter property lines consistent with the required setbacks of the underlying base zone.
- D. **Landscaping.** Landscaping pursuant to Chapter 17.25, Landscaping, shall be provided.
- E. **Fencing and Perimeter Walls.** A manufactured home park shall be enclosed by a solid decorative masonry wall seven feet in height, erected and maintained in the following areas:
 1. Along the property side of the street landscape setback, as defined by the Landscape Development Guidelines;
 2. Along all interior property lines, except the area within the required street side setback and any area used for pedestrian or vehicle access; and
 3. Along all property lines adjoining another private property.
- F. **Internal Roadways.** A manufactured home park shall be designed such that access to public roads is provided to the satisfaction of the Public Works and Fire Departments.
 1. **Minimum Width.** All roadways shall have a required minimum width of 22 feet, from curb to curb.
 2. **Paving.** All access roads, defined here as all roadways between points of ingress and/or egress to and from the manufactured home park to public roads, shall be paved.

3. **Design.** Roadways shall be designed so that each living unit lot shall front upon a roadway within the development and provide convenient and reasonable traffic circulation. All circulation roads within a manufactured home park shall comply with the following standards:
 - a. Roads shall be suitable for service vehicles;
 - b. Roads shall be graded so there will be no depressions in which surface water will accumulate and remain;
 - c. Roads shall be sloped to provide proper storm drainage run-off by means of surface or subsurface drainage facility; and
 - d. Roads shall be maintained to avoid excess dust.

4. **On-Street Parking.**
 - a. *Manufactured home parks constructed prior to September 15, 1961.*
 - i. Parking shall be prohibited on one-way, one-lane roadways less than 22 feet in width.
 - ii. Parking Permitted on One Side of Roadway. Where parking is permitted on one side of the roadway, the roadway shall have a required minimum width of 22 feet.
 - iii. Parking Permitted on Both Sides of Roadway. Where parking is permitted on both sides of the roadway, the roadway shall have a required minimum width of 30 feet.
 - b. *Manufactured home parks constructed on or after September 15, 1961.*
 - i. One-way, One-lane Roadways.
 - (1) Parking shall be prohibited on one-way, one-lane roadways less than 22 feet in width.
 - (2) Parking Permitted on One Side of Roadway. Where parking is permitted on one side of the roadway, the roadway shall be a minimum of 22 feet in width.
 - (3) Parking Permitted on Both Sides of Roadway. Where parking is permitted on both sides of the roadway, the roadway shall be at least 30 feet in width.
 - ii. Two-way, Two-lane Roadways.
 - (1) Parking shall be prohibited on two-lane, two-way roadways less than 32 feet in width.

- (2) Parking Permitted on One Side of Roadway. Where parking is permitted on one side of the roadway, the roadway shall be a minimum of 32 feet in width.
 - (3) Parking Permitted on Both Sides of Roadway. Where parking is permitted on both sides of the roadway, the roadway shall be at least 40 feet in width.
- G. **Improvement of Existing Manufactured Home Parks.** Upon the receipt of an application for the enlargement or extension of a manufactured home park in existence on April 22, 1987, the Planning Commission may modify the requirements of this Section to the extent otherwise consistent with applicable law; provided that doing so will result in an overall improvement in the design or standards of the existing park.

17.30.140 Mobile Vending

Mobile vending shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Mobile vendors may only operate in non-residential zones. Mobile vendor vehicles shall not be permitted as a permanent or proprietary location on any property within the City. Vehicles shall not be left unattended at any time, or be left onsite when inactive, or stored overnight.
- B. **Number.** Maximum one mobile vendor per day per lot.
- C. **Duration.** Maximum four hours per day per lot. No lot may have a mobile vendor onsite for more than 90 days total in any 12-month period.
- D. **Allowed Products.** Operations are limited to the sales of food and beverages for immediate consumption.
- E. **Vehicle and Parking Requirements.**
 1. **Allowed Vehicles.** Operations shall only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and County Health Department approvals. Other types of food vending from a temporary structure such as a push cart, standalone trailer, or kiosk are not allowed under this Title.
 2. **Required Parking.** No dedicated parking spaces shall be required for a mobile vendor that meets the standards of this Section.
 3. **Displaced Parking.** Mobile vendors may displace up to three required non-residential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on site are displaced. Required parking spaces for an existing non-

residential use may be displaced if the existing non-residential use is not open during the event.

4. **Paving.** Mobile vendor vehicles shall only be stopped or parked on surface paved with concrete, asphalt, or another surface approved by the Director.
- F. **Obstructions.** Mobile vendor location and operations, including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans with Disabilities Act.
- G. **Nuisance.** Mobile vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.
- H. **Modifications.** Modifications to the standards of this Section may be approved pursuant to Chapter 17.40, Modifications.

17.30.150 Outdoor Display and Sales

Outdoor display and sales shall be located, developed, and operated in compliance with the following standards:

- A. **Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section 17.30.220, Temporary Uses, and Chapter 17.39, Temporary Use Permits.
- B. **Produce Displays.** The outdoor display of fresh produce associated with an existing food and beverage retail sales establishment on the same site is allowed, subject to the following standards:
 1. The display shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.
 2. All produce shall be removed or enclosed at the close of each business day.
- C. **Permanent or Ongoing Outdoor Display and Sales.** The permanent or ongoing outdoor display of merchandise, except for vehicle sales and leasing requires Minor Use Permit approval and shall comply with the following standards:
 1. **Relationship to Main Use.** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.

2. **Allowable Merchandise.** Only merchandise sold at the business is permitted to be displayed outdoors.
 3. **Location.** The displayed merchandise shall occupy a fixed, specifically approved and defined location and shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.
- D. **Outdoor Vending Machines Prohibited.** Outdoor vending machines other than those for the sale of newspapers is prohibited.

17.30.160 Outdoor Dining and Seating

Outdoor dining and seating shall be located, developed, and operated in compliance with the following standards:

- A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way is subject to an encroachment permit issued by the Development Engineering Division.
- B. **Accessory Use.** Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.
- C. **Hours of Operation.** The hours of operation are limited to the hours of operation of the associated eating and drinking establishment.
- D. **Pedestrian Pathway.** A four-foot unobstructed pedestrian pathway shall be required. If there is more than a four-foot-wide pathway provided, outdoor dining may be located outside of the required four feet.
- E. **Maintenance.** Outdoor dining and seating areas shall always remain clear of litter.

17.30.170 Personal Services

Personal service establishments shall be located, developed, and operated in compliance with the following standards:

- A. **Hours of Operation.** Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m. unless otherwise specified in a Use Permit.
- B. **Massage Establishments.** Massage establishments shall comply with Chapter 5.12, Massage Parlors, of the Municipal Code. Noncompliant establishments which offer massage in exchange for compensation, including sole proprietorships, shall be prohibited. Massage Establishments shall comply with the following standards:

1. No exterior window shall be tinted, covered, or obstructed such that visibility into the business is reduced or eliminated.

17.30.180 Recharging Stations

Recharging Stations may be provided in any area designed for the parking or loading of vehicles.

17.30.190 Recycling Facilities

Recycling facilities shall be located, developed, and operated in compliance with the California Beverage Container Recycling and Litter Reduction Act of 1986 (Public Resources Code Section 14500) and the following standards:

- A. **All Recycling Facilities.** All recycling facilities shall be subject to the following standards:
 1. **Security.** Recycling facilities shall be secured from unauthorized entry or removal of material and have enough capacity to accommodate materials collected and collection schedule.
 2. **Maintenance.** Recycling facilities, including donation areas, shall be maintained in a dust- and litter-free condition and shall be swept daily.
- B. **Reverse Vending Machines.** In addition to the requirements Subsection A above, reverse vending machines shall be located, developed, and operated in compliance with the following standards.
 1. **Maximum Size.** Reverse vending machines shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height.
 2. **Location.** In addition to the following requirements, recycling facilities shall comply with the setback requirements of the zone in which the facility is located.
 - a. Reverse vending machines shall only be established in conjunction with a commercial or community service host facility in compliance with applicable building and fire codes.
 - b. Reverse vending machines shall be located within 30 feet of the entrance to the commercial or community service facility.
 - c. Reverse vending machines shall not obstruct pedestrian or vehicular circulation.

3. **Material.** Reverse vending machines shall be constructed and maintained with durable waterproof and rustproof material.
 4. **Parking.**
 - a. Reverse vending machines shall not occupy parking spaces required by the primary use.
 - b. Reverse vending machines outside a commercial structure do not require additional parking spaces for patrons.
 5. **Signs and Identification.** Reverse vending machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative. The maximum sign area on a reverse vending machine is four square feet per machine, not including operating instructions.
 6. **Hours of Operation.** Operating hours shall be at least the operating hours of the primary use.
 7. **Lighting.** Reverse vending machines shall be illuminated to ensure comfortable and safe operations if operating hours are between dusk and dawn.
- C. **Recycling Collection Facilities.** In addition to the requirements Subsection A above, recycling collection facilities shall be located, developed, and operated in compliance with the following standards.
1. **Small Recycling Collection Facilities.**
 - a. *Maximum Size.* Small recycling collection facilities shall not exceed a building footprint of 500 square feet or occupy more than five parking spaces (not including space periodically needed for removal or exchange of materials or containers).
 - b. *Location.* In addition to the following requirements, recycling facilities shall comply with the setback requirements of the zone in which the facility is located.
 - i. Small recycling collection facilities shall only be established in conjunction with a commercial or community service host facility in compliance with applicable building and fire codes.
 - ii. Small recycling collection facilities shall be set back at least 10 feet from any street line, be at least 200 feet from the edge of any four-way intersection, and not obstruct pedestrian or vehicular circulation.

- iii. Attended small recycling collection facilities located within 100 feet of a property zoned or occupied for residential zone shall operate only during the hours between 9:00 a.m. and 7:00 p.m.
- iv. Containers for the 24-hour donation of materials shall all be at least 100 feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.
- v. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- c. *Equipment.* No power-driven processing equipment, except for reverse vending machines, may be used.
- d. *Items Accepted.* Small recycling collection facilities shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with permission of the County Public Health Official.
- e. *Signs and Identification.* Signs shall comply with the requirements of Chapter 17.29, Signs. The Director may authorize increases in the number, size, and nature of additional signs for necessary directional or identification purposes, but not for outdoor advertising.
 - i. Informational Sign. Containers shall be clearly marked to identify the type of recyclables that may be deposited. The name and telephone number of the facility operator shall be conspicuously posted, along with the hours of operation, and a notice stating that no material shall be left outside the recycling enclosure or containers.
 - ii. Additional Signs. In addition to informational signs, signs with a maximum sign area of 16 square feet are allowed.
- f. *Storage.* All recyclable material shall be stored in containers or in the mobile unit vehicle. Materials shall not be left outside of containers when attendant is not present.
- g. *Parking.*
 - i. Customer Parking. No additional parking spaces are required for customers of a small collection recycling facility located at the established parking lot of a host use.

- ii. Attendant Parking. One space shall be provided for the facility attendant.
- iii. Parking Reduction. The number of parking spaces required for the primary host may be reduced to allow occupation of parking space by a small collection facility and/or attendant, provided all of the conditions are met:
 - (1) The facility is located in a convenience zone, as designated by the California Department of Conservation;
 - (2) The facility is certified by the California Department of Conservation;
 - (3) A parking study shows available capacity during recycling facility operation;
 - (4) The permit will be reconsidered at the end of 18 months; and
 - (5) The parking space reduction does not exceed the requirements of Table 17.30.190, Allowed Parking Reduction to Accommodate Small Recycle Collection.

TABLE 17.30.190: ALLOWED PARKING REDUCTION TO ACCOMMODATE SMALL RECYCLE COLLECTION FACILITIES

<i>Required Parking Space for Primary Host</i>	<i>Maximum Parking Space Reduction</i>
Commercial Facility Host Use	
0 - 25	0
26 - 35	1
36 - 49	2
50 - 99	3
100 +	4
Commercial Facility Primary Use	
A maximum reduction of 5 spaces allowed when not in conflict with parking needs of the primary use	

2. ***Large Recycling Collection Facilities.***

- a. *Location.* In addition to the following requirements, recycling facilities shall comply with the setback requirements of the zone in which the facility is located.
 - i. Large recycling collection facilities shall not abut any property with a residential use.

- ii. Large recycling collection facility located within 100 feet of property zoned, planned or occupied for residential use, shall not be in operation between 7:00 p.m. and 7:00 a.m.
 - iii. Any containers provided for after-hours donation of recyclable materials will be at least one hundred feet from any property zoned or occupied for residential use.
 - b. *Equipment.* Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding or other light processing activities necessary for efficient temporary storage and shipment of material, may be allowed if all activities are fully enclosed within a building.
 - c. *Signs and Identification.* Signs shall comply with the requirements of Chapter 17.29, Signs. The Director may authorize increases in the number, size, and nature of additional signs for necessary directional or identification purposes, but not for outdoor advertising.
 - i. Containers shall be clearly marked to identify the type of recyclables that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.
 - ii. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.
 - d. *Storage.*
 - i. All exterior storage shall be in sturdy containers which are covered, secured and maintained in good condition.
 - ii. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the fire chief.
 - iii. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.
 - iv. Containers shall be constructed of durable waterproof and rustproof material, shall have enough capacity to accommodate materials.
 - e. *Screening.*
 - i. M-L Zone. All processing and storage of material shall take place within a completely enclosed building.

- ii. M-1, M-2, and M-3 Zones. All processing and storage shall be screened from the public right-of-way by operating in an enclosed building, or:
 - (1) Within an area enclosed by an opaque fence at least six feet in height with landscaping;
 - (2) Located at least 150 feet from property zoned or occupied for residential use; and
- f. *Noise.* Large recycling collection facilities shall not exceed noise levels of 60 dBA as measured at the property line of the nearest residentially zoned or occupied property, or 70 dBA at all other property lines.
- g. *Parking.* Large recycling collection facilities shall comply with the parking requirements of Chapter 17.27, Parking and Loading. An exception may be made for to allow a parking reduction where it can be shown that parking spaces are not necessary (i.e., when employees are transported in a company vehicle to a work facility).
 - i. Customer Parking. The facility shall provide six parking spaces, or the number of spaces to accommodate the anticipated peak customer load, whichever is higher, except where the Director determines that allowing additional parking is appropriate to the site and compatible with surrounding businesses and public safety.
 - ii. Commercial Vehicle Parking. One parking space shall be required for each commercial vehicle operated by the large recycling collection facility.

D. **Recycling Processing Facilities.** In addition to the requirements Subsection A above, recycling processing facilities shall be located, developed, and operated in compliance with the following standards.

- 1. **All Recycling Processing Facilities.** All recycling processing facilities shall be subject to the following criteria:
 - a. No portion of an existing parcel shall be divided for the financial purpose of establishing a subleased recycling facility, nor shall any such facility receive approval, until the provisions of the Subdivision Map Act have been complied with and a record map or description is filed;
 - b. All recycling facilities shall comply with the requirements of Chapter 17.27, Parking and Loading;

- c. All sites shall have access to a convenient water supply for cleaning purposes; and
 - d. All sites shall be located near or have access to a storm drain.
2. ***Light Processing Facilities.*** In addition to the requirements of Subsection D.1. above, light processing facilities shall be located, developed, and operated in compliance with the following standards:
- a. *Maximum Size.* Light processing facilities shall not exceed 4,500 square feet.
 - b. *Location.* In addition to the following requirements, recycling facilities shall comply with the setback requirements of the zone in which the facility is located.
 - i. Light processing facilities shall not be on a property zoned or used for residential use.
 - ii. Light processing facilities located within 100 feet of property zoned or occupied for residential use shall not be in operation between 7:00 p.m. and 7:00 a.m.
 - c. *After-Hours Donation Containers.*
 - i. Shall be located at least 100 feet from any property zoned or occupied for residential use;
 - ii. Shall be constructed of durable waterproof rustproof material;
 - iii. Shall have enough capacity to accommodate materials collected; and
 - iv. Shall be secure from unauthorized entry or removal of materials.
 - d. *Equipment.* Power-driven processing shall be permitted in compliance with Section 17.28.110, Noise. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.
 - e. *Items Accepted.* Light processing facilities may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.
 - f. *Signs and Identification.* Signs shall comply with the requirements of Chapter 17.29, Signs. The Director may authorize increases in the

number, size, and nature of additional signs for necessary directional or identification purposes, but not for outdoor advertising.

- i. Containers shall be clearly marked to identify the type of recyclables that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.
- ii. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

g. *Storage.*

- i. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition.
- ii. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the fire chief. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;

h. *Screening.* All processing and storage shall be screened from the public right-of-way, by operating in an enclosed building, or:

- i. Within an area enclosed by solid masonry walls at least eight feet in height and landscaped on all street frontages; and
- ii. Located at least 100 feet from property zoned or occupied for residential use.

i. *Parking.*

- i. Customer Parking. Adequate space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the Planning Commission determines that allowing additional parking is appropriate to the site and compatible with surrounding businesses and public safety.
- ii. Commercial Vehicle Parking. One parking space shall be provided for each commercial vehicle operated by the light processing facility.

- j. *Noise.* Light processing facilities shall not exceed noise levels of 60 dBA as measured at the property line of the nearest residentially zoned or occupied property, or 70 dBA at all other property lines.
- k. *Operations.*
 - i. *Shipments.* Light processing facilities shall have no more than an average of two outbound truck shipments of material per day and may not shred, compact, or bale ferrous metals other than food and beverage containers.
 - ii. *Personnel.* Light processing facilities will be administered by on-site personnel during the hours the facility is open.
- l. *Performance Standards.* No dust, fumes, smoke, vibration or odor above ambient level shall be detectable on neighboring properties, as provided for by Chapter 17.28, Performance Standards.

E. **Enforcement.**

1. All uses or changes in the use of the land, and the establishment, installation, operation and maintenance of any improvement of the land, shall comply with the provisions of this Title and the applicable regulations of all agencies and departments having jurisdiction.
2. This Section applies to the establishment and continued use of all recycling facilities. All facilities in existence prior to the effective date of this Title shall comply with the terms of this Title within 120 days from its effective date. Any such use not in conformance after this 120-day period shall be deemed to be a violation of this Title and subject to enforcement in accordance with Chapter 17.46, Enforcement.
3. Should the actual construction deviate from the plan as approved, the certificate of occupancy shall be withheld until the construction is in conformance with the approved plan.

17.30.200 Single Room Occupancy

Single-room occupancy units shall be located, developed, and operated in compliance with the following standards:

- A. **Minimum Size.** Each unit shall have at least 150 square feet of floor area. No individual unit may exceed 400 square feet.
- B. **Maximum Occupancy.** Each unit shall accommodate a maximum of two persons.
- C. **Lighting.** Exterior lighting shall be provided for the entire outdoor and parking area of the property and shall comply with the requirements of Section 17.22.080, Lighting and Illumination.
- D. **Laundry Facilities.** Laundry facilities must be provided in a separate enclosed room at the ratio of one washer and one dryer for every 20 units or fractional number thereof, with at least one washer and dryer per floor.
- E. **Cleaning Facilities.** A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor.
- F. **Bathroom.** Each unit shall require a separate bathroom containing a water closet, lavatory and bathtub or shower.
- G. **Cooking Facilities.** Each unit shall require a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than 30 inches in front.
- H. **Closet.** Each unit shall have a separate closet.

- I. **Tenancy.** Tenancy of units shall not be less than 30 days or more than 12 months.
- J. **Facility Management.** An SRO facility with 10 or more units shall provide full-time on-site management. An SRO facility with less than 10 units may provide a management office off-site.

