

## **ATTACHMENT 2**

**CITY OF GUADALUPE ZONING CODE (INCLUDING  
RECENT AMENDMENTS)**

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Chapter 18.04GENERAL PROVISIONSSections:

- 18.04.010 Provisions adopted--Statutory authority.
- 18.04.020 Purpose of provisions.
- 18.04.030 Interpretation and scope of provisions.

18.04.010 Provisions adopted--Statutory authority. A substantially revised ordinance of the city, establishing regulations for the use of land and entitled "Zoning Ordinance," is adopted by the city council of the city of Guadalupe, state of California, in conformity with regulations now embodied in Article 1, Sections 65800 through 65803, inclusive; Article 2, Sections 65850 through 65861 inclusive; and Article 3, Sections 65900 through 65906, or Chapter 4, entitled Zoning Regulations, of Title 7 of the Government Code, as added by Stats, Ch. 1880. (Ord. 189 Art. 1 §1, 1980)

18.04.020 Purpose of provisions. The purpose of the ordinance codified in this Title 18 is to provide for the growth of the city in an orderly manner, in conformance with the General Plan, and to promote the public health, safety, peace, comfort and general welfare of the city by establishing regulations pertaining to uses of land, and uses, location, height, bulk, size and types of buildings and open spaces around buildings in certain districts; providing for the administration and enforcement of such regulations; and prescribing penalties for violations thereof. (Ord. 189 Art. 1 §2, 1980)

18.04.030 Interpretation and scope of provisions. When interpreting and applying the provisions of this title, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by the adoption of the ordinance codified in this title to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relative to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement. It is not intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties. However, in cases where this title imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings, or the use of any building or premises in any district or districts, than is imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, then in such case the provisions of this title shall control. (Ord. 189 Art. 6 §2, 1980)

Chapter 18.08DEFINITIONSSections:

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18.08.030	Accessory use.
18.08.033	Attached Unit.
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18.08.040	Boardinghouse.
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18.08.310	Zoning district.

18.08.010 Interpretation of terms. For the purposes of this Title 18, certain terms are defined in this chapter. Words used in the present tense shall include the future; words in the singular shall include the plural; the word "shall" is mandatory, and the word "may" is permissive. (Ord. 189 Art. 7 (part), 1980)

18.08.020 Accessory building. "accessory building" means a subordinate building, including shelters or pools, the use of which is incidental to that of the main building on the same lot and/or building site. (Ord. 189 Art. 7 (part), 1980)

18.08.030 Accessory use. "Accessory use" means a use accessory to any permitted use and customarily a part thereof, which use is clearly incidental and necessary to the permitted use, and which does not change the character thereof. (Ord. 189 Art. 7 (part), 1980) *Balcony, Porch  
maybe* 

18.08.033 Attached Unit. "Attached unit" shall mean a unit having a common roof and a common wall(s) with one or more other units. (Ord. 95-333 §2, 1995)

18.08.035 Berm. "Berm" means clean, compacted fill, free of organic material, formed in a manner to provide aesthetic variety within landscape areas. The design of the berm shall be reviewed and approved by the City Engineer. (Ord. 87-276, 1987)

18.08.040 Boardinghouse. "Boardinghouse" means a dwelling, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation. (Ord. 189 Art. 7 (part), 1980)

18.08.050 Building. "Building" means any structure having a roof supported by columns or by walls, and designed for the shelter or housing of any person, animal or chattel. (Ord. 189 Art. 7 (part), 1980)

18.08.060 Building site. "Building site" means a lot, lots or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory building, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title, and having its principal frontage on a public or private street, road or highway. (Ord. 189 Art. 7 (part), 1980)

18.08.070 Carport. "Carport" means a covered parking space, open on two or more sides. (Ord. 189 Art. 7(part), 1980)

18.08.080 City. "City" means the city of Guadalupe, a municipal corporation of the state of California. (Ord. 189 Art. 7(part), 1980)

18.08.090 Corner lot. "Corner lot" means a lot the front of which and one or more sides of which face a street. (Ord. 189 Art. 7(part), 1980)

18.08.100 Dwelling groups. "Dwelling groups" means a group of two or more detached or semidetached one-family, two-family or multiple dwellings occupying a parcel of land in one ownership, and having any yard or court in common, but not including motels, hotels, boardinghouses or rest homes. (Ord. 189 Art. 7(part), 1980)

18.08.110 Dwelling, multiple. "Multiple dwelling" means a building or portion thereof, used and designed as a residence for two or more families living independently of each other and doing their own cooking in the building, including apartment houses, duplexes and condominiums, but not including motels or boardinghouses. (Ord. 189 Art. 7 (part), 1980)

18.08.120 Dwelling, single-family. "Single-family dwelling" means a building designed for or used to house not more than one family. (Ord. 189 Art. 7(part), 1980)

18.08.130 Dwelling, two-family or duplex. "two-family dwelling" or "duplex" means a building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other. (Ord. 189 Art. 7(part), 1980)

18.08.140 Family. "Family" means one or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, or farm labor quarters. A "family" shall be deemed to include necessary servants. (Ord. 189 Art. 7(part), 1980)

18.08.150 Fence. "Fence" means a barrier made of wood, chain or similar material, as approved by the City, which is not used to retain earth and is used primarily as a physical and/or visual barrier. (Ord. 87-276, 1987)

18.08.160 Garage. "Garage" means an accessible and usable covered and completely enclosed space of not less than ten by twenty feet per vehicle, for storage of automobiles. (Ord. 189 Art. 7(part), 1980)

18.08.170 Height of buildings. "Height of buildings" means the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building, to the topmost point of the roof. (Ord. 189 Art. 7(part), 1980.)

18.08.180 Home occupation. "Home occupation" means an occupation conducted on the premises by the occupant of the dwelling, as a secondary use in connection therewith, and where there are no advertising signs, no displays, no stocks of merchandise, commodities or parts bought, sold or stored on the premises, and no employees in connection therewith.

A. Maintenance or repair of automobiles or other vehicles shall not be a home occupation.

B. The provisions of room, board or care of persons or animals shall not be a home occupation. (Ord. 189 Art. 7(part), 1980)

18.08.190 Hotel. "Hotel" means any building or portion thereof containing six or more guest rooms, used, designed or intended to be used, let out or hired out to be occupied, or which are occupied, by six or more individuals for compensation or hire, paid directly or indirectly. (Ord. 189 Art. 7(part), 1980)

18.08.200 Junkyard. "Junkyard" means more than one hundred square feet of the area of any lot or parcel of land used for the storage of junk, including but not limited to scrap metals, salvage, spare parts or other scrap materials or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage. A single vehicle without a current state license shall be considered a junkyard. (Ord. 189 Art. 7(part), 1980)

18.08.210 Lot. for "lot" see "Building site." (Ord. 189 Art. 7(part), 1980)

18.08.220 Lot front. "Lot front" means the narrowest dimension of a lot fronting on a street. (Ord. 189 Art. 7(part), 1980)

18.08.230 Lot side. "Lot side" means any lot boundary, not a front or rear lot line. (Ord. 189 Art. 7(part), 1980)

18.08.240 Lot width. "Lot width" means the average horizontal distance between the side lot lines, measured at right angles to the lot depth. (Ord. 189 Art. 7(part), 1980)

18.08.250 Mobile home. "Mobile home" means a vehicle designed and equipped for human habitation, and for being drawn by a motor vehicle. (Ord. 189 Art. 7(part), 1980)

18.08.260 Mobile home park. "Mobile home park" means any area or tract of land where one or mobile home lots are rented or leased, or held out for rent or lease, to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. (Ord. 189 Art. 7(part),

18.08.270 Motel. "Motel" means a group of two or more detached or semidetached buildings containing guest rooms or apartments, with automobile storage space serving such rooms or apartments provided in connection therewith, which group is designed and used primarily for the accommodation of transient automobile travelers. (Ord. 189 Art. 7(part), 1980)

18.08.280 Nonconforming use. "Nonconforming use" means a use that does not conform to the regulations for the district in which it is situated. (Ord. 189 Art. 7 (part), 1980)

18.08.290 Outdoor sales. A. "Outdoor sales" means outdoor sales only within the general commercial zoning district of this title.

B. The definition of "outdoor sales" shall not include:

1. Vending machines which are not designed to serve the occupant of an automobile or motor vehicle and which are located under the roof overhang of a commercial building, and are not located within the boundaries of public properties or rights-of-way;

2. Bake sales, rummage sales or other similar fundraising projects by nonprofit organizations, not more than two consecutive days at a time, and not

more than three times a year. (Ord. 206 §2, 1981: Ord. 189 Art. 7(part), 1980)

18.08.295 Recreational (trailer) Vehicle: A motor home, travel trailer, truck camper or camping trailer, with or without motor power, designed for transient habitation for recreational or emergency occupancy only, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or structures, bath and toilet rooms. (Ord. 88-283 §1, 1988)

18.08.300 Retail nursery. "Retail nursery" means the retail handling of any article, substance or commodity related to the occupation of gardening, including the sale of plants, shrubs, trees, packaged fertilizers, soils, chemicals and other nursery goods and related products. (Ord. 189 Art. 7(part), 1980)

18.08.305 Wall. "Wall" means a barrier made of wood, masonry, pre-cast, cast-in-place, brick or similar materials, as approved by the City. A wall is both a physical and visual barrier and thus it shall be constructed to have depth in its construction. (Ord. 87-276, 1987)

18.08.310 Zoning district. "Zoning district" means a portion of the city within which certain uses of land and buildings are permitted or prohibited, and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this title. (Ord. 189 Art. 7(part), 1980)

## Chapter 18.12

### ADMINISTRATION

#### Sections:

- 18.12.010 Zoning permit requirements.
- 18.12.020 Denial of amendment, conditional use permit or variance-- Effect.
- 18.12.030 Conflicts--Request for planning commission review.
- 18.12.040 Notice of hearings.

18.12.010 Zoning permit requirements. A. Zoning permits shall be required prior to the issuing of building permits, and shall be issued by the persons designated by the city administrator as "zoning administrators," after it has been determined that any proposed construction is in conformity with the regulations set forth in this title.

B. A zoning permit shall consist of a stamp of approval and a signature of the zoning administrator, along with appropriate notes placed upon all copies of the applicant's plot plan, which are required for application for a

building permit. No building permit shall be issued until the plot plan has been approved and stamped.

C. The zoning administrator shall not accept and approve plot plans which do not contain all information needed to clearly indicate the proposed construction, its use and its exact placement on the property, and a legal description sufficient to locate the property on the city's zoning map.

D. A fee set by resolution shall accompany the application. (Ord 206 §1(part), 1981: Ord. 89 Art. 5 §1(A), 1980)

18.12.020 Denial of amendment, conditional use permit or variance--  
Effect. In case an application for an amendment to this title, conditional use permit or variance is denied, said application shall not be eligible for reconsideration for one year subsequent to such denial unless a new application affecting or including all or a part of the same property is substantially different, in the opinion of the planning commission, from the application denied. (Ord. 189 Art. 5 §7, 1980)

18.12.030 Conflicts--Request for planning commission review. In any case, when interpreting and applying the provisions of this title, if the zoning administrator or the applicant finds that there is an irreconcilable difference of opinion as to the intent or definition of any part of this title, either party may make a written request that the matter be reviewed and interpreted by the planning commission. Once the written request is received, the matter shall be placed upon the agenda of the next regularly scheduled planning commission meeting that falls more than ten days after the written request was received. If the planning commission finds that it is unable to resolve the matter, it shall refer the matter to the city council. (Ord. 206 §1(part), 1981: Ord. 189 Art. 5 §7(B), 1980)

18.12.040 Notice of hearings. A. Whenever the provisions of this title state that a public hearing shall be held on the applications for use permits, variances, appeals, amendments to this title, or changing the boundaries of any district, notices of public hearings shall be given by the body conducting such hearings in a manner conforming with the requirements of Sections 65853 through 65857, inclusive, of Article 2 of the Government Code. In addition, the city may give notice of the hearing in such other manner as it may deem necessary or desirable.

B. Upon completion of publication or other notice as provided for in this section, the city clerk shall cause an affidavit of such publication to be filed into the permanent records of the particular proceedings to which such notices pertain. (Ord. 189 Art. 5 §10, 1980)

Chapter 18.16ZONING MAP AND ZONING DISTRICTSSections:

- 18.16.010 Zoning map and zoning district boundaries.
- 18.16.020 Zoning district use restrictions.
- 18.16.030 Regulations applicable to zoning districts.
- 18.16.040 Newly annexed territory.

18.16.010 Zoning map and zoning district boundaries. The boundaries of the zoning districts designated and established in this title are delineated on that certain map entitled "ZONING MAP OF THE CITY OF GUADALUPE," which is incorporated herein and made a part of the ordinance codified in this title by reference. (Ord. 189 Art. 2 §1, 1980)

18.16.020 Zoning district use restrictions. This title lists specific uses of land and buildings which may be allowed within each zoning district, as a permitted use, or as a use permitted subject to obtaining a conditional use permit. Other uses of land are not allowed within the designated districts. (Ord. 189 Art. 2 §2, 1980)

18.16.030 Regulations applicable to zoning districts. This Title 18 sets forth general regulations which shall apply to all zoning districts within the city. (Ord. 189 Art. 2 §3, 1980)

18.16.040 Newly annexed territory. Whenever any territory is annexed to the city, and such territory has not been rezoned pursuant to Chapter 18.76 of this title, such territory shall be zoned as follows:

A. Any parcels that are smaller than ten thousand square feet in area and about parcels previously in the city shall have the same zone as such parcel previously in the city;

B. All other parcels shall be zoned to open space district, as provided in Chapter 18.48 of this title. (Ord. 210, 1982: Ord. 189 Art. 2 §4, 1980)

Chapter 18.18SP, SPECIFIC PLAN COMBINING DISTRICTSections:

- 18.18.010 Purpose of Combining District

18.18.010 Purpose of combining district. The SP, Specific Plan combining district is applied to lands governed by the land use and development standards set forth in a specific plan. Property owners and developers of lands within the SP combining district should consult the applicable specific plan for development standards and other regulations that will govern new development. (Ord. 93-324 §1, 1993)

but then DT Farms SP standards are in zoning code

Chapter 18.20

R-1 SINGLE-FAMILY (LOW-DENSITY) RESIDENTIAL  
DISTRICT

Sections:

- 18.20.010 Purpose of district.
- 18.20.020 Permitted uses.
- 18.20.030 Conditional uses.

18.20.010 Purpose of district. The purpose of the R-1 district is to provide an area exclusively limited to single-family homes with not more than one dwelling and customary accessory buildings on a building site, and with an overall density of approximately five dwellings per acre, in conformance with the land use element of the General Plan. (Ord. 189 Art. 3 §1.1, 1980)

18.20.020 Permitted uses. Permitted uses in the R-1 district include:

A. One single-family dwelling; the dwelling shall be of a permanent character, placed upon a permanent foundation, and shall not be a mobile home or other temporary or vehicular type of dwelling;

B. Accessory buildings or uses, such as garages, patios, swimming pools or storage sheds, which are normally incidental to a single-family residence if constructed simultaneously with or subsequent to the main building on the same lot. (Ord. 189 Art. 3 §1.2, 1980)

C. The storage of recreational (trailer) vehicles within the rear and/or side yard provided that said vehicle is located a minimum of five (5) feet from all property lines and structures." (Ord. 88-283 §2, 1988)

18.20.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit in the R-1 district include:

A. A church, public or private elementary school, park, playground, public utility building or public building, along with required parking;

B. Accessory buildings or uses normally incidental to a single-family residence, if constructed or installed prior to the main building on the same lot;

C. A home occupation. (Ord. 189 Art. 3 §1.3, 1980)

Chapter 18.21R-1 (SP) RESIDENTIAL SINGLE FAMILY - LOW DENSITY (SPECIFIC PLAN)Sections:

- 18.21.010 Specific Plan.
- 18.21.020 Lot sizes.
- 18.21.030 Setbacks.
- 18.21.031 Uses permitted in the rear yard setback.
- 18.21.032 Projections into yards.
- 18.21.040 Permitted uses.
- 18.21.050 Architectural Character.
- 18.21.060 Landscaping.
- 18.21.070 Limitation on Use.
- 18.21.080 Public Improvements and Utilities.
- 18.21.090 Environmental Mitigation Measures.

18.21.010 Specific Plan. A final specific Plan for the Point Sal Dunes Residential development dated January 8, 1990 has been approved by the City Council. A final specific plan for the DJ Farms project dated September 27, 1993 has been approved by the City Council. Future development in this zoning district must be consistent with the approved and adopted Specific Plan, unless the Specific Plan is amended as required by state law. (Ord. 93-324 1994; Ord. 90-296 §3, 1990)

18.21.020 Lot sizes. Lot sizes shall be a minimum of 6,000 square feet. Lot sizes for the DJ Farms project are contained in the adopted and approved DJ Farms specific plan. (Ord. 93-324, 1993; Ord. 90-296 §3, 1990)

18.21.030 Setbacks. Lot setbacks shall be as follows:

- |          |   |     |
|----------|---|-----|
| A. Front | - | 15' |
| Sideyard | - | 5'  |
| Rear     | - | 15' |

Setbacks for the DJ Farms specific plan are contained in the adopted and approved DJ Farms specific plan. (Ord. 93-324, 1993)

18.21.031 Uses permitted in the rear yard setback. The uses permitted in the rear yard setback are limited to the following:

- A. A patio cover, as defined by the Uniform Building Code, may be constructed in the rear yard setback. The patio cover must be a minimum of 5 feet from the rear of the property line as required by the Uniform Building Code.
- B. Where the patio cover is visible from a public street, the structure must have a tile roof or other roof as may be approved by the Zoning Administrator.