17.30.210 Solar Energy Systems

Solar energy systems shall be located, developed, and operated in compliance with the following standards:

- A. **Height, Ground-Mounted Solar Energy Systems.** The maximum height of a ground-mounted solar energy collector system is 25 feet or the maximum height allowed in the base zone, whichever is less.
- B. **Required Setback.** Solar energy systems less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any property line. All other solar energy systems shall meet the required setback of the base zone.
- C. Solar Energy Systems shall be an accessory use in residential zones.

17.30.220 Temporary Uses

This Section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

- A. **Temporary Uses Not Requiring a Use Permit.** The following types of temporary uses may be conducted without a Use Permit. Other permits, such as building permits, may be required.
 - 1. **Yard Sales.** Yard sales in compliance with the standards contained in Chapter 19.05, Property Maintenance, of the Municipal Code.
 - 2. **Non-Profit Fund Raising.** Fund raising activities by tax exempt organizations pursuant to 501(C) of the Federal Revenue and Taxation Code are allowed in non-residential zones with no limitation on the number of occasions and duration.
 - 3. **Temporary Construction Office Trailers.** On-site temporary construction offices during the period of construction. Screening may be required by the Director.
 - 4. **Sales Offices and Model Homes.** Model homes with sales offices and temporary information/sales offices in new residential developments of five or more units or lots are subject to the following requirements.

- a. *Time Limits.*
 - i. Temporary Sales Office. A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of six months or completion of the first phase of the development, whichever occurs first.
 - ii. Model Homes. Model homes may be established and operated for a term period of three years or until completion of the sale of the lots or units, whichever comes first. One-year extensions may be approved by the Director until the sale of all lots/residences is completed.
- b. *Location of Sales.* Real estate sales conducted from a temporary sales office are limited to sales of lots or units within the development.
- c. *Return to Residential Use.* Prior to the sale of any of the model homes as a residence, any portion used for commercial purposes shall be converted to its intended residential purpose.

B. Temporary Uses Requiring a Temporary Use Permit. Other temporary uses may be permitted pursuant to Chapter 17.39, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.

1. **Seasonal Sales.** The annual sales of holiday related items such as Christmas trees, pumpkins and similar items may be permitted in accordance with the following standards. This Subsection is only applicable to temporary seasonal sales that are not in conjunction with an existing business and are not applicable to farmers' markets or the sale of fireworks.
 - a. *Time Period.*
 - i. Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday. Christmas tree sales are allowed from Thanksgiving Day through December 31st.
 - ii. The subject lot shall not be used for seasonal sales more than two times within the calendar year.
 - b. All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.

- c. The property shall not be used in such a manner as to create a nuisance due to noise, dust, litter, or other factors.
 - d. The City reserves the right to shut down a temporary seasonal sales operation if the operation is posing safety concerns, has become a nuisance, or has violated any requirements of this Subsection. All costs associated with the removal and/or abatement shall be paid for by the property owner.
2. **Special Events and Sales.** Other short-term special events that do not exceed seven consecutive days, may be permitted in accordance with the following standards:
- a. *Location.* Events are limited to non-residential zones.
 - b. *Number of Events.* No more than four events at one site shall be allowed within any 12-month period.
 - c. *Parking.* The available parking shall not be reduced to less than 66 percent of the minimum number of spaces required by Chapter 17.27, Parking and Loading.
 - d. *Time Limit.* When located adjacent to a Residential Zone, the hours of operation shall be limited to 9:00 a.m. to 8:00 p.m.
 - e. *Temporary Outdoor Sales.* Temporary outdoor sales, including, but not limited to, grand opening events, and other special sales events, are also subject to the following standards:
 - i. Temporary outdoor sales shall be part of an existing business on the same site.
 - ii. Outdoor display and sales areas shall be located on a paved or other approved hard surfaced area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
 - iii. Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
- C. **Temporary Uses Requiring a Minor Use Permit.** Other temporary events and special events, outdoor sales, and displays may be allowed with the approval of a Minor Use Permit so long as they are not intended to extend longer than one month

and they are determined to not impact neighboring uses or otherwise create significant impacts.

17.30.230 Urban Agriculture

Urban agriculture uses shall be located, developed, and operated in compliance with the following standards:

- A. **Aquaculture.** Aquaculture operations in Residential Zones shall be contained entirely within an enclosed structure or shall be located so as not to be visible from a public right-of-way.
- B. **Community and Market Gardens.**
 1. **Management.** A manager shall be designated for each garden who shall serve as liaison between gardeners, property owner(s), and the City.
 2. **Hours of Operation.** Gardens shall only be tended between dawn and dusk unless additional hours are approved pursuant to a Minor Use Permit.
 3. **Buildings and Structures.** Accessory buildings, such as sheds, greenhouses, and hoopouses are allowed and shall comply with the property development standards of the zone.
 4. **Equipment.** Use of mechanized farm equipment is prohibited except as provided below or approved pursuant to a Minor Use Permit.
 - a. Heavy equipment may be used initially to prepare the land for gardening.
 - b. Landscaping equipment designed for household use is permitted.
 5. **Maintenance.**
 - a. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.
 - b. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.
 6. **Composting.**
 - a. Compost and compost receptacles shall be located so as not to be visible from a public right-of-way.
 - b. Compost and compost receptacles shall be set back a minimum of 20 feet from residential buildings.
 - c. In Residential Zones, composting is limited to the materials generated on-site and shall be used on-site.

7. **Utilities.** The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
8. **Parking.** Two parking spaces shall be provided on-site or on-street adjacent to the lot frontage.

C. **Private Gardens.**

1. **Buildings and Structures.** Accessory buildings, such as sheds, greenhouses, and hoopouses are allowed and shall comply with the property development standards of the zone.
2. **Equipment.** Only household garden tools and equipment, applicators and products, may be used. This includes, but not limited to, soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc. Pull behind equipment is prohibited.
3. **Composting.** Composting is limited to the materials generated on-site and shall be used on-site.

D. **Urban Agriculture Stands.** Urban agriculture stands are permitted on the site of an urban agriculture use subject to the following regulations:

1. **Maximum Size.** Limited to 120 square feet unless a larger size is approved pursuant to a Minor Use Permit.
2. **Removal.** Urban agriculture stands shall be dismantled and removed during non-operating hours.
3. **Sales.** Product sales are limited to produce and value-added products grown and produced on-site.
4. **Hours of Operation.** Operating hours for an urban agriculture stand are limited to 7:00 a.m. to 8:00 p.m.
5. **Days of Operation.** In Residential Zones, urban agriculture stands may operate a maximum of three days per week.

17.30.240 Wireless Telecommunication Facilities

- A. Wireless Telecommunications Facilities are subject to the Wireless Telecommunications Facilities Policy.

Chapter 17.31 Temporary Signage

Sections:

- 17.31.010 Purpose
- 17.31.020 Applicability
- 17.31.030 Enforcement
- 17.31.040 Damaged or Abandoned Signs
- 17.31.050 Conflicts
- 17.31.060 Substitution of Noncommercial Message
- 17.31.070 Severability
- 17.31.080 Definitions
- 17.31.090 On Site Temporary Signs
- 17.31.100 Off-Site Temporary Signs

17.31.010 Purpose

The purpose of this Chapter is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:

- A. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
- B. Encourage signs as an effective channel of communication while preventing visual clutter that will detract from the aesthetic character of the City;
- C. Protect and improve the local economy and quality of life by preserving and enhancing the appearance of the streetscape;
- D. Maintain and enhance the City's appearance by regulating the location, number, type, quality of materials, size, illumination, and maintenance of signs;
- E. Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers;
- F. Provide clear and unambiguous sign standards that enable fair and consistent enforcement; and
- G. Ensure that the constitutionally guaranteed right of free speech is protected.

17.31.020 Applicability

- A. The provisions of this Chapter apply to all signs in all zones, constructed or physically altered on or after the effective date of this Title, unless otherwise specified.
1. The provisions of this Chapter shall not be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings; create a safety hazard by impeding travel on sidewalks, bike lanes, or vehicle lanes; or violate any other reasonable time, place, and manner restrictions adopted by the City.
 2. The provisions of this Chapter shall not require alteration of the display of any registered mark, trademark, service mark, trade name, or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.
- B. **Regulatory Interpretations.** The provisions of this Chapter shall be applied in a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Chapter. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

17.31.030 Enforcement

Signs that do not conform to the provisions of this Chapter and are erected after its effective date without obtaining required permits thereby are declared to be unlawful and a public nuisance. All violations of this Chapter shall be subject to enforcement remedies, penalties, and abatement as provided by Chapter 17.46, Enforcement, and Title 19, Nuisance Abatement Code, of the Municipal Code.

17.31.040 Damaged or Abandoned Signs

Any sign that is dented, frayed, faded, damaged, or abandoned shall be removed by the sign owner. If such sign is not removed or repaired by the sign owner, the sign may be removed and abated by the city in accordance with Title 19 of the city's Municipal Code. All costs

associated with the removal and/or abatement of such sign(s) shall be paid for by the sign owner.

17.31.050 Conflicts

It is the intent of this chapter that all signs adhere to the city's sign ordinance, codified in the Municipal Code at Chapter 17.29. In the event of a conflict between this chapter and Chapter 17.29, this chapter will control.

17.31.060 Substitution of Noncommercial Message

In each instance and under the same conditions to which this chapter permits any sign, a sign containing an ideological, religious, or other noncommercial speech shall be permitted wherever commercial signage is permitted.

17.31.070 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this chapter for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of the chapter. The city council of the city of West Sacramento hereby declares that it would have passed this chapter and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional. The city council further specifically declares that the invalidity or unconstitutionality of this chapter shall not affect the validity of Chapter 17.29, and that the invalidity or unconstitutionality of Chapter 17.29 shall not affect the validity of this chapter.

17.31.080 Definitions

As used in this Chapter, the following terms shall have the following meanings:

- A. **Agricultural Directional Sign.** A directional sign indicating where seasonally-based agricultural products and activities are available.
- B. **Animated Sign.** A sign with messages that visually change, or images that move or appear to move, flash on or off, wink or blink with varying light intensity, show motion or create the illusion of motion, or revolve to create an illusion of being on or off.
- C. **Banner Sign.** A sign that is painted or printed on lightweight flexible material and hung from a staff or other structure by ropes, wires, or similar means in a manner to minimize movement.
- D. **Balloon.** Any air- or gas-filled device used for the purposes of signage or advertising.

- E. **Commercial Message.** A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.
- F. **Copy.** Also called "sign copy." The visually communicative elements mounted on a sign.
- G. **Damaged Sign.** Any sign with cracked or broken panels, peeling paint, missing letters, or any sign that has been partially destroyed by any cause.
- H. **Directional Sign.** A sign that directs or guides pedestrian or vehicular traffic and which is non-advertising in nature (e.g., handicapped parking, one-way, exit, and entrance).
- I. **Graffiti.** Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner's consent.
- J. **Illuminated Sign.** A sign with an artificial source of light incorporated internally or externally for illuminating the sign.
- K. **Inflatable Sign.** A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside a building to attract attention to or to advertise a business, a business location, a service, a product, or an event.
- L. **Internally Illuminated Sign.** A sign that is illuminated by a light source that is contained inside the sign where the message area is luminous, including cabinet signs and channel-letter signs.
- M. **Moving Sign.** A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.
- N. **Non-Commercial Message.** A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.
- O. **Nonconforming Sign.** A sign lawfully erected and legally existing on the effective date of this Code, but which does not conform to the provisions of this Code.
- P. **Pennant.** A device made of flexible materials, (e.g., cloth, paper, or plastic) that may or may not contain copy, and which is installed for attracting attention.
- Q. **Permanent Sign.** A sign that is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond

normal wear) and position, and in a permanent manner affixed to the ground, wall, or building.

- R. **Portable Sign.** A moveable sign that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground, including but not limited to A-frame and H-frame signs are allowed subject to the following standards.

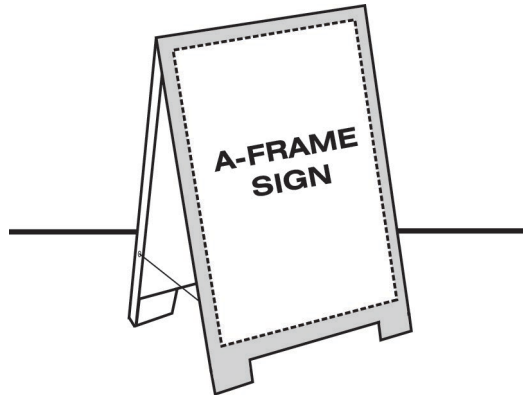


FIGURE 17.29.020.FF: PORTABLE SIGN, A-FRAME SIGN

- S. **Projecting Sign.** A single- or double-faced sign that is perpendicular to the face of a building and projects more than 15 inches from the face.
- T. **Real Property Kiosk.** A freestanding sign structure that identifies real property that is being advertised for sale, lease, or exchange, and provides directional arrows to indicate the location of the real property.
- U. **Real Property Event Sign.** A sign advertising a sponsored event for the sale, lease, or exchange of real property.
- V. **Real Property Sign.** A sign advertising the sale, lease, or exchange of real property.
- W. **Roof Sign.** Any sign located on a roof of a building or having its major structural supports attached to a roof that extend above the roofline or parapet.

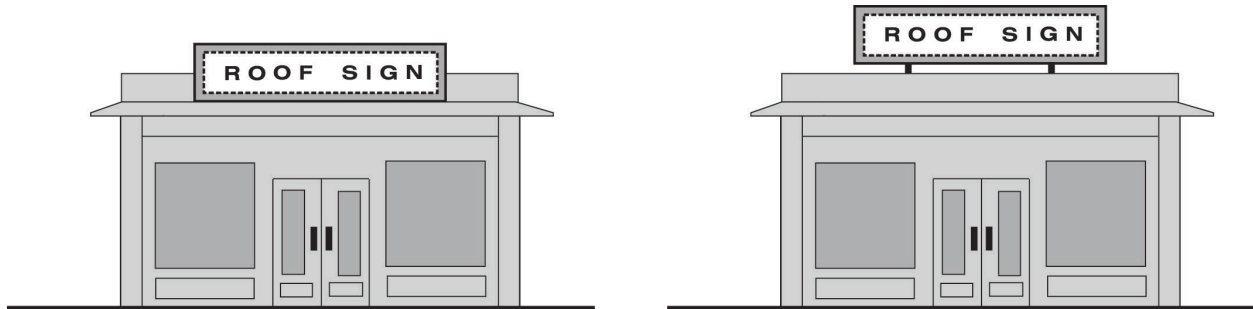


FIGURE 17.29.020.KK: ROOF SIGN

- X. **Sign.** Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information. A display, device, or thing need not contain lettering to be a sign.
- Y. **Sign Area.** The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.
- Z. **Sign Face.** An exterior display surface of a sign, including non-structural trim, exclusive of the supporting structure. The area of a sign which is available for mounting and public display of the visually communicative image.
- AA. **Temporary Sign.** A structure or device used for the public display of visual messages or images, which is typically made of lightweight or flimsy materials which is not intended for or suitable for long term or permanent display.

17.31.090 On-Site Temporary Signs

- A. **Portable Signs.** A moveable sign that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground, including but not limited to A-frame and H-frame signs are allowed subject to the following standards.
 1. **Maximum Sign Width.** Two feet.
 2. **Maximum Sign Height.** Four feet.
 3. **Location of Sign.** Portable signs shall be located on private property within 20 feet of the entrance to the business it is identifying.

4. **Maximum Number of Signs.** One per business where the business is not identified on any freestanding sign.
 5. **Hours of Display.** Portable signs shall be removed during hours when the establishment is not open to the public and cannot be displayed after the activity with which they are associated with is over.
- B. **Real Property Signs and Campaign Signs.** Any temporary sign, banner, balloon, pennant, valance or advertising display for an election or for real estate sales or rental may be erected and located in accordance with the following standards. Tenants and units include planned future tenants and units to be constructed for which a planning approval has been granted or for which a Building Permit has been issued.
1. **Agricultural and Residential Zones.**
 - a. *Maximum Allowable Sign Area.* Ten square feet per street frontage.
 - b. *Maximum Sign Height.* Six feet above existing grade.
 - c. *Location of Sign.* Signs greater than three square feet in size shall be setback from all property lines a minimum of five feet.
 - d. *Additional Individual Unit Signs.* For multi-unit residential developments, each ground floor unit is also allowed one sign up to three square feet in size and six feet in height. Each upper floor unit is allowed one sign up to three square feet in size and located no higher than the eave line or parapet line of the unit.
 2. **Other Zones.**
 - a. *Maximum Allowable Sign Area.* 50 square feet per street frontage.
 - b. *Maximum Sign Height.* Six feet above existing grade
 - c. *Location of Sign.* Signs between three and 10 square feet in size shall be setback from all property lines a minimum of five feet. Signs 10 square feet in size or larger shall be setback from all property lines a minimum of 10 feet.
 - d. *Additional Individual Tenant/Unit Signs.* Each ground floor tenant/unit is allowed one sign up to three square feet in size and six feet in height. Each upper floor tenant/unit is allowed one sign up to three square feet in size and located no higher than the eave line or parapet line of the unit.
- C. **Construction Signs.** One sign per property not exceeding 32 square feet identifying contractors, owners, designers, lenders, etc., may be erected on sites of projects under construction on that property.

- D. **Temporary Business Advertising Signs.** Temporary business advertising signs may be placed on a business for a maximum of 30 consecutive calendar days for the first promotional event of the calendar year for a business and a maximum of 15 consecutive calendar days for all subsequent events for a business during that year.
1. Temporary business advertising signs will be permitted a maximum of four times per calendar year per business.
 2. Display occurrences shall be interrupted by a minimum of 30 days.
 3. Businesses shall be limited to two banner signs per business.
 4. A banner sign shall not be freestanding and shall only be affixed to the façade of the building including canopies or awnings. Banner signs shall not be affixed to any other permanent or temporary structures, including freestanding walls, fences, and utility poles.
 5. Banner signs shall not extend above the roofline or parapet of the building.
- E. **Time Limits.** Temporary signs shall be removed within seven days after the conclusion of the event the drive, the election, or the purpose served by the sign.
1. Any such sign that remains more than seven days after the event shall be considered abandoned and the City Clerk and/or Public Works Director, or any of their agents, are authorized to remove the sign without notice.
- F. **Removal.** The City Clerk, Community Development, and/or Public Works Director, or any of their agents, are authorized to remove any sign found to be in violation of this Section and shall store the sign in a safe location. The City Clerk and/or Public Works Director shall reasonably attempt to contact the person or entity responsible for posting the sign, such as the organization, campaign, committee, and/or candidate. If the sign is not retrieved within seven calendar days after such notification, or reasonable attempt thereof, the sign shall be considered as abandoned and the City Clerk and/or Public Works Director, or any of their agents, are authorized to dispose of the sign without further notice.

17.31.100 Off-Site Temporary Signs

- A. **Purpose.** The purposes of this Section are to:
1. Comply with California Civil Code Section 713;
 2. Promote the attractive appearance of the City by providing reasonable regulations off-site temporary signs;
 3. Ensure that off-site temporary signs will not, by their size, location, construction, or manner of display, endanger the public health and safety;

4. Promote the public interest by protecting the safety of pedestrians and vehicles and against fire hazards;
5. Maintain and enhance the City's visual appeal for residents and visitors by preventing the degradation of visual quality through unregulated off-site temporary signs;
6. Direct traffic related to real property that is for sale, lease, or exchange, in a manner that minimizes visual clutter, reduces unnecessary traffic through neighborhoods, and provides an orderly, attractive, high-quality image of the City; and
7. Direct the public to seasonal agricultural activities in the City.