C. No second floor balconies or room additions are permitted in the rear yard setback. (Ord. 92-310 §1, 1992)

18.21.032 Projection into yards. Eaves, fireplaces and other minor architectural features shall not project more than two feet into the required yard setback. (Ord. 92-310 §1, 1992)

18.21.040 Permitted uses. Permitted uses are limited to those outlined in the adopted specific plan. For the DJ Farms specific plan, schools and public parks are permitted. (Ord. 93-324, 1993)

18.21.050 Architectural Character. Residential single family development shall be designed in a California/Spanish - Mediterranean Style with California Style tile roof consistent with the elevations and description shown in the adopted and approved Specific Plan for the Point Sal Dunes specific plan. (Ord. 94-324 1994; Ord. 90-296 §3, 1990)

18.21.060 Landscaping. All front yards shall be landscaped and maintained and street trees placed consistent with the city's street tree plan, and consistent with the approved specific plan. (Ord. 94-324, 1994; Ord. 90-296 §3, 1990)

18.21.070 Limitation on Use. Development within the Point Sal Dunes Specific Plan area is limited to residential single family. No other development is permitted unless the Specific Plan is amended as required by state law. (Ord. 94-324, 1994; Ord. 90-296 §3, 1990)

18.21.080 Public Improvements and Utilities. The public improvements including streets, drainage improvements, water and sewer services and utilities must be provided consistent with the adopted and approved Specific Plan. If future projects require the incremental extension of services, such improvements must be provided consistent with the phasing plan contained in the Specific Plan. (Ord. 90-296 §3, 1990)

18.21.090 Environmental Mitigation Measures. All mitigation measures contained in the Final EIR, as certified and approved by the City council, shall be incorporated into the design of future projects. (Ord. 90-296 §3, 1990)

#### Chapter 18.24

#### R-1-M SINGLE-FAMILY (MEDIUM-DENSITY) RESIDENTIAL DISTRICT

#### Sections:

18.24.010 Purpose of district.

- 18.24.020 Permitted uses.
- 18.24.030 Conditional uses.
- 18.24.040 Special requirements generally.
- 18.24.050 Minimum lot area and dimensions.
- 18.24.060 Height limitations.
- 18.24.070 Front yard.
- 18.24.080 Side yard.
- 18.24.090 Rear yard.
- 18.24.100 Accessory buildings.
- 18.24.110 Off-street parking.

18.24.010 Purpose of district. The purpose of the R-1-M district is to provide an area exclusively limited to single-family homes, with not more than one dwelling on a building site, reducing the total land area required for each dwelling but retaining private usable open space on each lot, with an overall density up to approximately ten dwellings per acre, in conformance with the land use element of the General Plan. (Ord. 196 §1(part), 1980: Ord. 189 Art. 3 §2.1, 1980)

18.24.020 Permitted uses. The uses permitted in the R-1-M district shall be the same as those listed in Section 18.20.020 for permitted uses in the R-1 district. (Ord. 196 §1(part), 1980: Ord. 189 Art. 3 §2.2, 1980)

18.24.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit in the R-1-M district shall be the same as those listed in Section 18.20.030 for the R-1 district. (Ord. 196 §1(part), 1980: Ord. 189 Art. 3 §2.3, 1980)

18.24.040 Special requirements generally. The following provisions, set out in Sections 18.24.050 through 18.24.110, shall apply only to the R-1-M single-family residential district, and shall not supersede or nullify any provisions or requirements of this title that are not specifically listed in Sections 18.24.-50 through 18.24.110. (Ord. 196 §1(part), 1980: Ord. 189 Art. 3 §2.4(part), 1980)

18.24.050 Minimum lot area and dimensions. Lots or parcels in the R-1-M district shall have a minimum area of three thousand four hundred square feet. No lot shall contain less than forty feet of lot frontage, except where a detached garage is served from an alley, where the minimum width shall be thirty-five feet. Minimum lot depth shall be eighty feet. On cul-de sac lots, the required lot width must be provided within the front yard setback. (Ord. 196 §1(part), 1980: Ord. 189 Art. 3 §2.4(A), 1980)

18.24.060 Height limitations. Height of buildings in the R-1-M district shall not exceed two stories, with a maximum of thirty-five feet above finish grade. (Ord. 196 §1(part), 1980: Ord. 189 Art. 3 §2.4(B), 1980)

18.24.070 Front yard. In the R-1-M district, no front yard setback shall be less than ten feet. In all cases where the garage is designed so

that the entrance is straight in from the street, the minimum setback for the garage shall be twenty feet. (Ord. 196 §1(part), 1980: Ord. 189 Art. 3 §2.4(C) (part), 1980)

18.24.080 Side yard. In the R-1-M district, no side yard shall be required on one side, and five feet shall be required on the other. On the side where no side yard is required, only such side yard that may be required by the building code for the particular type of construction shall be required. On corner lots, the street side setback shall be ten feet or more. (Ord. 218 §1, 1982: Ord. 196 §1(part), 1980: Ord. 189 Art. 3 §2.4(C) (part), 1980)

18.24.090 Rear yard. In the R-1-M district, a rear yard setback of at least fifteen feet shall be provided, except that an open patio awning will be permitted to be constructed with an eave to within ten feet of the rear property line. (Ord. 196 §1(part), 1980: Ord. 189 Art. 3 §2.4(C) (part), 1980)

18.24.100 Accessory Buildings. A. No accessory buildings or structures may be constructed within the front or side yard setbacks in the R-1-M district.

B. One accessory building or structure may be constructed on the side of the property which requires no setback.

C. One accessory building or structure may be constructed within the rear yard setback in the R-1-M district provided that the following standards are adhered to:

1. The accessory building or structure shall be constructed of materials of a permanent nature such as wood, metal or the like, on a permanent foundation.

2. No animals shall be permitted to reside within the accessory building or structure.

3. The exact location of the accessory building or structure shall be subject to the approval of the zoning administrator.

4. The accessory building or structure building or structure shall be located not less than five feet from the rear property line.

D. Any accessory building or structure constructed pursuant hereto shall be constructed in conformance with the requirements of the building code and no such building or structure shall be over seven feet in height. (Ord. 87-279, 1987)

18.24.110 Off-Street Parking. In the R-1-M district, a one-car garage with a minimum inside area of two hundred forty square feet shall be provided for each dwelling. One unobstructed automobile parking space shall be maintained within the garage for the use of an operable automobile at any time. (Ord. 196 §1(part), 1980: Ord. 189 Art. 3 §2.4(D), 1980)

Chapter 18.28

R-2 MULTIPLE DWELLING (MEDIUM-DENSITY)  
RESIDENTIAL DISTRICT

Sections:

- 18.28.010 Purpose of district
- 18.28.020 Permitted uses.
- 18.28.030 Conditional uses.

18.28.010 Purpose of district. The purpose of the R-2 district is to provide for family living in a medium-density, multiple dwelling, residential environment, in conformance with the General Plan. (Ord. 189 Art. 3 §4.1, 1980)

18.28.020 Permitted uses. Uses permitted in the R-2 district include:

- A. One or more single-family or multiple-family dwellings, including apartment houses or condominiums, provided that there shall be no more than one dwelling unit for each three thousand square feet of land within the lot or parcel on which the dwelling is located. All dwellings shall be of a permanent character, placed upon a permanent foundation, and shall not be a mobile home or other temporary or vehicular type of dwelling;
- B. Accessory buildings or uses, only if constructed simultaneously with or subsequent to the main building on the same lot;
- C. Public park or playground. (Ord. 189 Art. 3 §4.2, 1980)

18.28.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit in the R-2 district include:

- A. Group dwellings, such as boardinghouses, family care homes, rest homes, convalescent homes, or other similar residential uses, provided that there shall not be more than one residing occupant for each five hundred square feet of land within the lot or parcel on which the dwellings are located;
- B. A church, public or private elementary school, public utility building or public building, along with required parking;
- C. Accessory buildings or uses normally incidental to a single-family residence, if constructed or installed prior to the main building on the same lot;
- D. A home occupation. (Ord. 189 Art. 3 §4.3, 1980)

Chapter 18.32R-3 MULTIPLE DWELLING (HIGH-DENSITY)  
RESIDENTIAL DISTRICTSections:

- 18.32.010 Purpose of district.
- 18.32.020 Permitted uses.
- 18.32.030 Conditional uses.

18.32.010 Purpose of district. The purpose of the R-3 district is to provide an area for apartment living, group dwellings, transient residential accommodations, and similar residential quarters, along with compatible or accessory uses of land, in conformance with the General Plan. (Ord. 189 Art. 3 §5.1, 1980)

18.32.020 Permitted uses. Uses permitted in the R-3 district include:

- A. One or more single-family or multiple-family dwellings, including apartment houses or condominiums, providing there shall be no more than one dwelling unit for each one thousand seven hundred square feet of land in the lot or parcel on which the dwellings are located;
- B. Group dwellings, such as hotels, motels, boardinghouses, family care homes, rest homes, convalescent homes or other similar residential uses, provided that there shall be not more than one residing occupant for each five hundred square feet of land in the lot or parcel on which the use is located;
- C. Offices, recreation facilities, dining rooms, laundry facilities and other incidental uses constructed simultaneously or subsequent to the main building on the same lot;
- D. A church, public or private school, public building, public utility building, park or playground. (Ord. 189 Art. 3 §5.2, 1980)

18.32.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit in the R-3 district include:

- A. Mobile home parks or recreational vehicle parks;
- B. Mortuaries;
- C. A home occupation;
- D. Accessory buildings or uses normally incidental to one of the uses permitted above, if constructed or installed prior to the main building on the same lot. (Ord. 189 Art. 3 §5.3, 1980)

Chapter 18.34C-S. COMMERCIAL SERVICE DISTRICTSections:

18.34.010 Purpose of District  
 18.34.020 Permitted Uses  
 18.34.030 Conditional Uses

18.34.010 Purpose of district. The purpose of the C-S district is to accommodate business-related services, businesses that require larger buildings or outdoor storage areas, limited fabrication of merchandise sold on the premises, or farm-related businesses. (Ord. 93-324 §1, 1993)

18.34.020 Permitted uses. Uses permitted in the C-S zone include:

Advertising and related services	Photocopy services
Auto repair and related services	Photofinishing, blueprinting
Building and landscape maintenance services	Printing and publishing
Carwash	Repair services
Contractor's yard	Retail sale of building and landscape materials
Delivery and private postal services	Retail sale of furniture and appliances
Equipment rental	Retail sale of autos, boats, mobile homes
Feed stores, farm supply stores	Retail sale of auto parts, tires and batteries
Laundries	Service stations
	Warehousing/wholesaling, ministorage, moving companies.
	(Ord. 93-324 §1, 1993)

18.34.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit, including:

Animal grooming	Veterinarians
Athletic and health clubs	
Barbers, hairstylists	
Bowling alleys	Gas distributors
Homeless shelters	(butane, oxygen, etc.) (Ord. 93-324 §1, 1993)

Chapter 18.35

MIX. MIXED-USE DISTRICT

Sections:

- 18.35.010 Purpose of District
- 18.35.020 Permitted Uses
- 18.35.030 Conditional Uses

18.35.010 Purpose of district. The purpose of the MIX district is to accommodate a range of land uses on the same site, including retail, offices and dwellings. (Ord. 93-324 §1, 1993)

18.35.020 Permitted uses. Uses permitted in the MIX zone include:

- Banks, savings and loans
- Barbers, hairstylists
- Florists
- Pharmacies
- Photocopying service
- (Ord. 93-324 §1, 1993)
- Nursery schools/day care
- Professional offices
- Photographic studios

18.35.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit, including:

- Dwellings at a density of 6 dwellings per gross acre, and on the upper floors only
- Theaters

The following uses are allowed by a Conditional Use Permit provided that (1) the gross floor area of each establishment shall not exceed two thousand square feet and (2) the combined floor area of such establishments within a shopping center shall not exceed 25% of the total floor area:

- Bars and taverns
- Professional offices
- Restaurants
- Retail sale and rentals of specialty items, such as video rental, clothing stores, books, records, toys and stationary
- Retail sale of groceries and liquor (<2000 square feet) (Ord. 93-324 §1, 1993)

Chapter 18.36G-C GENERAL COMMERCIAL DISTRICTSections:

- 18.36.010 Purpose of district.  
 18.36.020 Permitted uses.  
 18.36.030 Conditional uses.

18.36.010 Purpose of district. The purpose of the G-C district is to provide an area for the orderly expansion and development of the business district as a retail shopping area to serve present and future needs of the residential community, in conformance with the General Plan. (Ord. 189 Art. 3 §6.1, 1980)

18.36.020 Permitted uses. Uses permitted in the G-C district include:

A. The following uses within a building:

1. Ambulance service, taxi stand and bus depot,
- ~~2. Auto repair and parking garages,~~
3. Banks and loan offices,
4. Butcher shops, bakeries and other food preparation for retail sale,
5. Churches, meeting halls, theaters and auditoriums,
6. Dressmaking, tailor, jewelry and other small handicraft establishments,
7. Eating and entertainment establishments,
8. Hotels and motels,
9. Laundromats, laundry and dry-cleaning agencies,
10. Medical, dental and similar offices or clinics,
11. Mortuary,
12. Professional, sales, public and administrative offices,
13. Repair shops for small items,
14. Retail stores offering new merchandise for resale to the general public,
15. Single-family or multiple dwellings, only if located on floors above a permitted use;
- ~~16. Thrift stores, antique stores and stores selling second hand merchandise.~~

B. Accessory buildings, only if constructed simultaneously with or subsequent to the main building on the same lot;

C. Public and private parking lots;

D. Any other similar use which the planning commission finds to be consistent with the purpose of the zoning district. (Ord. 92-313 §1, 1992; Ord. 86-267, 1986; Ord. 189 Art. 3 §6.2, 1980)

18.36.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit in the G-C district include:

- A. Dwellings which are not on a floor above a permitted use;
- B. Hospitals, convalescent homes, boardinghouses, and family care homes or other group dwellings;
- C. Outdoor sales, including drive-in food and drive-through banking facilities;
- D. Recreation vehicle park. (Ord. 189 Art. 3 §6.3, 1980)
- E. *Auto Repair and parking garages.*

Chapter 18.37

GENERAL STANDARDS FOR COMMERCIAL AND LIGHT INDUSTRIAL DEVELOPMENT

> Does this apply to all Commercial & Light Industrial zoning districts or just to D.J. Farms SP Area

Sections:

- 18.37.010 General standards.
- 18.37.020 Specific development standards.

18.37.010 General standards. The following standards shall apply to development in all commercial and light industrial districts, except as otherwise provided for in this Code.

1. Outdoor uses (e.g., nursery or lumber sales and storage, agricultural products and equipment sales and rentals) should generally be screened from public view in an appropriate manner.
2. There shall be no visible storage of motor vehicles, trailers, boats, or their composite parts; loose rubbish, garbage or junk, or their receptacles. No storage shall occur on any vacant parcel.
3. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall be screened on three sides by a solid enclosure 6 feet in height, and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.
4. All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from any abutting lot, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s). (Ord. 93-324 §1, 1993)

18.37.020 Specific development standards. The following standards shall apply to new development in all commercial and light industrial districts, except as otherwise provided for in this Code.

Clarify that this is for D.J. Farmer SP Area

Table 2					
DEVELOPMENT STANDARDS FOR COMMERCIAL AND LIGHT INDUSTRIAL ZONES					
Development Standards	C-N	C-S	C-R	MIX	UR/I
Minimum Lot Area (square feet)	None	10,000	None	None	10,000
Street Yard Setback <sup>1</sup> (feet)	15	15	15	20	15
Other Yard Setbacks (side and rear yards, in feet)	10	10	10	10	10
Usable Open Space	5% accessible to the public; usable open space may consist of a public plaza and/or seating areas. <sup>3</sup>	None	Same as C-N zone. <sup>3</sup>	Same as C-N zone. <sup>3</sup>	
Minimum Landscaped Area (% of lot)	15	15	15	15	10
Building Height (feet)	35	35	35	35	35

Notes:

<sup>1</sup> Except that the street yard of an adjacent street other than where the main project entrance is located shall be 10 feet, and the street yard for State Highway 166 shall be no less than 20 feet.

<sup>2</sup> Except where commercial development adjoins a residential zone, in which case the minimum other yard setback shall be 20 feet.

<sup>3</sup> For dwellings, the requirement shall be a minimum of 100 square feet of private, usable open space for each dwelling unit, with a minimum dimension of seven feet.

Chapter 18.38C-N, NEIGHBORHOOD COMMERCIAL DISTRICTSections:

- 18.38.010 Purpose of District
- 18.38.020 Permitted Uses
- 18.38.030 Conditional Uses

18.38.010 Purpose of district. The purpose of the C-N district is to provide retail sales and personal services primarily for the convenience of surrounding residential neighborhoods. Neighborhood commercial uses should provide several types of merchandise, as opposed to a business offering a wide selection of a single type of merchandise. (Ord. 93-324 §1, 1993)

18.38.020 Permitted uses. Uses permitted in the C-N zone include:

Banks, savings and loans	Retail sale of groceries and liquor (>2000 square feet)
Barbers, hairstylists	Nursery schools/day care
Florists	Professional offices
Pharmacies	Photographic studios
Photocopying service	

(Ord. 93-324 §1, 1993)

18.38.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit, including:

- Dwellings at a density of 4 dwellings per gross acre
- Amusement arcades
- Athletic and health clubs
- Homeless shelters
- Repair services
- Residential care facilities providing care for six or more persons
- Service stations

The following uses are allowed by a Conditional Use Permit provided that (1) the gross floor area of each establishment shall not exceed two thousand square feet and (2) the combined floor area of such establishments within a shopping center shall not exceed 25% of the total floor area:

- Bars and taverns
- Professional offices
- Restaurants
- Retail sale and rentals of specialty items, such as video rental, clothing stores, books, records, toys and stationary
- Retail sale of groceries and liquor (<2000 square feet)
- Theaters (Ord. 93-324 §1, 1993)

Chapter 18.40INDUSTRIAL-COMMERCIAL DISTRICTSections:

- 18.40.010 Purpose of district.
- 18.40.020 Permitted uses.
- 18.40.030 Conditional uses.
- 18.40.040 Manufacturing and fabrication operations.
- 18.40.050 Materials and equipment storage areas.