B. **General Requirements.** The following standards shall apply to all off-site temporary signs.

1. **Sign Type.** Off-site temporary signs shall be directional signs.
2. **Permission of Owner.** The owner of an off-site temporary sign must obtain the written permission of the property owner to place their sign on the property.
3. **Location of Sign.** Off-site temporary signs shall be located outside of public right-of-way, public property, and vision triangles. Signs shall not be affixed or displayed in any manner to fences, walls, light poles, trees, bridges, curbs, benches, cables, street medians, sidewalks, public facilities, or utilities, or other signs or structure.
4. **Design of Sign.** Off-site temporary signs shall not be illuminated. Materials shall not include paper but may include durable, weatherproof materials such as metal, plastic, laminated cardboard, or other similar materials. Off-site temporary signs shall be designed to ensure that the sign faces are securely fastened to the supporting structure, and that the supporting structure is securely fastened to the ground.
5. **Content of Sign.** Off-site temporary signs shall identify the name and telephone number of the sign owner with a minimum of one-half inch lettering.

C. **Agricultural Directional Signs.**

1. **Maximum Allowable Sign Area.** Agricultural directional signs shall have a maximum allowable sign area of four square feet.
2. **Maximum Sign Height.** Agricultural directional signs shall have a maximum height of four feet.
3. **Location of Sign.**

- a. *Arterial and Collector Roadways.* On arterial and collector roadways, agricultural directional signs shall be placed a minimum of 500 feet from any other sign advertising the same agricultural product or activity.
 - b. *Local Roadways.* On local roads, agricultural directional signs may be located at intersections where there is a choice of turning movements.
 4. **Time Limits.** Agricultural directional signs shall be displayed only during the active selling season of an agricultural product and must be removed after the active selling season is over.
- D. **Real Property Kiosks.** Real property kiosks are directional, freestanding signs that identify a master planned development and indicate its direction and location and shall only be allowed for master planned development.
 1. **Maximum Allowable Sign Area.** Kiosks shall have a maximum allowable sign area of 50 square feet. Additional sign area may be obtained subject to a Conditional Use Permit approval.
 2. **Maximum Kiosk Height.** Kiosks shall have a maximum height of 15 feet. Additional height may be obtained subject to a Conditional Use Permit approval.
 3. **Location of Kiosk.** Kiosks shall be placed a minimum of 500 feet from any other kiosk.
 4. **Maximum Number of Kiosks.** Kiosks shall be limited to four per master planned development.
 5. **Content of Kiosks.**
 - a. Kiosks shall identify the name of the master planned development in the upper portion of the sign. City or community logos are permitted.
 - b. Kiosks shall include directional signs identifying the names of developments within the master planned development, provided that real property is available for sale, lease, or exchange. No other advertising shall be allowed.
 6. **Design of Sign.** Kiosks shall be designed as an architecturally enhanced structure that includes features such as a roof element, decorative cap and cornice detail, stone clad, or masonry clad columns, stone-clad or masonry-clad foundations, carved/sculptured wood construction, or other architectural features as determined by the Director.

7. **Time Limits.** Kiosks shall be removed 30 days after a Certificate of Occupancy or a final inspection has been issued for the last unit or building in the master planned development.

E. **Real Property Signs.**

1. **Maximum Allowable Sign Area.**
 - a. *Weekend Only.* Real property signs limited to the weekend shall have a maximum allowable sign area of four square feet.
 - b. *Not Limited to the Weekend.*
 - i. Advertising Four or Fewer Lots. Advertisements for the sale, lease, or exchange of four or fewer lots shall be limited to one sign with a maximum allowable sign area of 20 square feet.
 - ii. Advertising a Subdivision, or Five or More Lots. Advertisements for the sale, lease, or exchange of a subdivision, or five or more lots, provided the properties are not located within a master planned development, shall be limited to two signs with a maximum allowable sign area of 20 square feet for each sign.
2. **Maximum Sign Height.** Real property signs shall have a maximum height of four feet.
3. **Location of Sign.**
 - a. *Arterial and Collector Roads.* On arterial and collector roads, temporary real property signs shall be placed a minimum of 500 feet from any other sign advertising the same real property.
 - b. *Local Roads.* On local roads, real property signs may be located at intersections where there is a choice of turning movements.
4. **Design of Sign.** Real property signs shall not be illuminated. Materials shall not include paper but may include durable, weatherproof materials such as metal, plastic, laminated cardboard, or other similar materials. Real property signs shall be designed to ensure that the sign faces are securely fastened to the supporting structure, and that the supporting structure is securely fastened to the ground.
5. **Time Limits.**
 - a. *Weekend Only.* Real property signs limited to the weekend shall be removed following the end of the weekend.

- b. *Not Limited to the Weekend.* Real property signs not limited to the weekend shall be removed within seven days after the advertised real property has been sold, leased, or exchanged.
- F. **Real Property Event Signs.** Real property event signs shall only be for events sponsored by realtors or the property owner and are only allowed for existing properties available for sale, lease, or exchange.
- 1. **Location of Sign.**
 - a. *Arterial and Collector Roads.* On arterial and collector roads, real property event signs shall be placed a minimum of 500 feet from any other sign advertising the same real property.
 - b. *Local Roads.* On local roads, real property event signs may be located at intersections where there is a choice of turning movements.
 - 2. **Design of Sign.** Real property signs shall not be illuminated. Materials shall not include paper but may include durable, weatherproof materials such as metal, plastic, laminated cardboard, or other similar materials. Real property signs shall be designed to ensure that the sign faces are securely fastened to the supporting structure, and that the supporting structure is securely fastened to the ground.
 - 3. **Time Limits.** Real property event signs may be displayed no earlier than 8:00 am on the day of the event and removed no later than 4:00 pm on the day of the event. Real property event signs shall not be displayed on days other than event days.

Chapter 17.32 Reserved

Chapter 17.33 Reserved

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Division IV: Administration and Permits

Chapter 17.34 Planning Authorities

Sections:

- 17.34.010 Purpose
- 17.34.020 City Council
- 17.34.030 Planning Commission
- 17.34.040 Community Development Director
- 17.34.050 Zoning Administrator
- 17.34.060 Summary of Review Authorities for Decisions and Appeals

17.34.010 Purpose

This Chapter lays out the basic roles, responsibilities, and functions of all planning authorities, including the City Council, Planning Commission, Community Development Director, and Zoning Administrator.

17.34.020 City Council

The powers and responsibilities of the City Council include, but are not limited to the following:

- A. Adopt design guidelines for specific areas of the City for review pursuant to Chapter 17.37, Design Review.
- B. Consider and adopt, reject, or modify Development Agreements, following a public hearing and recommended action by the Planning Commission, pursuant to Chapter 17.43, Development Agreements.
- C. Consider and adopt, reject or modify proposed amendments to the General Plan, Zoning Code, Zoning Map, development agreements, specific plans, and environmental documents related to any of the foregoing, pursuant to Chapter 17.44, Amendments to the General Plan, Zoning Code, and Zoning Map.
- D. Hear and decide appeals from decisions of the Planning Commission pursuant to Section 17.35.130, Appeals.
- E. Establish, by resolution, a Municipal Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Title.

17.34.030 Planning Commission

The powers and responsibilities of the Planning Commission include, but are not limited to the following:

- A. Annually review progress towards implementation of the General Plan and make recommendations to the City Council based on any new legislation, development trends, or changing economic, social, and environmental conditions.
- B. Approve, modify, or deny Conditional Use Permits and Variances, pursuant to Chapter 17.38, Use Permits, and Chapter 17.41, Variances.
- C. Make recommendations to the City Council on development agreements, pursuant to Chapter 17.43, Development Agreements.
- D. Make recommendations to City Council on proposed amendments to the General Plan, Zoning Code, and Zoning Map, specific plans, and environmental documents related to any of the foregoing, pursuant to Chapter 17.44, Amendments to the General Plan, Zoning Code, and Zoning Map.
- E. Hear and decide appeals from decisions of the Zoning Administrator or Community Development Director, pursuant to Section 17.35.130, Appeals.
- F. Hear and decide proposals to revoke permits, pursuant to Section 17.35.120, Revocation of Permits.
- G. Make environmental determinations on any approvals that are subject to environmental review under the California Environmental Quality Act, pursuant to State law.
- H. Such other powers and responsibilities as assigned or directed by the City Council.

17.34.040 Community Development Director

The powers and responsibilities of the Community Development Director (“the Director”), or his/her designee, include, but are not limited to the following:

- A. Perform all of the functions designated by State law, including, but not limited to the following:
 - 1. Annual report related to implementation of the General Plan in compliance with Government Code Section 65400;
 - 2. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and
 - 3. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.

- B. Maintain and administer the Zoning Code, including the processing of applications, abatements, and other enforcement actions.
- C. Prepare rules and procedures necessary for conducting the Director's business. They may include the administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure, and recordkeeping). These rules and procedures must be approved by City Council resolution, following review and recommendation by the Planning Commission.
- D. Issue administrative regulations for the submission and review of applications subject to the requirements of Government Code Section 65950, Deadlines for Project Approval Conformance; Extensions.
- E. Issue a Zoning Clearance pursuant to Chapter 17.36, Zoning Clearance.
- F. Approve, modify, or deny Temporary Use Permits, pursuant to Chapter 17.39, Temporary Use Permits.
- G. Approve, modify, or deny a Modification, pursuant to Chapter 17.40, Modifications.
- H. Approve, modify, or deny requests for Reasonable Accommodation for land use projects, pursuant to Chapter 17.42, Reasonable Accommodation.
- I. Conduct Design Review and approve, modify, or deny land use projects pursuant to Chapter 17.37, Design Review.
- J. Determine whether a project is subject to review under the California Environmental Quality Act and notify the applicant if any additional information is necessary to conduct the review.
- K. Make recommendations to the Planning Commission and City Council on all applications, appeals, and other matters upon which they have the authority and the responsibility to act under this Title.
- L. Investigate and report to the Planning Commission on permit violations when the City has initiated revocation procedures, pursuant to Section 17.35.120, Revocation of Permits.
- M. Serve as Zoning Administrator or designate a member of Planning Division staff to serve as Zoning Administrator, pursuant to Section 17.34.050, Zoning Administrator.
- N. Delegate administrative functions to members of the Planning Division.
- O. Such other powers and responsibilities as assigned or directed by the City Council.

17.34.050 Zoning Administrator

The powers and responsibilities of the Zoning Administrator, or his/her designee, include, but are not limited to the following:

- A. Approve, modify, or deny Minor Use Permits, pursuant to Chapter 17.38, Use Permits.
- B. Approve, modify, or deny requests for Extensions for land use projects, pursuant to Section 17.35.100, Expiration and Extension.
- C. Decide requests for Minor Revisions to Approved Permits, pursuant to Section 17.35.110, Revisions to an Approved Permit.
- D. Refer items to the Planning Commission where, in his/her opinion, the public interest would be better served by a Planning Commission public hearing and action.
- E. Interpret the Zoning Code as needed for members of the public and other City Departments.
- F. Make General Plan consistency findings such as for the Capital Improvement Program (CIP).
- G. Such other powers and responsibilities as assigned or directed by the Director.

17.34.060 Summary of Review Authorities for Decisions and Appeals

This table summarizes the powers and duties that each Review Authority has under this Title. Where a land use project requires more than one type of application, all permit requests shall be reviewed and decided on by the highest Review Authority established for any of the applications.

TABLE 17.34.060: SUMMARY OF REVIEW AUTHORITIES FOR DECISIONS AND APPEALS				
<i>Decision Type</i>	<i>Reference</i>	<i>Advisory Body</i>	<i>Review Authority</i>	<i>Appeal Body</i>
Interpretations	17.34.050	N/A	Zoning Administrator	Planning Commission
Extension to Permit	17.35.100	N/A	Zoning Administrator	Planning Commission
Minor Revision to Permit	17.35.110	N/A	Zoning Administrator	Planning Commission
Major Revision to Permit	17.35.110	N/A	Review Authority of Original Permit	Appeal Body for Original Permit
Permit Revocation	17.35.120	Director	Planning Commission	City Council
Zoning Clearance	17.36	N/A	Director	Planning Commission
Design Review	17.37	N/A	Director or Planning Commission	Planning Commission or City Council
Minor Use Permit	17.38	N/A	Zoning Administrator	Planning Commission
Conditional Use Permit	17.38	Director	Planning Commission	City Council
Temporary Use Permit	17.39	N/A	Director	Planning Commission

TABLE 17.34.060: SUMMARY OF REVIEW AUTHORITIES FOR DECISIONS AND APPEALS

<i>Decision Type</i>	<i>Reference</i>	<i>Advisory Body</i>	<i>Review Authority</i>	<i>Appeal Body</i>
Modification	17.40	N/A	Director	Planning Commission
Variance	17.41	Director	Planning Commission	City Council
Reasonable Accommodation	17.42	N/A	Director	Planning Commission
Development Agreement	17.43	Planning Commission	City Council	N/A
General Plan Amendment	17.44	Planning Commission	City Council	N/A
Zoning Amendment	17.44	Planning Commission	City Council	N/A
Planned Development	17.18	Planning Commission	City Council	N/A

Chapter 17.35 Common Procedures

Sections:

- 17.35.010 Purpose
- 17.35.020 Application Forms and Fees
- 17.35.030 Pre-application Review
- 17.35.040 Review of Applications
- 17.35.050 Environmental Review
- 17.35.060 Public Notice
- 17.35.070 Conduct of Public Hearings
- 17.35.080 Findings and Decision
- 17.35.090 Conditions of Approval
- 17.35.100 Expiration and Extension
- 17.35.110 Revisions to an Approved Permit
- 17.35.120 Revocation of Permits
- 17.35.130 Appeals

17.35.010 Purpose

This Chapter establishes uniform procedures for the preparation, filing, and processing of all land use permits and approvals provided for in this Title, unless superseded by a specific requirement of this Title or State law.

17.35.020 Application Forms and Fees

- A. **Applicant.** The owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof of the right to use and possess the property as applied for, satisfactory to the Director, shall accompany the application.
- B. **Application Forms.** The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Title.
- C. **Supporting Materials.** The Director may require the submission of supporting materials as part of the application, including but not limited to: statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).

- D. **Availability of Materials.** All submitted material becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request, and during normal business hours, any person may examine application materials in support of or in opposition at the Planning Division offices. Unless prohibited by law or superseded by specific permit confidentiality requirements, copies of such materials shall be made available at a reasonable cost.
- E. **Multiple Applications.**
1. **Concurrent Filing.** An applicant for a project which requires more than one permit (e.g., Conditional Use Permit and Design Review, etc.), shall file all related applications concurrently, together with all application fees. The concurrent filing requirements may be waived by the Director.
 2. **Concurrent Processing.** Multiple permits for the same project shall be processed concurrently and shall be reviewed and decided on by the highest Review Authority designated for any of the applications.
- F. **Application Fees.**
1. **Fee Schedule.** The Council shall approve by resolution a Municipal Fee Schedule that that establishes fees for permits, informational materials, penalties, copying, and other such items.
 2. **Fee Payment.** No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid.
 3. **Fee Waiver.** No fee shall be required when the applicant is the City, or if it is waived under any other provision of the West Sacramento Municipal Code.
 4. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the West Sacramento Municipal Code or by policy of the Council.

17.35.030 Pre-application Review

Pre-application review is an optional review process that is intended to provide information on relevant policies, zoning regulations, and procedures. This review is intended for large or complex projects and projects that are potentially controversial.

- A. **Exemption from Permit Streamlining Act.** Pre-application review is not subject to the requirements of the California Permit Streamlining Act. An application that is accepted for pre-application review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for

approval of a development project, reviewed it, and determined it to be complete under Section 17.35.040, Review of Applications.

- B. **Review Procedure.** The Planning Division shall conduct pre-application review. The Director may consult with or request review by any City agency or official with interest in the application.
- C. **Recommendations are Advisory.** Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by City staff. Any recommendations that result from pre-application review are considered advisory only and shall not be binding on either the applicant or the City.

17.35.040 Review of Applications

- A. **Initial Completeness Review.** The Director shall determine whether an application is complete within 30 days of the date the application is filed and required fee received.
 - 1. ***Incomplete Application.*** If an application is deemed incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information, and any additional fees that are necessary to complete the application.
 - a. ***Zoning Code Violations.*** An application shall not be found complete if conditions exist on the site in violation of this Title or any permit or other approval granted in compliance with this Title, unless the proposed project includes the correction of the violations.
 - b. ***Submittal of Additional Information.*** The applicant shall provide the additional information within the time limit specified by the Director, which shall be no sooner than 30 days. The Director may grant one extension of up to 90 days.
 - c. ***Appeal of Determination.*** Determinations of incompleteness are subject to the provisions of Section 17.35.130, Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and the City Council does not extend the 60-day period.
 - d. ***Expiration of Application.*** If an applicant fails to correct the specified deficiencies within the specific time limit, the application shall expire and be deemed withdrawn, unless an extension is granted by the

Director. After the expiration of an application, review shall require the submittal of a new, complete application, along with all required fees.

2. **Complete Application.** When an application is deemed complete, the Director shall make a record of that date. If an application requires a public hearing, the Director shall schedule it and notify the applicant of the date and time, pursuant to Section 17.35.060, Public Notice.
- B. **Referral of Application.** At the discretion of the Director, or where otherwise required by this Title, State or Federal law, any application filed in compliance with this Title may be referred to any City department, public agency, or interest group that may be affected by or have an interest in the proposed land use project.
- C. **Extensions.** The Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Title.

17.35.050 Environmental Review

All projects shall be reviewed for compliance or exemption with the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code is amended, such amendments will govern City procedures.

17.35.060 Public Notice

Unless otherwise specified, whenever the provisions of this Title require public notice, the City shall provide notice in compliance with State law as follows.

- A. **Mailed Notice.** At least 10 days before the date of the public hearing, or 15 days before the date of action when no public hearing is required, the Director (or the City Clerk for City Council hearings) shall provide notice by First Class mail delivery to the following:
 1. The applicant, the owner, and any occupant of the subject property;
 2. All property owners of record within a minimum 500-foot radius of the subject property as shown on the latest available assessment role or a larger radius if deemed necessary by the Director to provide adequate public notification;
 3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
 4. Any person or group who has filed a written request for notice regarding the specific application.

- B. **Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 500, instead of a mailed notice, the Director (or City Clerk for City Council hearings) may provide notice by placing a display advertisement of at least one-eighth of a page in at least one newspaper of general circulation in the City, at least 10 days prior to the hearing.
- C. **Posted Notice.** At their discretion, the Director may require notice be posted in a format approved by the Planning Division, in a prominent place on or near the subject property site at least 10 days prior to the hearing.
- D. **Newspaper Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, the Director (or City Clerk for City Council hearings) shall publish a notice in at least one newspaper of general circulation in the City.
- E. **Contents of Notice.** The notice shall include the following information:
 - 1. The location of the real property, if any, that is the subject of the application;
 - 2. A general description of the proposed project or action;
 - 3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
 - 4. The identity of the hearing body or officer;
 - 5. The names of the applicant and the owner of the property that is the subject of the application;
 - 6. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public;
 - 7. A statement that any interested person or authorized agent may appear and be heard;
 - 8. A statement describing how to submit written comments; and
 - 9. For City Council hearings, the Planning Commission recommendation.
- F. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or community organization to receive a mailed notice.

17.35.070 Conduct of Public Hearings

Whenever the provisions of this Title require a public hearing, the hearing shall be conducted in compliance with the requirements of State law as follows.

- A. **Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body. Hearings are not required to be conducted according to technical rules relating to evidence and witnesses.
- B. **Scheduling.** Hearings before the City Council shall be scheduled by the City Clerk. All other hearings shall be scheduled by the Director.
- C. **Presentation.** An applicant or an applicant's representative may make a presentation of a proposed project.
- D. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.
- E. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- F. **Continuance of Public Hearing.** The hearing body may by motion continue the public hearing to a fixed date, time and place, or may continue the item to an undetermined date.
- G. **Investigations.** The hearing body may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by City staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the Review Authority.
- H. **Decision.** The public hearing shall be closed before a vote is taken.

17.35.080 Findings and Decision

When deciding to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Title, the Review Authority shall issue a Notice of Action and make findings of fact as required by this Title.

- A. **Date of Action.** The Review Authority shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period set forth below. These deadlines do not apply to any action that has been appealed to the City Council in accordance with Section 17.35.130, Appeals. Time extensions may be granted pursuant to Section 17.35.100, Expiration and Extension.

1. **Project Exempt from Environmental Review.** Within 30 days of the date the City has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.
 2. **Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared.** Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the City shall act on the accompanying discretionary project.
 3. **Project for which an EIR is Prepared.** Within 180 days from the date the Review Authority certifies a Final EIR, the City shall act on the accompanying discretionary project.
- B. **Notice of Action.** After the Director or Planning Commission takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Title, the Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decisions. The Director shall file the Notice with the City Clerk and mail the Notice to the applicant and to any other person or entity that has filed a written request for such notification with the Planning Division.
- C. **Findings.** Findings, when required by State law or this Title, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action on the permit.

17.35.090 Conditions of Approval

- A. **Scope.** The scope of approvals includes only those uses and activities proposed in the application, excluding other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.
- B. **Conditions.** The site plan, floor plans, building elevations, and/or any additional information or representation, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties, or ensures compliance with submitted plans and conditions in all respects.
- C. **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, to either

violate any provision of this Title or require additional permits, then the approval shall be deemed null and void.

- D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner, or successor property owners to comply with such conditions.

17.35.100 Expiration and Extension

- A. **Effective Dates.** A final decision on an application for any approval subject to appeal shall become effective after the expiration of the 15-day appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the 16th day following the date of the action.
- B. **Expiration.** The Review Authority, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Title shall automatically expire when no project or use has been initiated within two years after the date of the approval and become null and void.
- C. **Exercise of Permit.**
1. **Exercise of Planning Approval or Permit.** A permit for the use of a building or property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site.
 2. **Exercise of Building Permit.** A permit for the construction of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- D. **Extensions.** The Zoning Administrator may approve a two-year extension of any permit or approval granted under this Title upon receipt of a written application with the required fee within the time period specified by the Review Authority, or two years of the date of the approval.

17.35.110 Revisions to an Approved Permit

No revision in the use or structure for which a permit or other approval has been issued is permitted unless the permit is revised as provided for in this Title. For this Section, the revision of a permit may include revision of a Design Review approval.

- A. **Minor Revisions.** The Zoning Administrator may approve minor revisions to approved plans and permits that are consistent with the original findings and conditions approved by the Review Authority, do not substantially expand the approved floor area, and would not intensify any potentially detrimental effects of the project.
- B. **Major Revisions.** A request for revisions to conditions of approval of a discretionary permit, a revision to an approved site plan or building plan that would affect a condition of approval, or a revision that would intensify a potential impact of the project shall be treated as a new application and shall be decided on by the same Review Authority as the approved permit.

17.35.120 Revocation of Permits

Any permit granted under this Title may be revoked or revised for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated.

- A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council, Planning Commission, Director, or Zoning Administrator.
- B. **Public Notice, Hearings, and Action.** After conducting a duly-noticed public hearing, the Planning Commission shall act on the proposed revocation, pursuant to Chapter 17.35, Common Procedures.
- C. **Required Findings.** The Planning Commission may revoke or modify the permit if it makes any of the following findings:
 - 1. The approval was obtained by means of fraud or misrepresentation of a material fact;
 - 2. The use, building, or structure has been substantially expanded beyond what is set forth in the permit or substantially changed in character;
 - 3. The use in question has ceased to exist or has been suspended for six months or more;
 - 4. There is or has been a violation of or failure to observe the terms or conditions of approval, or the use has been conducted in violation of the provisions of this Title, or any applicable local or State law or regulation; or
 - 5. The use has been conducted in a manner detrimental to the public safety, health and welfare, or to be a nuisance.
- D. **Notice of Action.** Following Planning Commission action to revoke or modify a permit, the Director shall issue a Notice of Action within seven days. The Notice shall describe the Commission's action with its findings. The Director shall mail notice to

the permit holder and to any person or entity who requested the revocation proceeding.

17.35.130 Appeals

Except where otherwise provided, any decision provided for in this Title may be appealed in accordance with the provisions of Chapter 1.08, Appeal and Hearing Procedure, of the Municipal Code.

A. Appeal Body.

1. **Planning Commission.** The Planning Commission is the final appeal body for decisions of the Zoning Administrator and Director unless a member of the City Council or City Manager requests the appeal be taken for review by the City Council.
2. **City Council.** The City Council is the appeal body for decisions of the Planning Commission.

17.35.140 Interpretations and Determinations

Requests for interpretations of this Title and verifications relating to prior approvals or permits may be made to the Director. Requests shall be in writing. The decision of the Director on such requests may be appealed under Section 17.35.130, Appeals.

Chapter 17.36 Zoning Clearance

Sections:

- 17.36.010 Purpose
- 17.36.020 Applicability
- 17.36.030 Review Authority
- 17.36.040 Procedures

17.36.010 Purpose

This Chapter establishes procedure to verify that each new or expanded use, activity, or structure complies with all of the applicable requirements of this Title and conditions of any discretionary approval that the City has granted previously.

17.36.020 Applicability

A Zoning Clearance is required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Title.

17.36.030 Review Authority

The Director shall act as the Review Authority for Zoning Clearance applications based on consideration of the requirements of this Chapter.

17.36.040 Procedures

- A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section 17.35.020, Application Forms and Fees. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Title and the requirements and conditions of any applicable Design Review, Use Permit, or other discretionary land use approval.
- B. **Determination.** If the Director determines that the proposed use or building is allowed as a matter of right by this Title and conforms to all the applicable development and use standards, the Director shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity

with the applicable regulations of this Title. Prior to issuing any building permit, subdivision approval, or lot line adjustment, the Director shall review the application to determine whether the use, building, or change in lot configuration complies with all provisions of this Title or any applicable Design Review, Use Permit, or other discretionary land use approval and that all conditions of such permits and approvals have been satisfied.

- C. **Exceptions.** No Zoning Clearance shall be required for the continuation of previously approved or permitted uses and structures or uses and structures that are not subject to any building or zoning regulations.

Chapter 17.37 Design Review

Sections:

- 17.37.010 Purpose
- 17.37.020 Applicability
- 17.37.030 Review Authority
- 17.37.040 Application
- 17.37.050 Procedures
- 17.37.060 Design Review Criteria
- 17.37.070 Appeals, Expiration, Extensions, and Revisions

17.37.010 Purpose

This Chapter establishes procedure to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. The specific purposes of the Design Review process are to:

- A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
- B. Ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area; and
- C. Supplement other City regulations and standards to ensure control of aspects of design that are not otherwise addressed.

17.37.020 Applicability

Design Review is required in specific areas of the City covered by design guidelines adopted by the City Council and is required for all new construction and other activities as identified in the applicable design guidelines.

17.37.030 Review Authority

- A. **Planning Commission.** The Planning Commission shall act as the Review Authority for all projects requiring Planning Commission approval (such as but not limited to Conditional Use Permits and Variances).
- B. **Community Development Director.** The Director shall act as the Review Authority for all projects that do not meet the criteria listed in the above Subsection A. for a decision by the Planning Commission. The Director may refer items directly to the Planning Commission when in his/her opinion the public interest would be better served by having the Planning Commission conduct Design Review.

17.37.040 Application

- A. **Application Forms and Fees.** Written applications for Design Review shall be submitted to the Planning Division pursuant to Section 17.35.020, Application Forms and Fees.
- B. **Concurrent Processing.** When a development project requires a Use Permit, Variance, or any other discretionary approval, the Design Review application shall be submitted to the Planning Division as a part of the application for the discretionary permit or approval.

17.37.050 Procedures

- A. If a project requires any Use Permit, Variance, or other discretionary approval other than Design Review, the design review shall be conducted concurrently with the discretionary permit.
- B. If a project does not require any Use Permit, Variance, or other discretionary approval other than Design Review, the Planning Division shall provide public notice and input in the following manner:
 - 1. **Mailed Notice.** The Planning Division shall provide mailed notice of the project pursuant to Subsection 17.35.060.A. Mailed Notice.
 - 2. **Public Input.** Any person may submit written comments on the project to the Director. For the comments to be considered in the determination of the project, the comments must specifically relate to the project's conformity to adopted design guidelines. A comment letter must be received by the Community Development Director within 14 days of the mailed notice of application for Design Review. Late comments will be considered only if the project has not been approved or denied prior to the comments being received.
 - 3. **Director Action.** If no comment letter has been received within 14 days of the mailed notice of application, the Director may issue comments or approve the project at any time.

17.37.060 Design Review Criteria

The sole criteria for evaluation under the Design Review process shall be compliance with the adopted design guidelines of the area in which the proposed project is located. All projects shall be consistent with applicable design guidelines. An application may be denied if the information provided by the applicant is insufficient to determine compliance with the guidelines.

17.37.070 Appeals, Expiration, Extensions, and Revisions

- A. **Appeals.** Design Review decisions may be appealed to the Planning Commission as provided for in Section 17.35.130, Appeals.
- B. **Expiration, Extensions, and Revisions.** Design Review approvals may only be expired, extended, or modified as provided for in Chapter 17.35, Common Procedures.

Chapter 17.38 Use Permits

Sections:

- 17.38.010 Purpose
- 17.38.020 Applicability
- 17.38.030 Review Authority
- 17.38.040 Application
- 17.38.050 Public Notice and Hearing
- 17.38.060 Required Findings
- 17.38.070 Conditions of Approval
- 17.38.080 Appeals, Expiration, Extensions, and Revisions

17.38.010 Purpose

The Use Permit review and approval process is intended to apply to uses that are generally consistent with the purposes of the zone where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

An interim use is defined as a zoning mechanism that allows a property owner to use their land for a limited period for a land use not otherwise permitted by the underlying zoning. According to section 17.38.060, required findings must be made to allow for use to be permitted on the subject site with the exception item A. The City shall have complete discretion over the types of uses proposed to be allowed on a subject site and may impose conditions of approval to regulate dates, hours of operation, etc. on the subject site. Interim uses shall only be permitted in Commercial and Mixed-Use and Employment Zoning Districts.

17.38.020 Applicability

Approval of a Use Permit is required for uses or developments specifically identified in Division II, Zone Regulations, and/or any other section of this Title which requires a Use Permit.

17.38.030 Review Authority

- A. **Conditional Use Permits.** The Planning Commission shall act as the Review Authority for Conditional Use Permits based on consideration of the requirements of this Chapter.
- B. **Minor Use Permits.** The Zoning Administrator shall act as the Review Authority for Minor Use Permits based on consideration of the requirements of this Chapter. The Zoning Administrator may, at his/her discretion, refer any application for a Minor Use Permit for a project that may generate substantial public controversy or involve

significant land use policy decisions to the Planning Commission for decision. In that case, the application shall be processed as a Conditional Use Permit.

17.38.040 Application

Applications for Use Permits shall be filed with the Planning Division on the prescribed application forms. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Section 17.38.060, Required Findings.

17.38.050 Public Notice and Hearing

- A. **Conditional Use Permits.** All applications for Conditional Use Permits shall require public notice and hearing before the Planning Commission pursuant to Chapter 17.35, Common Procedures.
- B. **Minor Use Permits.** All applications for Minor Use Permits shall require public notice pursuant to Section 17.35.060, Public Notice. A public hearing on a Minor Use Permit shall occur only when a hearing is requested by the applicant or other interested person(s) in writing and received by the Zoning Administrator within 10 days of the mailed notice. In the event a public hearing is requested, the Minor Use Permit shall be scheduled for a hearing before the Zoning Administrator pursuant to Chapter 17.35, Common Procedures.
- C. **Interim Uses.** All applications for Interim Uses shall require public notice and hearing before the Planning Commission pursuant to Chapter 17.35, Common Procedures.

17.38.060 Required Findings

The Review Authority must make all of the following findings to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Title and all other titles of the West Sacramento Municipal Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan;
- C. The proposed use will not be averse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
- D. The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Title;

- E. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and
- F. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints.

17.38.070 Conditions of Approval

In approving a Use Permit, the Review Authority may impose reasonable conditions or restrictions to achieve the following outcomes. The Review Authority may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located;
- C. Achieve the findings for a Use Permit listed in Section 17.38.060, Required Findings; or;
- D. Mitigate any potentially significant impacts identified because of environmental review conducted in compliance with the California Environmental Quality Act.

17.38.080 Appeals, Expiration, Extensions, and Revisions

- A. **Appeals.** Use Permit decisions may be appealed as provided for in Section 17.35.130, Appeals.
- B. **Expiration, Extensions, and Revisions.** Use Permit approvals may only be expired, extended, or modified as provided for in Chapter 17.35, Common Procedures.
- C. The length of time for the interim use shall be determined by the Planning Division with approval by the Planning Commission. The length of time of interim use shall be no more than 5 years. Upon completion of the interim use period, the use shall cease operation and the site in which the interim use was operating shall be returned to its original condition. If additional time is needed, an interim use extension shall require a new public hearing with the Planning Commission. Only one extension may be granted per use.

Chapter 17.39 Temporary Use Permits

Sections:

- 17.39.010 Purpose
- 17.39.020 Review Authority
- 17.39.030 Application
- 17.39.040 Required Findings
- 17.39.050 Conditions of Approval

17.39.010 Purpose

This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

17.39.020 Review Authority

The Director shall act as the Review Authority for Temporary Use Permits based on consideration of the requirements of this Chapter.

17.39.030 Application

An application for a Temporary Use Permit shall be submitted at least 60 days before the use is intended to begin, pursuant to Section 17.35.020, Application Forms and Fees.

17.39.040 Required Findings

The Director must make both of the following findings to approve or conditionally approve a Temporary Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and
- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

17.39.050 Conditions of Approval

The Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section 17.39.040, Required Findings, including, but not limited to:

- A. Regulation of ingress, egress, and traffic circulation;
- B. Regulation of fire protection and access for fire vehicles;
- C. Regulation of lighting and signage;
- D. Regulation of hours of operation, staffing, or other aspects of the use; and
- E. Removal of all trash, debris, temporary structures and electrical service.

The Director may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

Chapter 17.40 Modifications

Sections:

- 17.40.010 Purpose
- 17.40.020 Applicability
- 17.40.030 Application
- 17.40.040 Procedures
- 17.40.050 Required Findings
- 17.40.060 Conditions of Approval
- 17.40.070 Appeals, Expiration, Extensions, and Revisions

17.40.010 Purpose

The purpose of this Chapter is to establish a means of granting relief from locational, developmental, and operational standards where doing so would be consistent with this Title and the General Plan, and where it is not possible or practical to approve a Variance.

17.40.020 Applicability

Modifications may be granted as specifically identified in any other section of this Title and as follows:

- A. **Dimensional Requirements.** Relief from dimensional requirements of property development standards specified in this Title, not to exceed 25 percent of the requirement.
- B. **Exclusions.** Modifications cannot be granted for any of the following standards:
 - 1. Lot area, width, or depth.
 - 2. Residential density.

17.40.030 Application

An application for a Modification shall be filed to the Planning Division in accordance with Section 17.35.020, Application Forms and Fees. The application shall state in writing the nature of the request and explain how the required findings are satisfied. The applicant shall also submit plans delineating the requested Modification.

17.40.040 Procedures

- A. **Review Authority.** The Director shall act as the Review Authority for Modification applications based on consideration of the requirements of this Chapter except in the case of concurrent processing pursuant to Subsection B.
- B. **Concurrent Processing.** If a request for a Modification is being submitted in conjunction with an application for another approval, permit, or entitlement that requires Planning Commission action, it shall be heard and acted upon at the same time and in the same manner as that application.
- C. **Public Notice and Hearing.** Modifications do not require a public hearing or notice.

17.40.050 Required Findings

The Director must make all of the following findings in order to approve a Modification application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to: topography, noise exposure, irregular property boundaries, or other unusual circumstances;
- B. There are no alternatives to the requested Modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the public; and
- C. The granting of the requested Modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Title.

17.40.060 Conditions of Approval

In approving a Modification, the Review Authority may impose any conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Title or the specific purposes of the zone in which the project is located;
- C. Achieve the findings for a Modification granted; or
- D. Mitigate any potentially significant impacts identified because of review conducted in compliance with the California Environmental Quality Act (CEQA).

17.40.070 Appeals, Expiration, Extensions, and Revisions

- A. **Appeals.** Modification decisions may be appealed as provided for in Section 17.35.130, Appeals.
- B. **Expiration, Extensions, and Revisions.** Modifications may only be expired, extended, or modified as provided for in Chapter 17.35, Common Procedures.

Chapter 17.41 Variances

Sections:

- 17.41.010 Purpose
- 17.41.020 Applicability
- 17.41.030 Review Authority
- 17.41.040 Application
- 17.41.050 Procedures
- 17.41.060 Required Findings
- 17.41.070 Conditions of Approval
- 17.41.080 Appeals, Expiration, Extensions, and Revisions

17.41.010 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this Title where it would deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

17.41.020 Applicability

Variances may be granted to vary or modify dimensional and performance standards but may not be granted to allow uses or activities that this Title does not authorize for a specific lot or size.

17.41.030 Review Authority

The Planning Commission shall act as the Review Authority for Variance applications based on consideration of the requirements of this Chapter.

17.41.040 Application

Applications for a Variance shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Section 17.35.020, Application Forms and Fees. In addition to any other application requirements, the application for a Variance shall include evidence showing that the requested Variance conforms to the required findings set forth in Section 17.41.060, Required Findings.

17.41.050 Procedures

- A. **Public Notice.** An application for a Variance shall require a public notice prior to the Planning Commission decision, pursuant to Section 17.35.060, Public Notice.

- B. **Public Hearing.** An application for a Variance shall require a public hearing before the Planning Commission, pursuant to Section 17.35.070, Conduct of Public Hearings.

17.41.060 Required Findings

After conducting a public hearing, the Planning Commission must make all of the following findings in order to approve or conditionally approve a Variance application. The Commission shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zone, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone;
- B. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
- C. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and
- D. The granting of the Variance will be consistent with the general purposes and objectives of this Title, any applicable specific plans, and the General Plan.

17.41.070 Conditions of Approval

In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section 17.41.060, Required Findings, and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

17.41.080 Appeals, Expiration, Extensions, and Revisions

- A. **Appeals.** Variance decisions may be appealed as provided for in Section 17.35.130, Appeals.
- B. **Expiration, Extensions, and Revisions.** Variances may only be expired, extended or revised as provided for in Chapter 17.35, Common Procedures.

Chapter 17.42 Reasonable Accommodation

Sections:

- 17.42.010 Purpose
- 17.42.020 Applicability
- 17.42.030 Review Authority
- 17.42.040 Application
- 17.42.050 Procedure
- 17.42.060 Required Findings
- 17.42.070 Conditions of Approval
- 17.42.080 Appeals, Expiration, Extensions, and Revisions

17.42.010 Purpose

This Chapter establishes the procedures to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (“the Acts”) in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

17.42.020 Applicability

- A. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities.
- B. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
- C. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

17.42.030 Review Authority

The Director shall act as the Review Authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for

concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application.