18.40.010 Purpose of district. The purpose of the industrial-commercial district is to provide a district for the combined industrial and commercial enterprises necessary to serve the residents, industries and nearby farms. (Ord. 189 Art. 3 §7.1, 1980)

18.40.020 Permitted uses. Uses permitted in the industrial-commercial district include:

- A. Ambulance service;
- B. Automobile, truck or farm machinery ~~service, sales, repair and storage~~ facilities;
- C. Bakeries;
- D. Carpenter, cabinet and woodworking shops or box manufacturing;
- E. Dwellings, limited to the use of a watchman or caretaker employed on the site, mobile or permanent;
- F. Electric, plumbing, heating and sheet-metal shops;
- G. Express offices, bus stations, shipping terminals;
- H. General offices, professional offices and laboratories;
- I. Hardware, building material, machinery, feed and seed stores;
- J. Laundry and dry-cleaning facilities;
- K. Public utility and municipal and communication facilities;
- L. Restaurants;
- M. Secondhand sales wholly within a building;
- N. Union halls, employment agencies;
- O. Welding and machine shops;
- P. Wholesale, storage and warehouse establishments.

(Ord. 189 Art. 3 §7.2, 1980)

18.40.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit in the G-C district include:

- A. Animal hospitals, kennels and veterinary establishments;
- B. Bulk petroleum distribution plants;
- D. ~~C.~~ Salvage or storage yards, including auto wrecking when conducted within a solid fence of a sufficient height to screen operations and materials inside. (Ord. 189 Art. 3 §7.3, 1980)

C. Automobile, truck, or farm machinery service, repair and storage facilities;

18.40.040 Manufacturing and fabrication operations. All manufacturing and fabrication operations in the G-C district shall be conducted within a building. (Ord. 189 Art. 3 §7.4(part), 1980)

18.40.050 Materials and equipment storage areas. All equipment and materials storage areas shall be screened by a solid fence, wall or screen planting not less than six feet in height. (Ord. 189 Art. 3 §7.4(part), 1980)

Chapter 18.42

C-R, COMMERCIAL RECREATION DISTRICT

Sections:

- 18.42.010 Purpose of District
- 18.42.020 Permitted Uses
- 18.42.030 Conditional Uses

18.42.010 Purpose of district. The purpose of the C-R district is to accommodate businesses who cater to the recreation needs of the community. (Ord. 93-324 §1, 1993)

18.42.020 Permitted uses. Uses permitted in the C-R zone include:

- |   |   |
|---|---|
| Amusement arcades                         | Retail sale of sporting goods and athletic equipment, including bicycles                    |
| Athletic clubs, fitness centers           | Commercial recreation activities, such as batting cages, roller skating and swimming pools. |
| Bowling alleys                            |   |
| Golf course, driving range and club house |   |
| Hot tubs as a commercial use              |   |
| Pool halls and billiards                  |   |
| Restaurants (Ord. 93-324 §1, 1993)        |   |

18.42.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit, including:

- Bed and breakfast inns
- Motels/hotels

The following uses are allowed by a Conditional Use Permit provided that (1) the gross floor area of each establishment shall not exceed two thousand square feet and (2) the combined floor area of such establishments within a shopping center shall not exceed 25% of the total floor area:

- Bars and taverns

Restaurants

Retail sale and rentals of specialty items, such as video rental, clothing stores, books, records, toys and stationary

Retail sale of groceries and liquor (<2000 square feet) (Ord. 93-324 §1, 1993)

Chapter 18.44

GENERAL INDUSTRIAL (G-I) DISTRICT

Sections:

- 18.44.010 Purpose of district.
- 18.44.020 Permitted uses.
- 18.44.030 Conditional uses.

18.44.010 Purpose of district. The purpose of the G-I district is to provide a district that permits agricultural processing or support industries and other general industrial uses in conformance with the land use element of the General Plan. (Ord. 326 §2, 1994; Ord. 189 Art. 3 §8.1, 1980)

18.44.020 Permitted uses. Uses permitted in the G-I district include:

A. Any of the following, or similar, manufacturing, compounding, assembling, processing or treating uses:

AGRICULTURAL USES:

1. Agricultural industries, such as packing, canning and processing of agricultural products,
2. Bottling plants,
3. Box and container making or assembling,
4. Icemaking, cold storage or frozen-food processing facilities,
5. Manufacture of food products.

MANUFACTURING USES:

6. Auto and other upholstery.
7. Wholesale Bakery.
8. Boat building and repair.
9. Cabinet shop.
10. Ceramic product manufacture.
11. Drug and pharmaceuticals.
12. Electrical and electronics equipment.
13. Garment.
14. Lumber yard, including milling.
15. Welding.

## PROCESSING:

16. Blueprinting or photocopying.
17. Carpet and rug cleaning plant.
18. Food processing.
19. Chemical or scientific laboratory.
20. Water softening.
21. Greenhouses (wholesale and retail).

## WHOLESALEING, WAREHOUSING AND STORAGE:

22. Wholesaleing and warehousing facilities.
23. Distribution businesses.
24. Contractor storage yard.
25. Building materials.
26. Feed and fuel.
27. Machinery and equipment rental.
28. Shipping and transportation.

## UTILITIES:

29. Distribution plant or substation.

## COMMERCIAL SERVICES:

30. Automotive body repair or painting.

## OTHER SERVICES

31. Advertising and related services
32. Building and landscape maintenance services
33. Carwash
34. Contractor's yard
35. Delivery and private postal services
36. Equipment rental
37. Feed stores and farm supply stores
38. Laundries
39. Photocopying services; photofinishing, blueprinting; printing and publishing
40. Retail sale of building and landscaping materials
41. Retail sale of furniture and appliances
42. Retail sale of autos, boats, mobile homes.
43. Retail sale of auto parts, tires and batteries
44. Service stations
45. Warehousing/wholesaleing, mini storage, moving companies.
46. Restaurants and fast food places.
47. Swap meets.
48. Light manufacturing.
49. Hardware stores.

(Ord. 326 §2, 1994; Ord. 189 Art. 3 §8.2, 1980)

18.44.030 Conditional uses. Uses subject to obtaining a conditional use permit in the G-I district include other manufacturing uses not listed in Section 18.44.020. (Ord. 326 §2, 1994; Ord. 189 Art. 3 §8.3, 1980; Ord. 301, §1, 1990)

Chapter 18.46

UR/I, URBAN RESERVE/LIGHT INDUSTRIAL DISTRICT

Sections:

- 18.46.010 Purpose of District
- 18.46.020 Permitted Uses
- 18.46.030 Conditional Uses

18.46.010 Purpose of district. The purpose of the UR/I district is to provide locations for light manufacturing, trucking and other industrial related land uses, as well as to serve as a holding zone which may be redesignated to meet the changing need for land. (Ord. 93-324 §1, 1993)

18.46.020 Permitted uses. Uses permitted in the UR/I zone include:

- |   |  |
|---|--|
| Advertising and related services            | Photocopy services                                     |
| Auto repair and related services            | Photofinishing, blueprinting                           |
| Building and landscape maintenance services | Printing and publishing                                |
| Carwash                                     | Repair services  |
| Contractor's yard                           | Retail sale of building and landscape materials        |
| Delivery and private postal services        | Retail sale of furniture and appliances                |
| Equipment rental                            | Retail sale of autos, boats, mobile homes              |
| Feed stores and farm supply stores          | Retail sale of auto parts, tires and batteries         |
| Laundries                                   | Service stations                                       |
|   | Warehousing/wholesaling, ministorage, moving companies |
|   | (Ord. 93-324 §1, 1993)                                 |

18.46.030 Conditional uses. Uses permitted subject to obtaining a conditional use permit, including:

- Manufacturing. (Ord. 93-324 §1, 1993)

Chapter 18.48

OPEN SPACE DISTRICT

Sections:

- 18.48.010 Purpose of district.
- 18.48.020 Permitted uses.
- 18.48.030 Conditional uses.

18.48.010 Purpose of district. The purpose of the open space district is to provide a district which may be used to preserve the open-space status of land so designated in the open space element of the General Plan. (Ord. 189 Art. 3 §9.1, 1980)

18.48.020 Permitted uses. Uses permitted in the open space district include:

- A. Continued retention of land in its present use, provided that its present use does not contribute to the excavation or deposition of any materials which will change the existing characteristics of the property;
- B. Public parks and playgrounds. (Ord. 189 Art. 3 §9.2, 1980)

18.48.030 Conditional uses. A. Uses permitted subject to obtaining a conditional use permit in the open space district include:

- 1. Public or private schools;
- 2. Private recreational and/or cultural activities;
- 3. Any change in the dimensions of the property, and grading, filling, excavation, paving, clearing, draining, farming or other alterations to the existing status of the property.

B. Minimum lot area and dimensions, minimum yard and setback requirements, height limitations, off-street parking and off-street loading, shall be included within the conditions of approval for any conditional use permit granted in this district. (Ord. 219 §1, 1982; Ord. 189 Art. 3 §9.3, 1980)

Chapter 18.52

DESIGN AND DEVELOPMENT REQUIREMENTS

Sections:

- 18.52.010 Lot area and dimensions.
- 18.52.020 Height limits.
- 18.52.030 Curbs, gutters and sidewalk.
- 18.52.040 Yard setbacks--R-1, R-2 and R-3 districts.
- 18.52.050 Yard setbacks--Other districts.