17.42.040 Application

An application for a Reasonable Accommodation shall be prepared, filed, and processed in compliance with Section 17.35.020, Application Forms and Fees. No noticing or public hearing are required for a Reasonable Accommodation request. In addition to any other information required under the West Sacramento Municipal Code, an applicant submitting a request for Reasonable Accommodation must provide the following information:

- A. Description of the accommodation request;
- B. The applicant's name, address, and telephone number;
- C. Location of the subject property, including address and assessor's parcel numbers;
- D. Name and address of the property owner and the owner's written consent to the application;
- E. The current actual use of the subject property;
- F. Verifiable documentation of the individual's disability status;
- G. The regulation(s), policy, or procedure for which accommodation is sought;
- H. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and
- I. Additional information necessary for Planning Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

17.42.050 Procedures

The Director shall make a written determination within 45 days of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with Section 17.42.060, Required Findings.

17.42.060 Required Findings

The Director must consider all of the following factors in order to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts.

- A. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;

- C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; and
- D. Whether the requested Reasonable Accommodation would require a fundamental alteration of a City program or law, including but not limited to land use and zoning.

17.42.070 Conditions of Approval

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property which shall be recorded in the form of a deed restriction on the property.

17.42.080 Appeals, Expiration, Extensions, and Revisions

- A. **Appeals.** Reasonable Accommodation decisions may be appealed as provided for in Section 17.35.130, Appeals.
- B. **Expiration, Extensions, and Revisions.** Reasonable Accommodations may only be expired, extended or revised as provided for in Chapter 17.35, Common Procedures. A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

Chapter 17.43 Development Agreements

Sections:

- 17.43.010 Purpose
- 17.43.020 Applicability
- 17.43.030 Review Authority
- 17.43.040 Procedures
- 17.43.050 Planning Commission Hearings and Recommendation
- 17.43.060 City Council Hearings and Action
- 17.43.070 Required Findings
- 17.43.080 Execution and Recordation
- 17.43.090 Periodic Review
- 17.43.100 Amendment or Cancellation
- 17.43.110 Effect of Approved Agreement
- 17.43.120 Enforcement

17.43.010 Purpose

This Chapter establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects, as provided for in State law. Such agreements provide a greater degree of certainty than the normal permit approval process by granting assurance that an applicant may proceed with development in accord with policies, rules, and regulations in effect at the time of the approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

17.43.020 Applicability

- A. The City incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between those statutory provisions and this Chapter, the statutes shall control.
- B. A development agreement may be considered for a proposed development that will require a developer to make a substantial investment at the early stages of the project for planning and engineering for the entire project and for public facilities and services.

17.43.030 Review Authority

- A. The Director shall negotiate the specific components and provisions of the Development Agreement on behalf of the City for Planning Commission review and recommendation to the City Council. The Director may request input from other affected Departments as needed.
- B. The Planning Commission shall act as the advisory body and review the Development Agreement to provide recommendation to the City Council.
- C. The City Council shall act as the Review Authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify a Development Agreement based on consideration of the requirements of this Chapter.

17.43.040 Procedures

An applicant for a development project may request that the City review the application as a Development Agreement application in accordance with the following procedures. The City incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between these statutory provisions and this Section, this Section shall control.

- A. **Application Requirements.** Applications for Development Agreements shall be filed with the Community Development Department in accordance with the provisions set forth in Section 17.35.020, Application Forms and Fees. In addition to any other application requirements, the application for a Development Agreement shall include data or other evidence in support of the applicable findings required by Section 17.43.070, Required Findings.
- B. **Contents of Development Agreements.**
 - 1. **Required Contents.** A Development Agreement shall specify its duration, the permitted uses of the subject property, the general location and density or intensity of uses, the general location, maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. It shall contain provisions concerning its transferability (assignment).
 - 2. **Additional Contents.** Development Agreements may also include the following:
 - a. *Improvements and Fees.* A Development Agreement may include requirements for construction and maintenance of onsite and offsite

improvements or payment of fees in lieu of such dedications or improvements.

- b. *Conditions.* A Development Agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant's responsibility to obtain all required land use approvals.
- c. *Phasing.* A Development Agreement may provide that the project be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase thereof be completed within a specified time.
- d. *Financing.* If the Development Agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.
- e. *Indemnity.* A Development Agreement may contain an indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.
- f. *Performance Obligation Fees.* A Development Agreement may include provisions to guarantee performance of obligations stated in the agreement.
- g. *Other Items.* Other components and provisions as negotiated by City.

- C. **Concurrent Processing.** It is the intent of this Chapter that the application for a Development Agreement will be made and considered simultaneously with the review of other necessary applications, including, but not limited to rezoning, Planned Development, and Conditional Use Permits. If combined with an application for rezoning, Planned Development, or Conditional Use Permit, the application for a Development Agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A Development Agreement is not a substitute for, nor an alternative to, any other required permit or approval, and the qualified applicant or developer must comply with all other required procedures for development approval.

17.43.050 Planning Commission Hearings and Recommendations

- A. **Notice.** Public notice of hearings by the Planning Commission for a Development Agreement shall be given as specified in Section 17.35.060, Public Notice. Notice of

the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.

- B. **Hearing.** The Planning Commission shall conduct a public hearing for making recommendations to the City Council in conformance with the provisions of Section 17.35.070, Conduct of Public Hearings.
- C. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a written recommendation on the proposed Development Agreement. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.
 - 1. **Approval.** If the Planning Commission has recommended approval of the Development Agreement, the City Council is required to take final action pursuant to Section 17.43.060, City Council Hearing and Action.
 - 2. **Denial.** If the Planning Commission has recommended against the Development Agreement, the City Council is not required to take any further action unless an appeal is filed in accordance with Section 17.35.130, Appeals.

17.43.060 City Council Hearings and Actions

- A. **Applicant Execution of Agreement.** A proposed Development Agreement shall be executed by the Applicant before it is placed before City Council for consideration at a public hearing.
- B. **Notice.** Public notice of hearings by the City Council for a Development Agreement shall be given as specified in Section 17.35.060, Public Notice. Notice of the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.
- C. **Hearing.** After receiving the report from the Planning Commission but no later than the time specified by Section 65943 of the Government Code, the City Council shall hold a public hearing in conformance with the provisions of Section 17.35.070, Conduct of Public Hearings.
- D. **Decision.** After the City Council completes the public hearing, the City Council shall approve, modify, or deny the Development Agreement. Approval of a Development Agreement shall be by ordinance. The ordinance shall refer to and incorporate by reference the text of the Development Agreement. Matters not previously considered by the Planning Commission during its hearing may, but need not, be referred to the Planning Commission for report and recommendation. The Planning Commission may, but need not, hold a public hearing on matters referred to it by the City Council.

17.43.070 Required Findings

The City Council must make the finding that a proposed Development Agreement and its provisions are consistent with the General Plan and any applicable specific plan to approve a Development Agreement. This requirement may be satisfied by a finding that the provisions of a proposed Development Agreement are consistent with proposed General Plan or specific plan provisions to be adopted concurrently with the approval of the proposed Development Agreement.

17.43.080 Execution and Recordation

Within 10 days after the ordinance approving the Development Agreement takes effect, the Mayor or his/her designee shall execute the Development Agreement on behalf of the City, and the City Clerk shall record the Development Agreement with the County Recorder.

17.43.090 Periodic Review

The applicant shall be required to demonstrate compliance with the provisions of the Development Agreement at least once a year at which time the City Manager or his/her designee shall review each approved Development Agreement.

- A. **Finding of Compliance.** If the City Manager or his/her designee, based on substantial evidence, finds compliance by the applicant with the provisions of the Development Agreement, no action is required.
- B. **Finding of Non-compliance.** If the City Manager or his/her designee finds the applicant has not complied with the provisions of the Development Agreement, the Director may issue a finding of noncompliance which may be recorded by the City with the County Recorder after it becomes final. The Director shall specify in writing to the applicant the respects in which the applicant has failed to comply and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or revision pursuant to this Chapter.
- C. **Appeal of Determination.** Within 10 days after issuance of a finding of noncompliance, any interested person may file a written appeal of the finding with the City Council. The appellant shall pay fees and charges for the filing and processing of the appeal in amounts established by resolution of the City Council. The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of noncompliance and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal,

shall conclude the review for the applicable period and such determination shall be final.

17.43.100 Amendment or Cancellation

- A. **Mutual Agreement.** Any development may be canceled or amended by mutual consent of the parties following compliance with the procedures specified in this Section. A Development Agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and City Manager or his/her designee.
- B. **After Finding of Noncompliance.** If a finding of noncompliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the City Manager or his/her designee may refer the Development Agreement to the City Council for termination or revision. After the public hearing, the City Council may terminate the Development Agreement, modify the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.
- C. **Recordation.** If the parties to the agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk shall record notice of such action with the County Recorder.
- D. **Rights of the Parties After Cancellation or Termination.** If a Development Agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the Development Agreement shall terminate. If a Development Agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return all benefits, including reservations or dedications of land, and payments of fees, received by the City.

17.43.110 Effect of Approved Agreement

- A. **Existing Rules and Regulations.** Unless otherwise specified in the Development Agreement, the City's rules, regulations, and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations, and official policies in force on the effective date of the Development Agreement.
- B. **Future Rules and Regulations.** A Development Agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies

applicable to the property as set forth in the Development Agreement. A Development Agreement shall not prevent the City from denying or conditionally approving any subsequent land use project or authorization for the project on the basis of such rules, regulations, and policies. Unless otherwise specified in the Development Agreement, a Development Agreement shall not exempt the applicant from obtaining future discretionary land use approvals.

- C. **State and Federal Rules and Regulations.** In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a Development Agreement has been entered into prevents or precludes compliance with one or more provisions of the Development Agreement, then the Development Agreement may be modified or suspended in the manner and pursuant to the procedures specified in the Development Agreement, as may be necessary to comply with such regulation or law.

17.43.120 Enforcement

The procedures for enforcement, revision, cancellation, or termination of a Development Agreement specified in this Section and in Government Code Section 65865.4 or any successor statute, are non-exclusive. A Development Agreement may be enforced, revised, cancelled or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

Chapter 17.44 Amendments to the General Plan, Zoning Code, and Zoning Map

Sections:

- 17.44.010 Purpose
- 17.44.020 Applicability
- 17.44.030 Review Authority
- 17.44.040 Initiation of Amendment
- 17.44.050 Procedures
- 17.44.060 Planning Commission Hearing and Recommendation
- 17.44.070 City Council Hearing and Action
- 17.44.080 General Plan Consistency Required for Zoning Amendments

17.44.010 Purpose

This Chapter establishes procedures for consideration and review of Amendments to the General Plan, Zoning Code, and/or Zoning Map, when there are compelling reasons to do so. More specifically, this Chapter addresses:

- A. Amendments to the General Plan, to address changes in State or Federal law and problems and opportunities that were unanticipated at the time of adoption or the last amendment; and
- B. Amendments to the Zoning Code and Zoning Map, whenever the public necessity, convenience, general welfare, or good practice justify such amendment, consistent with the General Plan.

17.44.020 Applicability

The procedures in this Chapter shall apply to:

- A. All proposals to change the text of the General Plan and the maps that illustrate the application of its provisions; and
- B. All proposals to change the text of this Zoning Code or to revise a zone or boundary line shown on the Zoning Map.

17.44.030 Review Authority

The Planning Commission shall act as the advisory body for all Amendments to the General Plan, Zoning Code, and Zoning Map and provide recommendations to the City Council. The City Council shall act as the Review Authority, and after receiving recommendations from the

Planning Commission, may adopt, reject, or modify all Amendments to the General Plan, Zoning Code, and Zoning Map.

17.44.040 Initiation of Amendment

An Amendment to the General Plan, Zoning Code, or Zoning Map may be initiated by any qualified applicant identified in Section 17.35.020, Application Forms and Fees, the Community Development Director, or by a motion of the City Council or Planning Commission.

17.44.050 Procedures

- A. **Application.** A qualified applicant shall submit an application accompanied by the required fee, pursuant to Chapter 17.35, Common Procedures. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application. The Planning Division may allow Amendments to the General Plan, Zoning Code, and Zoning Map to be processed concurrently with other applications.
- B. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission on any amendment application. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in Section 17.44.080, General Plan Consistency Required for Zoning Amendments (if applicable), as well as an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). Applications involving projects for which an environmental document is required shall not be heard until the environmental assessment procedures required by CEQA are satisfied.
- C. **Public Hearing and Notice.** All Amendments to the General Plan, Zoning Code, and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public hearing on any proposed amendment. At least 10 days before the date of any public hearing, the Planning Division shall provide notice as provided for in Section 17.35.060, Public Notice. Notice of the hearing also shall be mailed or delivered to any local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

17.44.060 Planning Commission Hearing and Recommendation

- A. **Planning Commission Hearing.** Before submitting a recommendation report to the City Council, the Planning Commission shall conduct at least one public hearing in accordance with Section 17.35.070, Conduct of Public Hearings.

- B. **Recommendation to City Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the City Council. Such recommendation shall include the reasons for the recommendation, findings related to Section 17.44.080, General Plan Consistency Required for Zoning Amendments (if applicable), and the relationship of the proposed amendment to other adopted documents. The recommendation shall be transmitted in the form of a Council memo, prepared by the Planning Division, with a copy of the approved minutes from the Planning Commission meeting.
1. **Approval.** If the Planning Commission has recommended approval of the proposed amendment, the City Council is required to take final action pursuant to Section 17.44.070, City Council Hearing and Action.
 2. **Denial.** If the Planning Commission has recommended against the proposed amendment, the City Council is not required to take any further action unless an appeal is filed in accordance with Section 17.35.130, Appeals.

17.44.070 City Council Hearing and Action

- A. **City Council Hearing.** After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing in accordance with Section 17.35.070, Conduct of Public Hearings. The notice for the hearing shall include a summary of the Planning Commission recommendation.
- B. **City Council Action.** After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment. If the Council proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 45 days after the referral shall be deemed a recommendation for approval and the amendment shall be returned to Council for adoption.

17.44.080 General Plan Consistency Required for Zoning Amendments

The Planning Commission shall not recommend and the City Council shall not approve a Zoning Amendment unless the proposed amendment is found to be consistent with the General Plan.

Chapter 17.45 Pre-Zoning

Sections:

- 17.45.010 Purpose
- 17.45.020 Applicability
- 17.45.030 Procedure
- 17.45.040 Effective Date of Zoning and Time Limit

17.45.010 Purpose

The purpose of this Chapter is to establish a procedure for zoning property upon annexation.

17.45.020 Applicability

Unincorporated territory adjoining the City may be pre-zoned for determining the zoning that will apply to such property upon annexation.

17.45.030 Procedure

Zoning of property to be annexed shall be established through initiation and processing according to the procedures established under Chapter 17.44, Amendments to the General Plan, Zoning Code, and Zoning Map.

17.45.040 Effective Date of Zoning and Time Limit

The zoning of the property to be annexed shall become effective at the time that annexation to the City becomes effective pursuant to Government Code Section 56000 et. seq. If the subject area has not been annexed to the City within five years of the date of zoning approval, the zoning approval is subject to reconsideration.

Chapter 17.46 Enforcement

Sections:

- 17.46.010 Purpose
- 17.46.020 Enforcement Responsibilities
- 17.46.030 Revocation
- 17.46.040 Nuisance Defined
- 17.46.050 Penalties
- 17.46.060 Remedies
- 17.46.070 Nuisance Abatement

17.46.010 Purpose

This Chapter establishes the responsibilities of various departments, officials, and public employees of the City to enforce the requirements of this Zoning Code and establishes uniform procedures the City will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Title.

17.46.020 Enforcement Responsibilities

All departments, officials and public employees of the City vested with the duty or authority to issue permits, certificates or licenses shall comply with the provisions of this title and shall issue no permit, certificate or license for uses, buildings or purposes which may be in conflict with the provisions of this title and any such permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void.

- A. **Community Development Director.** The Director shall enforce the provisions of this Title pertaining to the use of any land or structure, bulk, height and land coverage of structures, open spaces about structures and the dimensions and area of sites upon which structures are located.
- B. **Other Officials.** Requirements pertaining to health and sanitation, fire protection and building code regulations shall be enforced by the respective agencies which have jurisdiction in such matters. Whenever there is a conflict between the provisions of this Title and other City, State and Federal regulations, the more restrictive regulations apply.

17.46.030 Revocation

Any permit granted under this Title may be revoked in accordance with the provisions in Section 17.35.120, Revocation of Permits, if any of the conditions or terms of such permit are

violated or if any law or ordinance is violated in connection therewith. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

17.46.040 Nuisance Defined

Any building, structure, or planting set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Title, any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this Title, and failure to comply with any of the conditions of a permit granted under this Title is declared to be unlawful and a public nuisance.

17.46.050 Penalties

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating or failing to comply with a mandatory requirement of this Title shall be guilty of a misdemeanor but may be cited or charged, at the election of the enforcing officer or City Attorney, as an infraction. Upon conviction, such person shall be punished as set forth in Chapter 1.12, General Penalty, of the West Sacramento Municipal Code. A person, firm, or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of this Title is committed, continued or permitted by such person, firm or corporation, and shall be punished accordingly.

17.46.060 Remedies

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of nuisance pursuant to Section 17.46.040, Nuisance Defined, and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists, the Planning Commission or City Council may impose any remedy available at law or in equity, which shall include, but is not limited to, any of the following or combination thereof:

- A. Ordering the cessation of the use in whole or in part;
- B. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;
- C. Requiring continued compliance with any conditions so imposed;
- D. Requiring the user to guarantee that such conditions shall in all respects be complied with; or
- E. Imposing additional conditions or ordering the cessation of the use in whole or in part upon

17.46.070 Nuisance Abatement

Notices of violation shall be provided and recorded and nuisances abated, according to the procedures of Title 19, Nuisance Abatement Code, of the West Sacramento Municipal Code.

Chapter 17.47 Reserved

Chapter 17.48 Reserved

Chapter 17.49 Reserved

Division V: Terms and Definitions

Chapter 17.50 Use Classifications

Sections:

- 17.50.010 Residential Uses
- 17.50.020 Public/Semi Public Uses
- 17.50.030 Commercial Uses
- 17.50.040 Industrial Uses
- 17.50.050 Transportation, Communication, and Utility Uses
- 17.50.060 Agricultural and Extractive Uses

17.50.010 Residential Uses

Residential Housing Types.

Single-Unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household with private yards on all sides and located on a separate lot from any other unit (except an accessory dwelling unit, where permitted). This classification includes individual manufactured housing units.

Single-Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except a second dwelling unit, where permitted), and is attached through common walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a “townhouse” or a “condominium”.

Two-Unit Dwelling. A residential building containing two dwelling units, both of which are located on a single parcel (also referred to as a “duplex” or “two-flat”.) The dwelling units are attached and may be located on separate floors or side-by-side.

Multi-Unit Residential. Three or more attached or detached dwelling units on a single lot. Types of multi-unit residential include townhouses, multiple detached residential units, and apartment buildings.

Accessory Dwelling Unit. An attached or detached unit that is ancillary to the primary unit and has a kitchen, sleeping, and bathroom facilities located on a lot with one single-unit dwelling, where one of the units is owner occupied.

Family Day Care. A day care facility licensed by the State of California, located in a residential unit where resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

Large. A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories and other types of organizational housing, private residential clubs, and extended stay hotels intended for long-term occupancy (30 days or more) but excludes Hotels and Motels, and Residential Care Facilities.

Manufactured Home Park. A development designed and occupied by manufactured housing units including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for manufactured housing units through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Care Facilities. A facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes those both for and not-for-profit institutions but excludes Supportive Housing and Transitional Housing.

Small. A facility that is licensed by the state of California to provide care for six or fewer persons.

Large. A facility that is licensed by the state of California to provide care for more than six persons.

Residential Facility, Assisted Living. A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

Single-Room Occupancy. A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, are rented to one- or two-person households for a weekly or monthly period of time. This use classification is distinct from a Hotel or Motel, which is a commercial use.

Supportive Housing. Dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist the supportive

housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

Transitional Housing. Transitional housing is housing that has a predetermined end point in time and operated under a program that requires the termination of assistance, in order to provide another eligible program recipient to the service. The program length is usually no less than six months.

17.50.020 Public/Semi Public Uses

Campground. An open-air facility, where recreational vehicle or camping spaces are rented, or held out for rent, for overnight stay in tents, trailers, or recreational vehicles for 30 consecutive days or less.

Colleges and Trade Schools. Institutions of higher education providing curricula of a general, religious, or professional nature, granting degrees and including junior colleges, business and computer schools, management training, technical and trade schools, however excluding personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings, including community centers, union halls, meeting halls, and other membership organizations. Included in this classification is the use of functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage.

Cultural Institutions. An institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts centers for performances and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens, all of which are public or private. This does not include schools or institutions of higher education providing curricula of a general nature.

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, along with the storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and

similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment (see Public Utilities).

Hospitals and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Hospitals. A facility providing medical, psychiatric, or surgical services for sick or injured persons, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. The institutions are to be licensed by the state of California to provide surgical and medical services.

Skilled Nursing Facility. A State-licensed facility or a distinct part of a hospital that provides continuous skilled nursing and supportive care to patients whose primary need requires the availability of skilled nursing care on an extended basis. The facility provides 24-hour inpatient care and, at a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

Instructional Services. Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction.

Park and Recreation Facilities. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities.

Parking Lots and Structures. Surface lots and structures offering parking for a fee when such use is not incidental to another on-site activity.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

Schools. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Social Service Facilities. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Centers), clinics, and emergency shelters providing 24-hour care (see Emergency Shelter).

Tutoring Facilities. Facilities offering academic instruction to individuals or to groups in a classroom setting where an adult accompanies a minor. Facilities where minors are not accompanied by adults are classified as Day Care Centers.

17.50.030 Commercial Uses

Adult Entertainment. Any business or entertainment which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage, either by law and/or operators of such business, and which is characterized by an emphasis on "specified sexual activities" and/or specified anatomical areas. Adult entertainment also includes any adult motion picture theater, adult bookstore/adult video store/adult novelty store, adult cabaret, adult dance studio, adult hotel or motel, adult theater, sexual encounter establishment, nude modeling studio, adult tanning salon, sex supermarket/sex mini-mall, and any other business or establishment that, on a regular and substantial basis, offers its patrons entertainment or services which involve, depict, describe, or relate to "specified sexual activities" and/or "specified anatomical areas".

Animal Care, Sales, and Services. Retail sales and services related to the boarding, grooming, and care of household pets including:

Animal Sales and Grooming. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location and excludes pet supply stores that do not sell animals or provide on-site animal services.

Boarding/Kennels. A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining dogs, cats, or other household pets not owned by the kennel owner or operator. Typical uses include pet clinics, pet day care,

and animal shelters, but exclude pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming service.

Veterinary Services. Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles including the following:

Automobile Rentals. Establishment providing for the rental of automobiles. Typical uses include car rental agencies.

Automobile/Vehicle Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.

Fueling Stations. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. This classification includes "mini-marts" and/or convenience stores that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles where such sale is by means other than vending machines.

Large Vehicle and Equipment Sales, Service and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Banks and Financial Institutions.

Banks and Credit Unions. Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, and credit unions, but excluding check-cashing businesses.

Check-Cashing Businesses. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code 1789.33. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money order incidental to their main purpose or business.

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photofinishing, model building, taxi or delivery services with two or fewer fleet vehicles on-site.

Cannabis Retailer, Microbusiness, or Dispensary. Any facility or location, whether fixed or mobile, where cannabis is cultivated, provided, sold, made available, or otherwise distributed, as defined in Division 10 of the Business and Professions Code and Chapter 6, Article 2 and 2.5 of the Health and Safety Code.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the public. These classifications may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Cinema/Theaters. Any facility for the indoor display of films and motion pictures on single or multiple screens. This classification may include incidental food and beverage service to patrons as well as auditoriums within buildings.

Indoor Sports and Recreation. Establishments providing predominantly participant sports, indoor amusement and entertainment services conducted within an enclosed building, including coin-operated electronic amusement centers. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice- and roller-skating rinks, indoor racquetball courts, athletic clubs, and physical fitness centers.

Outdoor Entertainment. Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

Outdoor Sports and Recreation. Predominantly spectator sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, miniature golf courses, tennis clubs, outdoor batting cages, swimming pools, archery ranges, and riding stables.

Drive-Through Facility. A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and film deposit/pick-up establishments, but shall not include drive-in movies, service stations, or car-wash operations.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars/Night Clubs/Lounges. Businesses serving beverages for consumption on the premises as a primary use, including on-sale service of alcohol including beer, wine, and mixed drinks. This use includes tasting rooms and micro-breweries where alcoholic beverages are sold and consumed on site and any beverage production or distilling, and food service is subordinate to the sale of alcoholic beverages.

Restaurant. Establishments where food and beverages are served to patrons on-site or off-site, including full-service, limited-service, and take-out/delivery businesses. This classification includes brewpubs manufacturing 5,000 barrels per year or less, cafes, coffee shops, delicatessens, fast-food businesses, and bakeries that have tables for on-site consumption of products. It excludes catering services and commercial kitchens that do not sell food or beverages for on-site consumption.

Farmer's Markets. Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

Food Preparation. Businesses preparing and/or packaging food primarily for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include caterers and commercial kitchens.

Funeral Parlors and Interment Services. An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Lodging. An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the public. This use classification includes motor lodges, motels, extended-stay hotels, and tourist courts.

Hotels. An establishment providing overnight lodging to transient patrons where rooms open only to the interior of the building. Hotels may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the public.

Motels. An establishment providing overnight lodging to transient patrons designed primarily for motorists, typically with parking directly outside of room doors. Rooms may open to the exterior of the building. Motels may provide recreation facilities available to guests but generally do not provide conference and meeting rooms, restaurants, or bars.

Short-term Rental. The rental of any structure or any portion of any structure for occupancy for dwelling, lodging, or sleeping purposes for 30 consecutive calendar days or less in duration.

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of motor vehicles (see Automotive/Vehicle Sales and Services) and personal apparel (see General Personal Services).

Mobile Vendor. A self-contained truck or trailer or non-motorized push cart that is readily movable without disassembling, and is used to sell merchandise, prepare and serve food and beverages, or provide other services.

Nurseries and Garden Centers. Any establishment(s) primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. This classification includes commercial and wholesale greenhouses and nurseries offering plants for sale.

Offices. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists,

optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics or independent research laboratory facilities (see Research and Development) and hospitals.

Business, Professional, and Technology. Offices of firms, organizations, or agencies providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal, and tax preparation offices.

Medical and Dental. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

Personal Services.

General Personal Services. An establishment providing non-medical services to individuals as a primary use, of personal convenience, as opposed to products that are sold to individual consumers, or from/by companies. Personal services include barber and beauty shops, shoe and luggage repair, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes, and similar services.

Fortunetelling. Any place of business where any person allows or professes to carry on, engage in or practice the art or transaction of palmistry, fortunetelling, clairvoyance, crystal gazing, seancing, numerology, mediumship, tarot-card reading, past-life regression, prophecy, phrenology or divination for personal gain or other similar activity.

Massage Establishments. Any establishment having a fixed place of business where any person engages in or carries on any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Such establishment shall have health enhancement as part of its purpose. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist (State-licensed professions or vocations) who are duly State-licensed to practice their respective professions in the State of California.

Tattoo or Body Modification Parlor. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin using needles or other instruments designed to contact

or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Retail Sales.

Building Materials Sales and Services. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area or plant nurseries.

Convenience Markets. Establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These include various general retail sales and personal services of an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery stores, convenience markets, and drugstores.

Food and Beverage Sales. Retail sales of food and beverages primarily for off-site preparation and consumption. Typical uses include food markets, groceries, meat markets and butcher shops, and retail bakeries.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

Secondhand Store. Any establishment whose business includes buying, selling, trading, selling on consignment, or auctioning secondhand tangible personal property. Tangible personal property shall be defined as stated in the California Business and Professions Code. Acceptance of donated material and goods are not allowed.

17.50.040 Industrial Uses

Cannabis-Related Industrial.

Cannabis Indoor Commercial Cultivation Facility. A building or portion of a building used for a business involving the wholly indoor commercial cultivation of cannabis plants

within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the "MAUCRSA", Business and Professions Code Section 26000, et. seq).

Cannabis Laboratory Materials Testing Facility. A building, or portion thereof, used for a business involving the materials testing, investigation, scientific research, or experimentation of medicinal or nonmedicinal cannabis or cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the "MAUCRSA", Business and Professions Code Section 26000, et. seq).

Cannabis Manufacturing Facility. A building, or portion thereof, used for a business involving the manufacture for off-site sale of cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the "MAUCRSA", Business and Professions Code Section 26000, et. seq).

Wholesale Cannabis Logistics, Distribution, and Transportation Facility. A building, or portion thereof, used for a business involving the procurement, sale, and transport of cannabis and cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the "MAUCRSA," Business and Professions Code Section 26000, et seq.).

Cargo Handling. Facilities and mobile equipment for loading, unloading, storage, cleaning, and processing of bulk storage and container cargo to and from vessels, rail cars, and trucks.

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Custom and Artisan Manufacturing. Any establishment primarily engaged in on-site production or fabrication of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment, and which may include incidental instruction or direct sales for consumers. Typical uses include ceramic studios, fabric and needleworking, leather working, metalworking, glassworking, candle-making shops, woodworking, and custom jewelry manufacturers.

Donation Center/Station. A facility where materials and goods are donated, accepted for sale on consignment or auction, or otherwise dropped off. Includes sorting and distribution of goods and materials.

Food and Beverage Manufacturing. Establishments engaged in the production, processing, packaging, or manufacturing of food or beverage products and any instruction, direct sales, or on-site consumption are incidental to the food or beverage production activity.

Small Scale. A small-scale food and beverage products manufacturing and distribution establishment located in facilities less than 10,000 square feet in size. Examples include small coffee roasters, micro-breweries (manufacturing 15,000 barrels per year or less), micro-distilleries (manufacturing 10,000 barrels per year or less), wine manufacturing, meat or fish processing, small-batch candy shops, cheese makers, wholesale bakeries,

and brew-on-premises stores which provide ingredients and equipment for customers to manufacture their own product.

Large Scale. Large-scale production, packaging, processing, preparation, or manufacturing of a food, beverage, or ingredient used or intended for use for human digestion in a facility over 10,000 square feet. This classification includes uses such as bottling of alcoholic or nonalcoholic beverages; canning, bottle, processing, and packaging of food; coffee roasting; food products; oleomargarine; brewing; and distillation of liquor and spirits. This definition does not include slaughtering of animals or fowl, or direct retail sales.

General Industrial. Establishments engaged in manufacturing of non-edible products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. Toxic, hazardous, or explosive materials may be produced or used in large quantities as part of the manufacturing process. These industrial activities may produce impacts on nearby properties, such as noise, gas, odor, dust, or vibration. This classification includes manufacturing for biomass energy conversion, commercial advertising, cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood and paper, glass and glass products, chemical products, medical/pharmaceutical products, plastics and rubber, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.

Light Industrial. Establishments engaged in manufacturing of non-edible products and finished parts primarily from previously-prepared materials by means of physical assembly or reshaping. These industrial activities produce limited impacts on nearby properties, such as noise, gas, odor, or vibration. This classification includes uses where retail sales are clearly incidental to an industrial or manufacturing use; commercial laundries and dry-cleaning plants; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

Research and Development. A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities, in addition to involving the production of experimental products.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to,

any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Warehousing, Storage, and Wholesaling and Distribution. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

Indoor Warehousing, Storage, and Wholesaling and Distribution. Indoor storage and/or sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. This use includes cold storage, freight moving and storage, warehouses, and wholesalers. Wholesalers are primarily engaged in business-to-business sales but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials Sales and Services) or any use that involves cannabis.

Outdoor Storage. Storage of commercial goods in open lots.

Personal Storage. Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

17.50.050 Transportation, Communication, and Utility Uses

Airports and Heliports. Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facility, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. Also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

Communication Facilities. Facilities for the provision of broadcasting and other information-relay services using electronic and telephonic mechanisms.

Facilities within Buildings. Includes radio, television or recording studios, and telephone switching centers.

Telecommunication. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment

cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

Docking Facilities. Any property and improvement facilities for the short-term loading, unloading and servicing of freight and passenger vessels.

Freight/Trucking Facilities. Any property and improvements used for freight, courier, and postal services; freight transfer truck terminals; or for the operations of a "common carrier trucking company," including the parking, or servicing, or repairing, or storage of trucks, truck tractors, and/or truck trailers.

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.

Marinas. Facilities that provides a range of services related to the use of boats and other watercraft and commercial and recreational fishing. Services may include, but are not limited to, boat moorings; sales, storage, construction, repair, and maintenance of boats, boat parts, and other marine-related items; marine fueling stations and washing facilities; seafood processing, boat and watercraft charter operations; offices; bait and tackle shops; and hardware sales.

Public Works and Utilities. Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Rail Car Loading Facility. A facility which involves the loading or unloading of goods from a rail car or train.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

Reverse Vending Machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling Collection Facility. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable or reusable materials but where the processing and sorting of such items is not conducted on-site.

Small Collection Facility. Small collection facilities occupy no more than 500 square feet and may include:

A "mobile recycling unit," which means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, and used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials;

Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty square feet;

Booth-type units which may include permanent structures; and

Unattended containers placed for the donation of recyclable materials.

Large Collection Facility. Large collection facilities may occupy an area of more than 500 square feet and may include permanent structures.

Recycling Processing Facility. A facility that receives, sorts, stores and/or processes recyclable materials.

Light Processing Facility. A light processing facility occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

Heavy Processing Facility. Any processing facility other than a light processing facility.

17.50.060 Agricultural and Extractive Uses

Agriculture.

Animal Production. Commercial facilities engaged in the breeding, raising, feeding, and trans-shipping of livestock for producing animal products, animal increase, or value increase. The uses set forth in this Section shall not include stockyards, slaughterhouses, hog farms, fertilizer works or plants for the reduction of animal matter.

Crop Production. The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries (See Nurseries and Garden Centers).

Horticulture Production. Commercial facilities for growing flowers, trees and ornamentals. The classification excludes wholesale or retail nurseries (See Nurseries and Garden Centers).

Mineral Extraction. The extraction of minerals, including mining, digging, dredging, drilling and pumping of water, gases, minerals or combustibles.

Urban Agriculture.

Aquaculture. The cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Aquaculture includes aquaponics which integrates aquaculture with hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants.

Community Garden. Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households.

Market Garden. The primary use of a site for cultivation of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs for sale or donation of its produce to the public.

Private Garden. A private food-producing garden that is accessory to the primary use of the site.

Chapter 17.51 List of Terms and Definitions

Sections:

17.51.010 List of Terms

17.51.020 Definitions

17.51.010 List of Terms

Abutting	California Environmental Quality Act (CEQA)
Access	Camper
Accessory Building	Canopy
Accessory Structure	Carport
Accessory Use	City
Adjacent	City Council
Adjoining	Change of Use
Agent or Authorized Agent	Collector Roadway
Aggrieved Person	Commercial Vehicle
A-Framed Sign	Commission
Alley	Community Development Director
Alteration	Compatible
Applicant	Condition of Approval
Architectural Feature	Conditional Use
Arterial Roadway	Conditionally Permitted
Attached Building or Structure	County
Awning	Deck
Balcony	Demolition
Bedroom	Density
Block	Detached Building
Buffer	Detached Structure
Building	Development
<i>Building, Accessory</i>	Development Agreement
<i>Building, Attached</i>	Development Permit
<i>Building, Detached</i>	Director
<i>Building, Main</i>	District
Building Code	Driveway
Building Face	Dwelling Unit
Building Footprint	Easement
Building Frontage	Effective Date
Building Height	Electrical Code
Building Site	

Emergency	<i>Moderate Income Household</i>
Emergency Vehicle	Intensity of Use
Environmental Impact Report (EIR)	Intersection, Street
Environmental Review	Kitchen
Equipment	Land Use
Erect	Landscaping
Façade	Light Fixture
Family	Lot
Feasible	<i>Abutting Lot</i>
Fence	<i>Corner Lot</i>
Firearms	<i>Flag lot</i>
Floor Area	<i>Interior Lot</i>
Floor Area Ratio (FAR)	<i>Key Lot</i>
Foot-Candle	<i>Reversed Corner Lot</i>
Footprint	<i>Through Lot</i>
Freeway	Lot Area
Frontage, Building	Lot Coverage
Frontage, Street	Lot Depth
Garage	Lot Frontage
General Plan	Lot Line
Glare	<i>Front Lot Line</i>
Government Code	<i>Interior Lot Line</i>
Grade	<i>Rear Lot Line</i>
<i>Grade, Existing or Natural</i>	<i>Side Lot Line</i>
<i>Grade, Finished</i>	<i>Street Side Lot Line</i>
Ground Floor	Lot, Nonconforming
Hazardous Materials	Lot Width
Heat	Maintenance and Repair
Height	Municipal Code
Home Occupation	Noise
Household	Nonconforming Building
Household Pets	Nonconforming Lot
Illegal Use	Nonconforming Structure
Impervious Surface	Nonconforming Use
Improvement	On-Site
Incidental Use	Outdoor Storage
Income Levels	Owner
<i>Extremely Low Income Household</i>	Parapet
<i>Very Low Income Household</i>	Parking Area
<i>Low Income Household</i>	Passenger Vehicle

Permitted Use
Person
Planning Commission
Planning Division
Pre-existing
Primary Use
Project
Property Line
Public Resources Code
Public Works Director
Qualified Applicant
Reasonable Accommodation
Review Authority
Right-of-Way
Roofline
Senior Citizen
Setback
Sidewalk
Sign Terms. See Chapter 17.29, Signs
Agricultural Directional Sign
Animated Sign
Awning Sign
Banner Sign
Balloon
Billboard
Canopy Sign
Commercial Message
Copy
Damaged Sign
Directional Sign
Electronic Copy
Flag
Freestanding Sign
Freeway Information Sign
General Advertising for Hire
Government Sign
Graffiti
High-Rise Building Identification Sign
Illuminated Sign
Inflatable Sign

Internally Illuminated Sign
Master Sign Program
Memorial Sign
Mobile Billboard
Moving Sign
Non-Commercial Message
Nonconforming Sign
Outdoor Advertising Structure
Pennant
Permanent Sign
Portable Sign
Projecting Sign
Real Property Kiosk
Real Property Event Sign
Real Property Sign
Roof Sign
Sign
Sign Area
Sign Face
Temporary Sign
Traffic Sign
Wall Sign
Window Sign
Site
Soil
Solar Reflectance Index
Specific Plan
State
Story
Street
Street Line
Structure
Structure, Accessory
Structure, Attached
Structure, Detached
Structure, Main
Structure, Nonconforming
Structure, Temporary
Swimming Pool
Tandem Parking

Telecommunication Terms

Antenna

Co-Location

Satellite Dish

Support Equipment

Telecommunication Facility

Tenant

Trailer

Use

Use, Accessory

Use, Incidental

Use, Nonconforming

Use, Permitted

Use, Primary

Use Classification

Use Permit

Use Type

Utilities

Variance

Vehicle

Vibration

Visible

Wall

Yard

Front Yard

Interior Yard

Rear Yard

Required Yard

Side Yard

Street Side Yard

Zoning Administrator

Zone

17.51.020 Definitions

A. "A" Terms.

Abutting. Having a common boundary.