- 18.52.060 Projections into yards.
- 18.52.070 Accessory buildings in rear setback.
- 18.52.080 Side yards for certain existing narrow sites.
- 18.52.090 Private usable open space--Multifamily dwelling units.
- 18.52.100 Open space--Ground level.
- 18.52.110 Open space--Above ground level.
- 18.52.120 Walls and fences--Restrictions in all districts.
- 18.52.121 Height requirements.
- 18.52.122 Walls and fences required.
- 18.52.123 Design.
- 18.52.124 Fence and wall heights.
- 18.52.125 Wall and fence maintenance and enforcement.
- 18.52.140 Signs--Permits required.
- 18.52.150 Signs--size and number restrictions.
- 18.52.160 Signs--Conditional use permit required.

18.52.010 Lot area and dimensions. Newly created lots or parcels of land shall have a minimum area of six thousand square feet and a minimum width of sixty feet. (Ord. 189 Art. 4 §2, 1980)

18.52.020 Height limits. In R-1, R-2 and R-3 districts, the height of a building or structure shall not exceed two stories, or a height of thirty-five feet. In all other districts, a building or structure shall not exceed fifty feet in height. Additional height may be permitted by granting of a conditional use permit. (Ord. 189 Art. 4 §3, 1980)

18.52.030 Curbs, gutters and sidewalk. Curbs, gutters and sidewalks may be placed along every lot on which new construction, alteration, enlarging or rebuilding is done for which a building permit is required. (Ord. 920312 §2, 1992; Ord. 189 Art. 4 §1, 1980)

18.52.040 Yard setbacks--R-1, R-2 and R-3 districts. In R-1, R-2 and R-3 districts, minimum yard setbacks shall be provided as follows:

- A. Front yard, twenty feet;
- B. Side yard, five feet;
- C. Street side of a corner lot, ten feet;
- D. Rear yard, fifteen feet. (Ord. 189 Art. 4 §4(part), 1980)

18.52.050 Yard setbacks--Other districts. All other districts do not have setbacks required by this title; however, setbacks may be required for those uses of land which are permitted subject to first obtaining a conditional use permit. (Ord. 189 Art. 4 §4(part), 1980)

*No setbacks for all other districts?!*

18.52.060 Projections into yards. Eaves, fireplaces or other architectural features shall not project more than two feet into the required yard setbacks. (Ord. 189 Art. 4 §4(part), 1980)

18.52.070 Accessory buildings in rear setback. Accessory buildings and structures may be erected within the rear yard setback, but not within the

front or side yard setbacks. (Ord. 189 Art. 4 §4(part), 1980)

18.52.080 Side yards for certain existing narrow sites. Existing building sites which have a width of less than sixty feet may have a side yard setback of not less than ten percent of the width of the lot, provided that building code or fire prevention regulations are not violated and that eaves do not project less than six inches from the side lot line. (Ord. 189 Art. 4 §4(part), 1980)

18.52.090 Private usable open space--Multifamily dwelling units. Private usable open space, to the standards set out in Sections 18.52.100 and 18.52.110, shall be provided for all newly constructed multifamily dwelling units. Such space shall be located next to and accessible by a door from the dwelling unit served. (Ord. 189 Art. 4 §5(part), 1980)

18.52.100 Open space--Ground level. A ground-level space shall have a dust-free surface, and not be less than two hundred square feet in area in an R-2 zone or one hundred square feet in area in any other zone, and a rectangle inscribed in the space shall have no dimension less than eight feet. Such space shall be screened on all sides by a wall, fence, grill or dense landscaping not less than five feet in height. there shall be no obstructions over ground-level space except for devices that enhance the use of the space, except that fifty percent of the space may be covered by a private balcony on a higher story. (Ord. 189 Art. 4 §5.1, 1980)

18.52.110 Open space--Above ground level. Above-ground-level space shall be accessible only from the unit being served, contain not less than fifty square feet, and a rectangle inscribed within that space shall have not dimension less than five feet. At least one exterior side shall be open and unobstructed for eight feet above its floor level, except for incidental railings and balustrades. (Ord. 189 Art. 4 §5.2, 1980) (Rev. 8/87)

18.52.120 Walls and Fences--Restrictions in all Districts. Fences, walls, and retaining walls in all zoning districts shall be designed and regulated in accordance with appropriate chapters and sections of the Uniform Building Code and the Municipal Code. (Ord. 87-276, 1987)

18.52.121 Height Requirements. A. In all districts, fences and walls over six feet in height shall not be constructed within any yard setbacks required by §§18.52.040 through 18.52.080 inclusive of this chapter. Any wall or fence over six feet in height regardless of where located shall be deemed a structure and shall be subject to all regulations requiring issuing of a building permit or a zoning permit as required under the provisions of §§18.12.010 and 18.12.020 of this title.

B. In all R-1, R-1-M, R-2, and R-3 districts, a wall, fence or hedge shall not be constructed or allowed to grow over three feet in height within the front yard setback of any lot as required by §§18.52.040 through 18.52.080, inclusive of this chapter and §18.24.070 of this title except for the purpose of providing a screen for a trash enclosure. (Ord. 87-276, 1987)

18.52.122 Walls and Fences Required. In all zoning districts a permanent screen wall and/or fence shall be required in conjunction with the issuance of a building permit for permitted uses, or as a condition of approval for discretionary projects as follows:

A. Subdivisions (Parcel and Tract Maps). All subdivisions may be required, as a condition of approval, to construct either a masonry, pre-cast, cast-in-place, or brick wall six feet in height along the exterior rear and side yard boundaries of the project. The fencing material may be reviewed by the Planning Commission and approved by the City Council. Walls for the project, if phased, may be constructed as part of the first phase of the project.

B. Multi-Family Projects. All multi-family projects with six or more units shall be required, prior to the issuance of a certificate of occupancy and/or business, license, to construct a wall along the rear and the side yard boundaries of the development. The purpose of the wall is to mitigate adverse noise and land use impacts. Therefore, the wall, the height of which shall be determined by the Zoning Administrator, Planning Commission or City Council, depending upon the required level of processing, shall be constructed from the following materials: masonry, pre-cast, cast-in-place, or brick. A front wall may also be required for screening purposes.

C. Commercial and Industrial Projects. A perimeter fence and/or wall may be required for all industrial and commercial projects to mitigate adverse visual, aesthetic, and noise impacts. Requirements for the size, location, and material of the fence and/or wall shall be determined during the site plan review process.

D. Trash and Refuse Collection Areas. All refuse areas within all commercial, industrial and manufacturing zones, and all multi-family projects with six or more units shall be screened on three sides with a six foot high masonry wall. The material shall be finished to match the architectural character of the development project. Multi-family projects with five or less units shall provide fencing on three sides, the material shall be determined by the Zoning Administrator, Planning Commission, or City Council depending on the level of processing required for the project.

E. Parking Lots in Conjunction with Commercial, Industrial, Manufacturing or Residential Development. When a parking lot is proposed in conjunction with a multi-family residential, commercial, industrial or manufacturing project, the parking lot shall be screened from view with a wall, fence, berm or combination thereof as approved by the City Council, Planning Commission or Zoning Administrator. (Ord. 92-312 §1, 1992; Ord. 87-276, 1987)

18.52.123 Design. All fences, walls and retaining walls constructed within the City shall abide by the design standards of this title. Fencing shall be incorporated into developments in a manner which complements the project's architecture and blends with perimeter landscaping. Fences shall not detract from neighboring properties and long expanses of fence or wall surfaces shall be architecturally designed to prevent monotony. (Ord. 88-285 §1, 1988; Ord. 87-276, 1987)

18.52.124 Fence and Wall Heights. Fence and wall heights shall be measured at grade. In the event that there is a change in topography between adjoining lots, a fence may be constructed up to six feet in height at the property line. (Ord. 87-276, 1987)

18.52.125 Wall and Fence Maintenance and Enforcement. It is hereby declared a public nuisance, subject to the penalties of \$18.84.030, for any person owning, leasing or having charge of any premises in the City, to maintain such premises in which any of the following conditions are found to exist:

A. A fence or wall in which over five percent of the material is missing or in disrepair.

B. A fence or wall which is not repaired within thirty days after receiving a notice from the Zoning Administrator, due to any of the following conditions: fence or wall material which is bowing, chipping, bending, or breaking, and/or a wall or fence with graffiti on it or with paint that is peeling or chipping and which is not repaired within thirty days. (Ord. 88-285 §2, 1988) (Ord. 87-276, 1987)

18.52.140 Signs--Permits required. A zoning permit shall be required prior to the construction of any sign structure in excess of five square feet in area, or the painting of a sign on the side of a building where the perimeter of the sign encloses an area exceeding five square feet. Where a conditional use permit is required, all signing shall be considered as a part of the conditional use permit application. (Ord. 189 Art. 4 §7.1, 1980)

18.52.150 Signs--size and number restrictions. A. In all districts, one sign not over five square feet in area and used only to identify the occupants of the property, or to indicate that the property is for sale, lease or rent is permitted. House numbers shall not be considered signs.

B. In R-3, G-C, M-C and M-1 districts, one additional sign not more than sixty-four square feet in area identifying a permitted use is permitted. A double-faced sign containing sixty-four square feet on each side is permitted. (Ord. 189 Art. 4 §7.2, 1980)

18.52.160 Signs--conditional use permit required. all signs or signs structures in addition to or larger than those listed as permitted in this title are permitted subject to first obtaining a conditional use permit. (Ord. 189 Art. 4 §7.3, 1980)

Chapter 18.56

TEMPORARY OR MOBILE STRUCTURES

Sections:

- 18.56.010 Temporary or mobile structures permitted when.
- 18.56.020 Contractor's tool house or construction office.
- 18.56.030 Trailers or mobile homes as living quarters.
- 18.56.040 Location--Private property.
- 18.56.050 Location--Application requirements.
- 18.56.060 Location--Property line restrictions.
- 18.56.070 Temporary permits--Issuance conditions.
- 18.56.080 Temporary permits--Expiration.

18.56.010 Temporary or mobile structures permitted when.

Notwithstanding other provisions of this title or other ordinances, temporary or mobile structures shall be a permitted use in any zone, during the construction of a building for a permitted use, under the conditions set out in this chapter. (Ord. 197 §1(part), 1980: Ord. 189 Art. 4 §11(part), 1980)

18.56.020 Contractor's tool house or construction office.

Any safe temporary or mobile structure may be used as a contractor's toolhouse, plan house or office, or any other use closely related to construction, except as living quarters. (Ord. 197 §1(part), 1980: Ord. 189 Art. 4 §11(A), 1980)

18.56.030 Trailers or mobile homes as living quarters.

A licensed trailer, travel trailer, mobile home or motorhome may be used as living quarters. Such quarters may be resided in only by a watchman or by the owners of the building under construction. (Ord. 197 §1(part), 1980: Ord. 189 Art. 4 §11(B), 1980)

18.56.040 Location--Private property.

Any temporary structure shall be located on private property and not on the public right-of-way. (Ord. 197 §1(part), 1980: Ord. 189 Art. 4 §11(C), 1980)

18.56.050 Location--Application requirements.

Any person desiring to locate such temporary or mobile structure shall submit an application, two copies of a plot plan showing the permitted building and the proposed temporary or mobile structure, and a permit application fee, as set by resolution. the zoning administrator shall approve such application if it is in accordance with this chapter. (Ord. 197 §1(part), 1980: Ord. 189 Art. 4 §11(D), 1980)

18.56.060 Location--Property line restrictions.

Where practicable, such structures shall not be located within five feet of the property line. In the event of any disagreement between the applicant and the zoning administrator concerning this or other provision, the matter shall be referred

to the planning commission. (Ord. 197 §1(part), 1980: Ord. 189 Art. 4 §11(E), 1980)

18.56.070 Temporary permits--Issuance conditions. Such temporary permits shall not be issued before the issuance of a building permit for the permitted building. Further, where such permitted building is a single-family dwelling or a duplex, such permit shall not be issued prior to construction and approval of the foundation or slab for the single-family dwelling or duplex. (Ord. 197 §1(part), 1980: Ord. 189 Art. 4 §11(F), 1980)

18.56.080 Temporary permits--Expiration. Such permits shall lapse one week after final approval and occupancy of the related building; nor shall any such permit be valid for more than six months, although they may be renewed. If construction on the permitted building is not continued, the temporary permit shall lapse. (Ord. 197 §1(part), 1980: Ord. 189 Art. 4 §11(G), 1980)

#### Chapter 18.57

#### MOBILE OFFICES

#### Sections:

- 18.57.010 Definitions.  
18.57.020 Restrictions on Use.

18.57.010 Definitions. For the purposes of this chapter 18.57:

A. "Real Estate Sales Office in Tract" shall mean a mobile home or trailer not located on a permanent foundation which can be operated for a limited period of time in conjunction with the sale of property within a subdivision.

B. "Sales Office Associated with a Christmas Tree Lot" shall mean a mobile home or trailer not located on a permanent foundation which can be operated for a limited period of time in conjunction with the sale of Christmas Trees on a lot.

C. "Mobile Office/Commercial/Educational/Industrial" shall mean a mobile office located on a permanent foundation with city services which may include water and sewer hookups and used in conjunction with a commercial/educational/institutional operation. (Ord. 87-275 §2, 1987)

18.57.020 Restrictions on Use. A. No mobile office shall be erected, established, maintained or operated in any zone until a conditional use permit has been obtained as provided in Chapter 18.72 of this title. A conditional use permit for a mobile office used in conjunction with a commercial operation shall be issued only within the industrial commercial (M-C) zone and in conjunction with the sale of cars or other facilities as deemed appropriate by the planning commission. Such offices shall be placed on a permanent foundation and shall be served by city services which may include

water and sewer as required by the planning commission.

B. A temporary real estate sales office in tract may be established in a residential development for the initial sale of property in that development only upon approval of a conditional use permit as provided in Chapter 18.72 of this title. The mobile office shall be removed immediately upon the sale of the last house-parcel in the tract, provided however that in no case shall the office be used for more than one (1) year.

C. A temporary sales office associated with a Christmas Tree lot may be established within a non-residential zone for the temporary sale of Christmas Trees only upon approval of a conditional use permit as provided in Chapter 18/72 of this title and provided that:

1. Sales shall not be conducted before Thanksgiving or after the thirty-first day of December, and

2. All trees, signs, and temporary structures shall be kept behind a ten foot (10') setback from all property lines and removed within ten (10) days after closure of the sale.

D. Upon approval of a conditional use permit as in Section 18.72 of this title, a mobile office or classroom may be erected on a permanent foundation in conjunction with the operation of an education/institution facility. (Ord. 87-275 §2, 1987)

#### Chapter 18.58

#### ABOVE GROUND FUEL STORAGE TANKS

#### Sections:

18.58.010 Uses Subject to Conditional Use Permit.

18.58.020 Minimum Criteria.

18.58.010 Uses Subject to Conditional Use Permit. All permanent above ground fuel storage tanks shall secure a conditional use permit as provided in Chapter 18.72 of this title. (Ord. 87-274 §3, 1987)

18.58.020 Minimum Criteria. All applications for above ground fuel storage tanks shall meet the following criteria:

A. The proposed tank shall be located only on a site designated agricultural industrial (M-1), light industrial (LI), manufacturing (M).

B. The proposed tank site shall not immediately abut any residential zone.

C. The proposed tank site shall be located at least one hundred feet (100') from any railroad and/or spur line.

D. the proposed above ground storage of fuel shall directly relate to the operations of a conforming business use located on the same sit.

E. All above ground fuel storage tanks shall abide by all requirements of Division 5 of the uniform file code as amended from time to time. (Ord. 87-274 §3, 1987)

Chapter 18.60

OFF-STREET PARKING AND LOADING

Sections:

ARTICLE I. OFF -STREET PARKING

- 18.60.010 New construction--Facilities required.
- 18.60.020 Construction specifications and access standards.
- 18.60.030 Residential zones--Covered off-street parking required.
- 18.60.040 Enlarged existing residential uses.
- 18.60.050 Enlarged existing non-residential structures.
- 18.60.060 Table 18.60.060--Number of parking spaces required.
- 18.60.070 More than one use on a site.
- 18.60.080 Parking for employees on shifts.
- 18.60.090 Allocation of spaces in common parking facility--Joint use conditions.
- 18.60.100 Preservation of existing spaces.

ARTICLE II. OFF-STREET LOADING

- 18.60.110 Required when.
- 18.60.120 Construction specifications and access standards.

ARTICLE I. OFF-STREET LOADING

18.60.010 New construction--Facilities required. Parking facilities in accordance with the regulations of Article I of this chapter shall be provided with all new construction. (Ord. 189 Art. 4 §8.1, 1980)

18.60.020 Construction specifications and access standards. Off-street parking facilities shall meet the following standards:

- A. Every off-street parking space shall be accessible by a driveway from a public street or alley.
- B. Each parking space shall be not less than twenty feet in length and average eight and one-half feet in width.
- C. Where three or more parking spaces are provided in one area, driveways shall be designed to allow forward movement of a vehicle between the street and the parking spaces.
- D. Driveways shall have a clear width of not less than ten feet, and a paved width of not less than eight feet.
- E. Driveways providing for two lanes of vehicular traffic in opposite directions shall have a width of not less than twenty feet.
- F. Off-street parking areas shall be designed to permit the operator of a vehicle to maneuver from one aisle of the off-street parking area to another aisle without driving upon any portion of a public street.
- G. Entrances and exits shall be provided at locations approved by the

city engineer.

H. If the parking area is illuminated, lighting shall be deflected away from abutting streets and residential sites so as to prevent dangerous or annoying glare.

I. A required off-street parking space shall not be located in the required front yard setback, or in a required side yard adjoining a street.

J. All driveways and parking areas shall be surfaced so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water accumulated within the area, and shall be arranged and marked to provide for orderly and safe parking and movement of vehicles. (Ord. 189 Art. 4 §8.6(part), (A)--(J), 1980)

18.60.030 Residential zones--covered off-street parking required.

A. All off-street parking required by this chapter in any residential zone shall be constructed as follows:

1. In single-family residential zones, all such parking spaces shall be covered by a fully enclosed garage.

2. In multifamily residential zones, at least one such parking space shall be covered by a carport.

B. Parking required by this chapter shall be subject to design review and approval of the zoning administrator/planning director.