Access. The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property.

Accessory Building. See "Building, Accessory".

Accessory Structure. See "Structure, Accessory".

Accessory Use. See "Use, Accessory".

Adjacent. Directly abutting, having a common boundary or property line, or contiguous to.

Adjoining. See "Abutting".

Agent or Authorized Agent. Any person who can show certified written proof that he or she is representing and acting in the place of another person or individual.

Aggrieved Person. Any person who, in person or through a representative, appeared at a City public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.

Alley. A public or private way, not more than thirty feet wide, reserved primarily for secondary vehicular access to the rear or side of properties abutting on a street.

Alteration. Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Applicant. The person, partnership, corporation, or state or local government agency applying for a permit, certificate, zoning approval, or other entitlement.

Architectural Feature. An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

Arterial Roadway. A street classified as an Arterial in the Transportation Element of the General Plan.

Attached Building or Structure. See "Building, Attached" and "Structure, Attached".

Awning. An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically

constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

B. "B" Terms.

Balcony. A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground, and is not enclosed by walls on more than three sides.

Bedroom. Any room having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room.

Block. All property fronting on one side of a street between an intersection and intercepting streets or between a street and a waterway, dead-end street, major easement or right-of-way, or unsubdivided land. An intercepting street shall only determine the boundary of a block on the side of the street which it intercepts.

Buffer. An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials.

Building, Accessory. A detached, subordinate building used only as incidental to the main building on the same lot.

Building, Attached. A building which has a common wall with another building or structure.

Building, Detached. A building which does not have a common wall with another building or structure.

Building, Main. A building in which the primary use of the parcel on which it is located is conducted.

Building Code. Any ordinance or regulations of the City governing the type and method of construction of buildings and structures, including sign structures and any amendments thereto and any substitute therefor including, but not limited to, the California Building Code and other State-adopted uniform codes.

Building Face. The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars is considered to be the face of the building.

Building Footprint. See "Footprint".

Building Frontage. See “Frontage, Building”.

Building Height. See “Height”.

Building Site. A lot or parcel of land occupied or to be occupied by a main building and accessory buildings together with such open spaces as are required by the terms of this Code and having its principal frontage on a street, road, highway, or waterway.

C. **“C” Terms.**

California Environmental Quality Act (CEQA). Public Resources Code §§21000, et seq. or any successor statute and regulations promulgated thereto (14 California Code of Regulations §§15000, et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

Camper. As defined in the California Vehicle Code.

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Carpport. An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

City. The City of West Sacramento.

City Council. The City Council of the City of West Sacramento.

Change of Use. The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the type of an existing use; does not include a change of ownership, tenancy, or management associated with a use for which the previous type of use will remain substantially unchanged.

Collector Roadway. A roadway classified as a Collector in the Transportation Element of the General Plan.

Commercial Vehicle. Defined in the California Vehicle Code. Pickup trucks and vans not exceeding one-ton rated capacity and which are used primarily for private noncommercial purposes are not considered commercial vehicles.

Commission. See “Planning Commission”.

Community Development Director. The Community Development Director of the City of West Sacramento or his/her designee.

Compatible. That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

Condition of Approval. A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the decision-making body to alter or modify a project in any manner from the description in the application originally submitted for City approval.

Conditional Use. A use that is generally compatible with other uses permitted in a zone, but that requires individual review of its location, design, configuration, and intensity and density of use and structures, and may require the imposition of conditions pertinent thereto to ensure the appropriateness of the use at that location.

Conditionally Permitted. Permitted subject to approval of a Use Permit.

County. The County of Yolo.

D. **“D” Terms.**

Deck. A platform, either freestanding or attached to a building that is supported by pillars or posts.

Demolition. The intentional destruction and removal of 50 percent or more of the enclosing exterior walls and 50 percent of the roof of any structure.

Density. The number of dwelling units per acre of land.

Detached Building. “See Building, Detached”.

Detached Structure. “See Structure, Detached”.

Development. Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Development Agreement. An agreement between the City and any person having a legal or equitable interest in real property for the development of such property, and which complies with the applicable provisions of the Government Code for such development agreements.

Development Permit. Any permit issued by the city for the construction of real property improvements. Development permits include grading permits, encroachment permits, use permits, tentative maps, planned development permits and building permits. Sign permits are excluded from this definition.

Director. See “Community Development Director”.

District. See “Zone”.

Driveway. An accessway that provides direct vehicular access for vehicles between a street and the parking or loading facilities located on an adjacent property.

Dwelling Unit. One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household. Excludes tents, cabins, boats, trailers, dormitories, labor camps, hotels, and motels.

E. **“E” Terms.**

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

Effective Date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Electrical Code. Any ordinance of the City regulating the alteration, repair, and the installation and use of electricity or electrical fixtures.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Emergency Standby Generator. An emergency standby generator means a stationary generator used for the generation of electricity that is used in the event of a failure of the regular power supply.

Emergency Vehicle. A self-propelled vehicle or trailer used in the discharge of duties of public districts, agencies or departments, or privately-owned public utilities responsible for fire prevention and control, policing, sanitation, sewerage, drainage, levee maintenance, flood control, public utility lines and all essential services.

Environmental Impact Report (EIR). An Environmental Impact Report as required under the California Environmental Quality Act (CEQA).

Environmental Review. An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

Equipment. Non-vehicular items such as, but not limited to, boats, campers, camper shells, tents and related camping supplies, tools, machinery, aircraft, barrels, drums, large cans or containers and parts related to these items.

Erect. To build, construct, attach, hang, place, suspend, or affix to or upon any surface. Such term also includes the painting of wall signs.

F. **“F” Terms.**

Façade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically

from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Family. One or more persons living together in a single dwelling unit, with common use of all living and eating areas and all areas and facilities for the preparation and storage of food.

Farmworker. The same as “agricultural employee” as defined in Section 1140.4(b) of the California [Labor Code](#).

Farmworker Dwelling Unit. A single-family residential unit occupied by a maximum of six farmworkers at any one time.

Farmworker Housing. A housing accommodation developed for and/or provided to farmworkers and shall consist of any living quarters, dwelling, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodation maintained in one or more buildings and on one or more sites.

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

Fence. Any horizontal or vertical structural device forming a physical barrier intended to separate properties, retain soil materials, and provide security; or as defined by the Building Official. Fences may also be walls, hedges, and screen plantings, or constructed from wood, mesh, metal, chain, brick, stakes of plastic or similar materials.

Firearms. Any device designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or other form of combustion.

Floor Area. The total horizontal area of all floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated. See also Subsection 17.020.030.F, Determining Floor Area.

Floor Area Ratio (FAR). The ratio of the total floor area of all buildings on a lot to the lot area or building site area. See also Subsection 17.02.030.G, Determining Floor Area Ratio.

Foot-Candle. A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.

Footprint. The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves. See also Subsection 17.02.030.H, Determining Lot Coverage.

Freeway. A multilane State or Interstate highway for through traffic with full control of access and with grade separations at all intersections and railroad crossings, and to which highway the owners of abutting lands have no right of easement or access to or from their abutting lands.

Frontage, Building. The lineal dimension, parallel to the ground, of a building abutting on a public street, or a parking lot accessory to that business, even though another business may also have entitlement to that parking lot.

Frontage, Street. That portion of a lot or parcel of land that borders a public street. Street frontage shall be measured along the common lot line separating said lot or parcel of land from the public street, highway, or parkway.

G. **“G” Terms.**

Garage. An accessory structure or portion of a main structure, enclosed on three or more side and containing accessible and usable enclosed space designed, constructed, and maintained for the parking and storage of one or more motor vehicles.

General Plan. The General Plan of the City of West Sacramento.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Grade. The location of the ground surface.

Grade, Existing or Natural. Ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

Grade, Finished. Final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

Ground Floor. The first floor of a building other than a basement that is closest to finished grade.

H. **“H” Terms.**

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Heat. Thermal energy of a radioactive, conductive, or convective nature.

Height. The vertical distance from a point on the ground below a structure to a point directly above. See also Subsection 17.02.030.C, Measuring Height.

Home Occupation. A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

Household. See “Family.”

Household Pets. Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents. Household pets include domestic birds, cats, dogs, fish, rabbits, rodents, or snakes, but do not include horses, mules, goats, cows, hogs or other similar size animals, or roosters or peacocks.

I. **“I” Terms.**

Illegal Use. Any use of land or building that does not have the currently required permits, and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

Improvement. An object affixed to the ground other than a structure.

Impervious Surface. **Impervious surfaces** are mainly artificial structures—such as pavements (roads, sidewalks, driveways and parking lots, as well as industrial areas such as airports, ports and logistics and distribution centers) that are covered by impenetrable materials such as asphalt, concrete, brick, stone, etc.

Incidental Use. See “Use, Incidental”.

Income Levels. Income levels for households whose gross incomes do not exceed the qualifying extremely low, very low, low, and moderate-income limits established in § 6932 of the California Code of Regulations, and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate based on the Yolo County median income levels by family size. These income limits are equivalent to the following:

Extremely Low Income Household. Under 30 percent of area median income, adjusted for household size appropriate for the unit.

Very Low Income Household. 30 to 50 percent of area median income, adjusted for household size appropriate for the unit.

Low Income Household. 50 to 80 percent of area median income, adjusted for household size appropriate for the unit.

Moderate Income Household. 80 to 120 percent of area median income, adjusted for household size appropriate for the unit.

Intensity of Use. The extent to which a use or the use in combination with other uses affects the natural and built environment in which it is located; the demand for services; and

persons who live, work, and visit the area. Measures of intensity include, without limitation: requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or in eating establishments, the number of seats.

Intersection, Street. The area common to two or more intersecting streets.

J. **“J” Terms.**

Reserved.

K. **“K” Terms.**

Kitchen. Any room or space within a building intended to be used for the cooking or preparation of food.

L. **“L” Terms.**

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

Liquor Sales. The sale of liquor for offsite consumption.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the County of Yolo, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

Abutting Lot. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Corner Lot. A lot or parcel bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

Flag Lot. A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

Interior Lot. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

Key Lot. An interior lot adjoining the rear lot line of a reversed corner lot.

Reversed Corner Lot. A corner lot, the rear of which abuts the side of another lot, whether across a lane or not.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

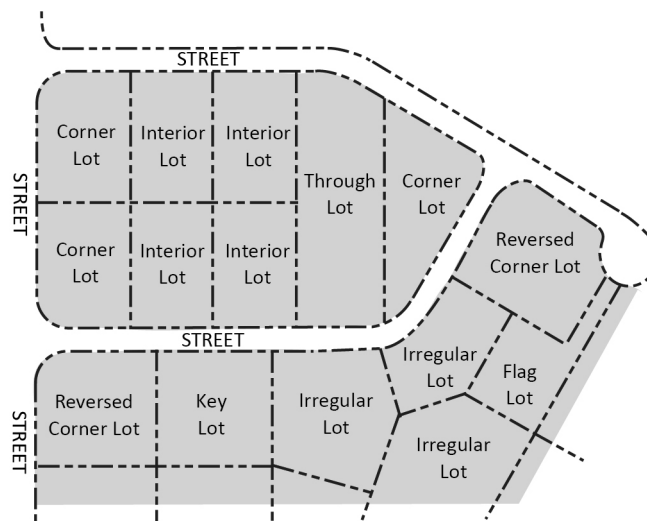


FIGURE 17.51.020.L: LOT TYPES

Lot Area. The area of a lot measured horizontally between bounding lot lines.

Lot Coverage. The portion of a lot that is covered by structures, including main and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies. See also Subsection 17.02.030.H, Determining Lot Coverage.

Lot Depth. The horizontal distance between the front and rear property lines of a site measured midway between the side property lines. See also Subsection 17.02.030.D, Measuring Lot Width and Depth.

Lot Frontage. See "Frontage, Street."

Lot Line. The boundary between a lot and other property or the public right-of-way.

Front Lot Line. On an interior lot, the line separating the lot from the street or lane. On a corner lot, the shorter lot line abutting a street or lane. On a through lot, the lot line abutting the street or lane providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

Interior Lot Line. Any lot line that is not adjacent to a street.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for establishing the minimum rear yard.

Side Lot Line. Any lot line that is not a front or rear lot line.

Street Side Lot Line. A side lot line of a corner lot that is adjacent to a street.

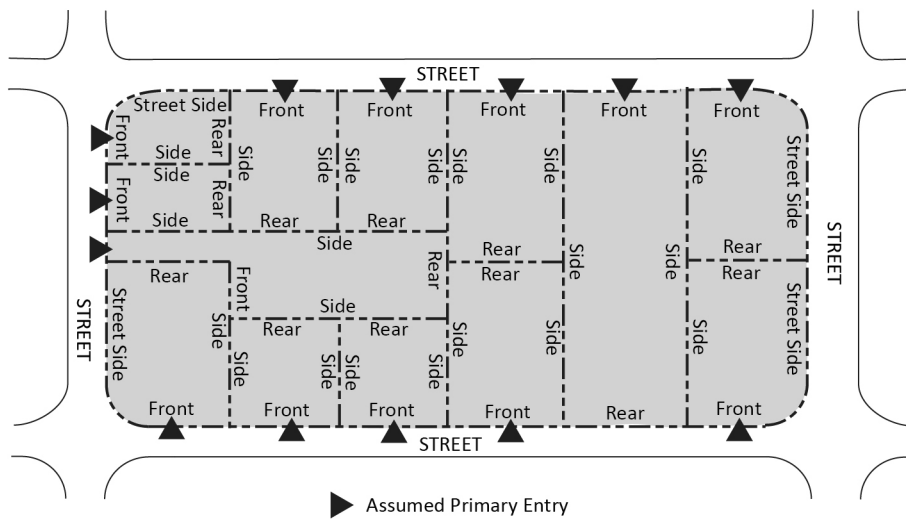


FIGURE 17.51.020.L.2: LOT LINE TYPES

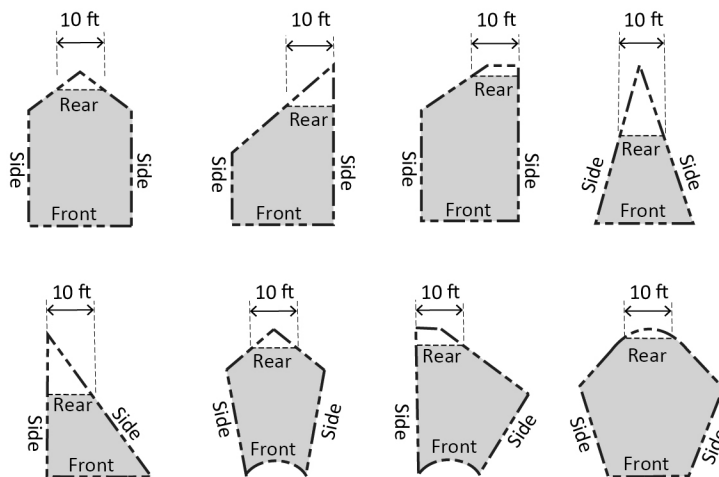


FIGURE 17.51.020.L.3: REAR LOT LINES, IRREGULAR LOTS

Lot, Nonconforming. A legal parcel of land having less area, frontage, or dimensions than required in the zone in which it is located.

Lot Width. The average distance between the side lot lines measured at right angles to the lot depth. See also Subsection 17.02.030.D, Measuring Lot Width and Depth. When not applicable due to irregularity of lot shape, lot width shall be determined by the Director, subject to appeal and review by the Planning Commission.

M. **“M” Terms.**

Maintenance and Repair. The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

Municipal Code. The City of West Sacramento Municipal Code.

N. **“N” Terms.**

Noise. Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Nonconforming Building. See “Building, Nonconforming”.

Nonconforming Lot. See “Lot, Nonconforming”.

Nonconforming Structure. See “Structure, Nonconforming”.

Nonconforming Use. See “Use, Nonconforming”.

O. **“O” Terms.**

On-Site. Located on the lot that is the subject of discussion.

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 72 hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.

Owner. A person or persons holding single or unified beneficial title to the property, including without limitation, the settlor of a grantor trust, a general partner, firm, or corporation.

P. **“P” Terms.**

Parapet. That part of a wall that extends above the roof line.

Parking Area. An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Passenger Vehicle. As defined in the California Vehicle Code.

Permitted Use. See “Use, Permitted”.

Person. Any individual, firm, association, organization, partnership, business trust, company, or corporation.

Planning Commission. The Planning Commission of the City of West Sacramento.

Planning Division. The Planning Division of the Community Development Department of the City of West Sacramento.

Pre-existing. In existence prior to the effective date of this Code.

Primary Use. See "Use, Primary".

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this Title. This term includes, but is not limited to, any action that qualifies as a "project" as defined by the California Environmental Quality Act.

Property Line. The recorded boundary of a lot or parcel of land.

Public Resources Code. The Public Resources Code of the State of California.

Public Works Director. The Public Works Director of the City of West Sacramento.

Q. **"Q" Terms.**

Qualified Applicant. The property owner, the owner's agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land.

R. **"R" Terms.**

Reasonable Accommodation. Any deviation requested and/or granted from the strict application of the City's zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

Review Authority. Body or entity responsible for making decisions on applications.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

S. **"S" Terms.**

Senior Citizen. An individual 62 years of age or older.

Setback. The distance between a property line and a building or structure that must be kept clear or open.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign Terms. See Chapter 17.29, Signs.

Site. A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Code and is in a single ownership or under unified control.

Soil. Naturally occurring superficial deposits overlying bedrock.

Solar Reflectance Index. Measure of a surface's ability to reflect solar heat, combining reflectance and emittance into one number. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is 100.

Specific Plan. A plan for all or part of the area covered by the General Plan that is prepared to be consistent with and to implement the General Plan, pursuant to the provisions of Government Code, §§ 65450 et seq.

State. The State of California.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above.

Street. A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. "Street" includes avenue, court, circle, crescent, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley or walkway.

Street Line. The boundary between a street and a lot or parcel of land.

Structure. Anything constructed or erected which requires a location on the ground.

Structure, Accessory. A detached subordinate structure used only as incidental to the main structure on the same site or lot.

Structure, Attached. A structure which is affixed to another building or structure on the site.

Structure, Detached. A structure which is not affixed to another building or structure on the site.

Structure, Main. A structure housing the primary use of a site or functioning as the primary use.

Structure, Nonconforming. A building or structure, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this Code to it, no longer conforms to the specific regulations applicable to the zone in which it is located.

Structure, Temporary. A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Swimming Pool. A pool, pond, lake, or open tank capable of containing water to a depth greater than 1.5 feet at any point.

T. **“T” Terms.**

Tandem Parking. An arrangement of parking spaces such that one or more spaces must be driven across to access another space or spaces.

Telecommunication Terms.

Antenna. Any system of wires, poles, rods, horizontal or vertical elements, panels, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves.

Co-Location. The location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure, or otherwise sharing a common location. Co-location also includes the location of wireless communications facilities with other facilities, such as buildings, water tanks, light standards, and other utility facilities and structures.

Satellite Dish. A device (also known as a parabolic antenna) incorporating a reflective surface that is solid, open, or mesh or bar-configured, and is in the shape of a shallow dish, cone, horn cornucopia, or flat plate that is used to receive or transmit radio or electromagnetic waves between terrestrially and/or orbitally based units. This term includes satellite earth stations, satellite receivers, satellite discs, direct broadcast systems, television-reception-only systems, and satellite microwave antennas.

Support Equipment. The physical, electrical, and/or electronic equipment included within a telecom facility used to house, power, transport, and/or process signals from or to the facility's antenna or antennas.

Telecommunication Facility. A mobile cell site that consists of a cell antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to be part of a cellular network.

Tenant. A person renting or leasing a housing unit or non-residential space.

Trailer. A vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper,

recreational vehicle, travel trailer, and mobile home, but not including mobile homes on a permanent foundation.

U. **“U” Terms.**

Use. The purpose for which land or the premises of a building, structure or facility is arranged, designed, or intended, or for which it is or may be occupied or maintained.

Use, Accessory. A use that is customarily associated with, and is incidental and subordinate to, a primary use and located on the same lot as a primary use.

Use, Incidental. A secondary use of a lot and/or building that is located on the same lot, but is not customarily associated with the primary use.

Use, Nonconforming. The use of a building, structure, site, or portion thereof, which was lawfully established and maintained, but which, because of the adoption and application of this Title, no longer conforms to the specific regulations applicable to the zone in which it is located.

Use, Permitted. Any use or structure that is allowed in a zone without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zone.

Use, Primary. A primary, principal, or dominant use established, or proposed to be established, on a lot.

Use Classification. A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential, public and semi-public, commercial, industrial, and transportation, communication, and utilities. See Chapter 17.50, Use Classifications.

Use Permit. A discretionary permit which may be granted by the appropriate City of West Sacramento authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval. See Chapter 17.38, Use Permit.

Use Type. A category that classifies similar uses based on common functional, product, or compatibility characteristics.

Utilities. Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

V. **“V” Terms.**

Variance. A discretionary grant of permission to depart from the specific requirements of this Title that is warranted when, due to special circumstances regarding the physical

characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zone.

Vehicle. Any vehicle, as defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

Vibration. A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

Visible. Capable of being seen (whether legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

W. **“W” Terms.**

Wall. Any vertical exterior surface of building or any part thereof, including windows.

X. **“X” Terms.**

Placeholder.

Y. **“Y” Terms.**

Yard. An open space on the same site as a structure, unoccupied and unobstructed from the ground upward, except as otherwise provided by this Code.

Front Yard. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be a distance from the nearest line or point of the main building foundation and measured inward from the front lot line.

Interior Side Yard. A yard which does not abut a street.

Rear Yard. A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Code for the zone in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for establishing the minimum rear yard.

Required Yard. A yard which complies with the minimum setback requirements for the zone in which the lot is located.

Side Yard. A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

Street Side Yard. A yard on a corner lot or reversed corner lot extending from the front yard to the rear lot line between the building setback line and the nearest side street lot line.

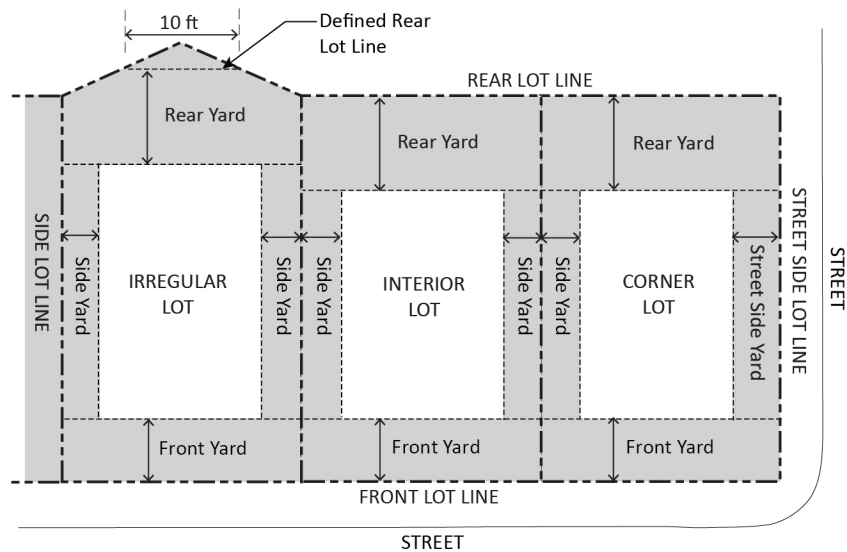


FIGURE 17.51.020.Y: YARD TYPES

Z. "Z" Terms.

Zoning Administrator. The Zoning Administrator of the City of West Sacramento.

Zone. A specifically delineated area in the City within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

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Appendix A: Master Land Use/Zoning Matrix

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MASTER LAND USE/ZONING MATRIX																							
"P" = Permitted Use; "M" = Minor Use Permit required; "C" = Conditional Use Permit required, "-" Use Not Allowed; "D" Development Agreement																							
Land Use Classification	AG	RE	RRA	R-1	R-2	R-2.5	R-3	CBD	C	CH	MU-NC	MU-C	WF	M-L	M-1	M-2	M-3	BP	PQP	RP	POS	Additional Regulations	
Residential Uses																							
Residential Housing Types	See subclassifications below																						
Single-Unit Dwelling, Detached	P	P	P	P	P	M	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Single-Unit Dwelling, Attached	-	-	-	P	P	P	M	P(1)/C	P(2)	-	P(3)/C	P(3)/C	C	-	-	-	-	-	-	-	-	-	(1) Permitted on upper stories in a mixed-use development. Ground floor residential and residential-only development is allowed subject to Conditional Use Permit approval. (2) Permitted on upper stories in a mixed-use development. (3) Permitted on upper stories and in the rear of the site where nonresidential space with a minimum depth of 45 feet is provided along the street frontage. Street fronting residential and residential-only development is allowed subject to Conditional Use Permit approval.
Two-Unit Dwelling	-	-	-	-	P	P	C	P(1)/C	P(2)	-	P(3)/C	P(3)/C	P	-	-	-	-	-	-	-	-	-	
Multi-Unit Residential	-	-	-	-	P	P	P	P(1)/C	P(2)	-	P(3)/C	P(3)/C	P	-	-	-	-	-	-	-	-	-	
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	-	-	-	-	-	-	-	See §17.30.040, Accessory Dwelling Units
Farmworker Housing	P																						
Family Day Care	See subclassifications below																						
Small	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	-	-	-	-	-	-	-	
Large	P	P	P	P	P	P	P	M	M	-	M	M	M	-	-	-	-	-	-	-	-	-	
Group Residential	-	-	-	C	C	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Manufactured Home Park	-	-	-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Residential Care Facilities	See subclassifications below																						
Small	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
Large	C	M	M	M	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
Residential Facility, Assisted Living	-	-	-	-	P	P	P	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	
Single-Room Occupancy	C	C	C	C	C	P	P	C	C	-	C	C	C	-	-	-	-	-	-	-	-	-	See §17.30.200, Single-Room Occupancy
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zone.																						
Transitional Housing																							
Public/Semi-Public Uses																							
Campground	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	P	-	-	
Colleges and Trade Schools	-	-	-	-	-	C	C	P	P	-	-	-	-	P	P	P	P	C	C	-	-	-	

MASTER LAND USE/ZONING MATRIX																						
<i>"P" = Permitted Use; "M" = Minor Use Permit required; "C" = Conditional Use Permit required, "-" Use Not Allowed; "D" Development Agreement</i>																						
Land Use Classification	AG	RE	RRA	R-1	R-2	R-2.5	R-3	CBD	C	CH	MU-NC	MU-C	WF	M-L	M-1	M-2	M-3	BP	PQP	RP	POS	Additional Regulations
Community Assembly, less than 5,000 sq. ft.	-	-	-	P	P	P	P	P	P	-	P	P	P	-	-	-	-	-	P	P	-	
Community Assembly, 5,000 sq. ft. or more	-	-	-	M	M	M	M	P	P	-	P	P	P	-	-	-	-	-	P	P	-	
Cultural Institutions, less than 5,000 sq. ft.	-	M	M	P	P	P	P	P	P	-	P	P	P	-	-	-	-	-	P	P	-	
Cultural Institutions, 5,000 sq. ft. or more	-	M	M	M	M	M	M	P	P	-	P	P	P	-	-	-	-	-	P	P	-	
Day Care Centers	-	M	M	M	P	P	P	P	M	-	P	P	M	-	-	-	-	-	P	P	-	
Emergency Shelter	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	-	-	-	See §17.30.100, Emergency Shelters and Daytime Services Facilities
Government Offices	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	P	P	-	
Hospitals and Clinics	See subclassifications below																					
<i>Clinic</i>	-	-	-	-	-	-	-	C	M	-	M	M	M	-	-	-	-	-	-	-	-	
<i>Hospitals</i>	-	-	-	-	-	-	-	C	C	-	C	C	C	-	-	-	-	M	-	-	-	
<i>Skilled Nursing Facility</i>	-	-	-	-	-	M	M	-	-	-	M	-	-	-	-	-	-	-	-	-	-	
Instructional Services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	P	P	P	-	
Park and Recreation Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking Lots and Structures	-	-	-	-	-	-	-	C	C	P	-	M	C	C	P	P	P	C	-	-	-	
Public Safety Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	
Schools	-	C	C	C	C	C	C	C	-	-	C	-	C	-	-	-	-	P	P	-	-	
Social Service Facilities	-	-	-	-	-	-	-	P	P	-	C	C	-	P	M	C	C	C	-	-	-	
Tutoring Facilities	-	-	-	-	-	-	-	P	P	-	P	P	M	-	-	-	-	-	-	-	-	
Commercial Uses																						
Adult Entertainment	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	C	-	-	-	-	-	See §17.30.050, Adult Entertainment Uses
Animal Care, Sales, and Services	See subclassifications below																					
<i>Animal Sales and Grooming</i>	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	-	-	-	
<i>Boarding/Kennels</i>	P	C	C	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	
<i>Veterinary Services</i>	M	-	-	-	-	-	-	P	P	-	P	P	-	P	P	-	-	-	-	-	-	
Automobile/Vehicle Sales and Services	See subclassifications below																					
<i>Automobile Rentals</i>	-	-	-	-	-	-	-	-	P	C	-	-	-	C	C	C	C	-	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Automobile/Vehicle Repair, Major</i>	-	-	-	-	-	-	-	-	C	P	-	-	-	M	M	P	P	-	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
<i>Automobile/Vehicle Repair, Minor</i>	-	-	-	-	-	-	-	-	P	P	M	-	-	P	P	P	P	-	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services

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Automobile/Vehicle Sales and Leasing	-	-	-	-	-	-	-	-	M(4)	M(4)	-	-	-	M(5)	M(5)	M(5)	P(5)	-	-	-	-	(4) In the C and CH zones, must be located completely within an enclosed structure, including all vehicles for lease, sale, or display, except as required by the DMV. (5) For the M-L, M-1, M-2, and M-3 zones, outdoor use area, including vehicle display area, is limited to 25% of the indoor unless additional outdoor use area is authorized pursuant to CUP approval. See §17.30.070, Automobile/Vehicle Sales and Services
Fueling Stations	-	-	-	-	-	-	-	-	M	M	M	-	-	C	P	P	P	-	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
Large Vehicle and Equipment Sales, Service, and Rental	-	-	-	-	-	-	-	-	-	P	-	-	-	M	M	P	P	-	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
Towing and Impound	-	-	-	-	-	-	-	-	-	P	-	-	-	C	C	C	C	-	-	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
Washing	-	-	-	-	-	-	-	-	P(6)	P	M	-	-	P	P	P	P	-	-	-	-	(6) Only as accessory to a Fueling Station. See §17.30.070, Automobile/Vehicle Sales and Services
Banks and Financial Institutions	See subclassifications below																					
Banks and Credit Unions	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	-	-	P	-	-	-	
Check-Cashing Businesses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
Business Services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	-	-	-	
Cannabis Retailer- Non-Storefront (Delivery Only), Microbusiness	-	-	-	-	-	-	-	-	-	-	-	-	-	D	D	D	D	D	-	-	-	See §17.30.080, Cannabis
Commercial Entertainment and Recreation	See subclassifications below																					
Cinema/Theaters	-	-	-	-	-	-	-	P	P	-	P	P	P	M	M	-	-	-	-	-	-	
Indoor Sports and Recreation	-	-	-	-	-	-	-	P	P	-	P	M	P	M	M	C	-	P	M	P	-	
Outdoor Entertainment	-	-	-	-	-	-	-	-	-	C	-	-	M	-	-	-	-	-	-	P	-	
Outdoor Recreation	-	-	-	-	-	-	-	-	M	C	-	-	M	M	M	C	-	C	P	P	-	
Drive-Through Facility	See §17.30.090, Drive-Through Facility																					
Eating and Drinking Establishments	See subclassifications below																					

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<i>Bars/Night Clubs/Lounges</i>	-	-	-	-	-	-	-	M	C	-	M	M	M	C	C	-	-	-	-	-	-	See §17.30.160, Outdoor Dining and Seating
<i>Restaurant</i>	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	See §17.30.160, Outdoor Dining and Seating
Farmer's Markets	-	-	-	M	M	M	M	P	P	P	P	P	P	-	-	-	-	P	P	P	-	See §17.30.110, Farmer's Markets
Food Preparation	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	-	-	-	
Funeral Parlors and Interment Services	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	P	-	-	-	
Lodging	See subclassifications below																					
<i>Hotels</i>	-	-	-	-	-	-	-	M	M	P	M	M	P	C	-	-	-	P	-	-	-	
<i>Motels</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<i>Short-term Rental</i>	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	-	-	-	-	-	-	
Maintenance and Repair Services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	-	-	-	
Mobile Vendor	See §17.30.140, Mobile Vending																					
Nurseries and Garden Centers	M	-	-	-	-	-	-	P	P	-	P	P	M	P	P	-	-	P	-	-	-	
Offices	See subclassifications below																					
<i>Business, Professional, and Technology</i>	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	-	-	-	
<i>Medical and Dental</i>	-	-	-	-	-	-	-	P	P	-	P	P	P	M	M	-	-	P	-	-	-	
Personal Services	See subclassifications below																					
<i>General Personal Services</i>	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	-	-	-	See §17.30.170, Personal Services
<i>Fortunetelling</i>	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	-	-	-	-	-	-	See §17.30.170, Personal Services
<i>Massage Establishments</i>	-	-	-	-	-	-	-	M	P	-	M	-	M	P	-	-	-	-	-	-	-	See §17.30.170, Personal Services
<i>Tattoo or Body Modification Parlor</i>	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-	-	-	See §17.30.170, Personal Services
Retail Sales	See subclassifications below																					
<i>Building Materials Sales and Services</i>	-	-	-	-	-	-	-	-	P	-	M	-	-	P	P	P	P	P	-	-	-	
<i>Convenience Markets</i>	-	-	-	-	-	-	-	P	P	P	P	P	P	P	C	C	P	P	-	-	-	
<i>Liquor Sales (Primary Use)</i>								C	C		C	C	C									
<i>Liquor Sales (Accessory), building less than 10,000 square feet</i>								C	C		C	C	C									
<i>Liquor Sales (Accessory), building more than 10,000 square feet</i>								P	M		M	M	P									

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Food and Beverage Sales, less than 10,000 sq. ft.	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	-	-	-	
Food and Beverage Sales, 10,000 sq. ft. or more	-	-	-	-	-	-	-	P	P	-	P	P	P	-	M	M	M	-	-	-	-	
General Retail, less than 10,000 sq. ft.	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	-	-	-	
General Retail, 10,000 sq. ft. or more	-	-	-	-	-	-	-	P	P	-	P	P	P	M	M	M	M	M	-	-	-	
Secondhand Store	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	-	-	-	-	-	-	
Industrial Uses																						
Cannabis-Related Industrial	See subclassifications below																					
Cannabis Indoor Commercial Cultivation Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	See §17.30.080, Cannabis
Cannabis Laboratory Materials Testing Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	-	-	See §17.30.080, Cannabis
Cannabis Manufacturing Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-	-	See §17.30.080, Cannabis
Wholesale Cannabis Logistics, Distribution, and Transportation Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	See §17.30.080, Cannabis
Cargo Handling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	
Construction and Material Yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	
Custom and Artisan Manufacturing	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	
Donation Center/Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	
Food and Beverage Manufacturing	See subclassifications below																					
Small Scale	P	-	-	-	-	-	-	M	P	-	M	M	M	P	P	P	P	P	-	-	-	
Large Scale	M	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	M	-	-	
General Industrial	C	-	-	-	-	-	-	-	-	-	-	-	-	-	M	M	P	P	C	-	-	
Light Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	
Research and Development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	
Salvage and Wrecking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	
Warehousing, Storage, and Wholesaling and Distribution	See subclassifications below																					
Indoor Warehousing, Storage, and Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	

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<i>Outdoor Storage</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	
<i>Personal Storage</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	
Transportation, Communication, and Utility Uses																						
Airports and Heliports	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	C	C	-	-	-	-	
Communication Facilities	See subclassifications below																					
<i>Facilities within Buildings</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	
<i>Telecommunication</i>	See §17.30.240, Wireless Telecommunication Facilities																					
Docking Facilities	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	-	-	
Freight/Trucking Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	
Light Fleet-Based Services	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	P	P	-	-	-	
Marinas	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	-	C	C	C	
Public Works and Utilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	
Rail Car Loading Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	
Recycling Facility	See subclassifications below																					
<i>Reverse Vending Machine</i>	-	-	-	-	-	-	-	-	P	P	M	M	-	M	M	M	-	-	-	-	-	See §17.30.190, Recycling Facilities
<i>Recycling Collection Facility</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	
<i>Recycling Processing Facility</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	
Agricultural and Extractive Uses																						
Agriculture	See subclassifications below																					
<i>Animal Production</i>	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<i>Crop Production</i>	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<i>Horticulture Production</i>	P	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Mineral Extraction	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Urban Agriculture	See subclassifications below																					
<i>Aquaculture</i>	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	See §17.30.230, Urban Agriculture
<i>Community Garden</i>	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	-	-	-	-	-	-	See §17.30.230, Urban Agriculture
<i>Market Garden, less than 1 acre</i>	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	-	-	-	-	-	-	See §17.30.230, Urban Agriculture
<i>Market Garden, 1 acre or more</i>	P	M	M	M	M	M	M	C	-	-	C	C	C	-	-	-	-	-	-	-	-	See §17.30.230, Urban Agriculture
<i>Private Garden</i>	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	-	-	-	-	-	-	See §17.30.230, Urban Agriculture
Other Uses																						
Accessory Uses and Structures	See Section 17.30.030, Accessory Uses and Section 17.22.020, Accessory Buildings and Structures																					
Animal Keeping	See Section 17.30.060, Animal Keeping																					
Home Occupations	See Section 17.30.120, Home Occupations																					
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots																					

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Outdoor Dining and Seating	See Section 17.26.160, Outdoor Dining and Seating																					
Outdoor Display and Sales	See Section 17.30.150, Outdoor Display and Sales																					
Recharging Stations	See Section 17.30.180, Recharging Stations																					
Solar Energy Systems	See Section 17.30.210, Solar Energy Systems																					
Temporary Uses	See Section 17.30.220, Temporary Uses																					