C. Parking design not approved by the zoning administrator/planning director may be redesigned by the applicant, or the decision appealed to the planning commission. (Ord. 86-266 §3, 1986; Ord. 85-261 §3, 1985; Ord. 189 Art. 4 §8.6(K), 1980)

18.60.040 Enlarged existing residential uses. New off-street parking shall be provided for residential structures in existence on the effective date of the ordinance codified in this title where such are enlarged so as to increase the number of dwellings units or rooming units therein. The amount of new parking shall be based on the cumulative increase in dwelling units or rooming units. However, no new parking will be required where such new parking, when added to the existing parking, would exceed the parking required for the structure. (Ord. 189 Art. 4 §8.3, 1980)

18.60.050 Enlarged existing nonresidential structures. New off-street parking shall be provided for nonresidential structures in existence on the effective date of the ordinance codified in this title where such are enlarged by more than ten percent in the period of a year. The required amount of new parking shall be based on the cumulative increase in floor area, or other unit of measure by which parking is determined. However, no new parking will be required where such new parking, when added to the existing parking, would exceed the parking required for the structure. (Ord. 189 Art. 4 §8.2, 1980)

18.60.060 Table 18.60.060--Number of parking spaces required. The following table shall be used to determine parking requirements for any type of use. If a proposed use is not among those listed in Table 18.60.060, the planning commission shall determine which uses are most comparable in traffic performance characteristics, and apply those standards to the proposed use.

Table 18.60.060  
NUMBER OF SPACES PER USE

- Key: 1. Column 1 is normally used.  
 2. Column 2 must be substituted for Column 1 when more parking spaces result.  
 3. Column 3 is used in addition to column 1 or Column 2.

Type of Use	One Parking Space Per	or	One Parking Space per	and	One Added Space per
Single dwelling unit	800 square feet total dwelling or fraction thereof but no more than 2 parking spaces required		---		---
Multiple dwelling unit	One space per unit		---		2 units
Motel, hotel	Unit		---		2 employees
Boarding/lodging, hospital, sani- tarium,	2 guest beds		---		2 employees
rest home or con- valescent hospital	4 guest beds		---		2 employees per shift
Auditorium, theater, stadium, dancehall, lodge, club, union hall, churches	4 persons of permitted occupancy		4 auditorium seats		2 employees
Bowling alley	1/6 lane		---		2 employees
Cafes, restaurants, cafeterias, bars, other inside eating and drinking places	Patron table or 2 counter stools		4 persons of permitted occupancy		2 employees per shift
Drive-ins, and other outside food dispensaries	25 sq. ft. of kitchen and serving space		---		2 employees per shift

Type of Use	One Parking Space Per	or	One Parking Space per	and	One Added Space per
Retail stores	300 sq. ft. of sales and storage area		---		2 employees per shift
Barbershops or beauty salons	Barber or beauty beauty operator		---		---
Medical services	1/4 doctor		300 square feet		2 employees
Offices	300 sq. ft.		---		2 employees
Auto agencies, auto parts, sales, secondhand sales	500 sq. ft. sales area		1/5 checkstand		2 employees
Contractors yards, lumberyards, whole-sale houses, storage and warehouses	1,000 sq. ft of land area		---		2 employees and one per each company vehicle
Bus and train stations	As required by planning commission		---		Company vehicle
Gas stations	150 sq. ft. auto service area		---		Company vehicle
Auto repair	100 sq. ft. auto service area		---		Company vehicle

add Industrial/Manufacturing

(Ord. 189 Art. 4 §8.5(A), 1980)

18.60.070 More than one use on a site. If more than one use is located on a site or within a building, the number of parking spaces provided shall be equal to the sum of the parking spaces required for each use. (Ord. 189 Art. 4 §8.5(B), 1980)

18.60.080 Parking for employees on shifts. If a use operates on two or more shifts and the number of required off-street parking spaces is determined by the number of employees, the number of required off-street parking spaces shall be determined by the number of employees on the largest shift. (Ord. 189 Art. 4 §8.5(D), 1980)

18.60.090 Allocation of spaces in common parking facility--Joint use conditions. The off-street parking requirements of this title may be satisfied by the permanent allocation of the required number of spaces for each use in a common parking facility, provided that the total number of spaces shall be not less than the sum of the individual requirements, at any one time, and provided further that a contract between the parties concerned setting forth the agreement to joint use of a common parking facility is approved by the planning commission. (Ord. 189 Art. 4 §8.5 ©)

18.60.100 Preservation of existing spaces. No existing parking shall be changed unless equivalent substitute facilities are provided, or unless the existing parking exceeds requirements, in which case the number of spaces may be reduced to that required under this chapter. (Ord. 189 Art. 4 §8.4, 1980)

## ARTICLE II. OFF-STREET LOADING

18.60.110 Required when. At the time of any change in land use, or enlargement of a site or structure in a G-C, M-C or M-1 zone, the zoning administrator may require one or more off-street loading facilities, to assure that trucks will not be loaded, unloaded or stored on public streets. (Ord. 189 Art. 4 §9(part), 1980)

18.60.120 Construction specifications and access standards. Off-street loading facilities shall meet the following standards:

A. Each loading berth shall be not less than forty-five feet in length and twelve feet in width, and shall have an overhead clearance of not less than fourteen feet, except that for mortuaries, cemeteries, columbariums and crematories, loading berths used exclusively for hearses shall be not less than twenty-four feet in length and ten feet in width, and shall have an overhead clearance of not less than eight feet.

B. Sufficient room for turning and maneuvering vehicles shall be provided on the site in order that it will not be necessary for any vehicle to back onto the site from the public street.

C. Each loading berth shall be accessible from a public street or alley.

D. Entrances and exits shall be provided at locations approved by the city engineer.

E. The loading area, aisles and access drives shall be paved so as to provide a durable, dustless surface, and shall be so graded and drained as to dispose of surface water.

F. Bumper rails or curbs shall be provided where needed for safety or to protect property.

G. If the loading area is illuminated, lighting shall be deflected away from abutting streets and residential sites so as to prevent dangerous or annoying glare.

H. A loading area shall not be located in the required front yard in any district.

I. Repair work or servicing of vehicles shall not be conducted in a loading area. (Ord. 189 Art. 4 §9.1, 1980)

Chapter 18.64LANDSCAPINGSections:

- 18.64.010 Title for citation.
- 18.64.020 Purpose of landscaping.
- 18.64.030 Landscaping required when.
- 18.64.040 Specifications and minimum standards.
- 18.64.050 Landscape plan--Procedures generally.
- 18.64.060 Landscape plan--Preparation and certification.
- 18.64.070 Landscape plan--Contents
- 18.64.080 Landscape plan--Submittal--Number of copies.
- 18.64.090 Landscape plan--Review for approval.
- 18.64.100 Landscape plan--Appeal from disapproval.
- 18.64.110 Landscape plan--Installation prerequisite to building approval and occupancy--Delays.
- 18.64.120 Maintenance requirements.

18.64.010 Title for citation. The ordinance codified in this chapter shall be known as the "Landscaping Requirements of the Guadalupe Zoning Ordinance." (Ord. 190 §1, 1980)

18.64.020 Purpose of landscaping. Landscaping shall be used to provide screening of parking areas, usable open space, privacy screening, noise barriers and visual accents to the development. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.3, 1980)

18.64.030 Landscaping required when. In all zones, excepting single-family residential uses, with all construction of new buildings, moving in of buildings, and expansion in floor area of existing buildings, and expansion in floor area of existing buildings by more than ten percent, landscaping shall be installed in accordance with the provisions of this chapter. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.1, 1980)

18.64.040 Specifications and minimum standards. A. Not less than ten percent of a parcel shall be covered with dense landscaping that consists of trees, plants and shrubs and may include fencing, fence panels, masonry and other structural decorative items. No more than seventy-five percent of the required landscaping shall consist of lawns and/or ground cover, including no or only sparse planting of plants, shrubs or trees. Screening shall be at least five feet in height, except that no landscaping shall exceed three feet in height within five feet of a property line that is within thirty-five feet of a street corner.

B. In meeting the screening height requirements, landscaping materials that would grow to five feet may be two feet shorter at the time of installation. Not more than two feet of an earthen berm or mound may count

toward height requirements. All height shall be measured from the normal finish grade of the parcel.

C. A sprinkler or other irrigation system shall be installed as part of the landscaping.

D. All shrubs and plants shall be of a minimum size of one gallon, or equivalent, at the time of installation, and all trees shall be of a minimum size of five gallons, or equivalent, at the time of installation. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.4, 1980)

18.64.050 Landscape plan--Procedures generally. Whenever any plan is filed with the city for a zoning or building permit after the effective date of the ordinance codified in this chapter, for where landscaping is required, the procedures set out in Sections 18.64.060 through 18.64.110 shall apply. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(part), 1980)

18.64.060 Landscape plan--Preparation and certification. A landscaping plan shall be filed with the other plans. It shall be prepared by a person licensed by the state to prepare landscape plans and shall be certified by the preparer as being appropriate for the climate and soils of the parcel, and shall include a list of the number and sizes of plant material included. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(A), 1980)

18.64.070 Landscape plan--Contents. A. The landscaping plan shall be drawn accurately to scale, and contain the following information:

1. The boundary of the applicant's property;
2. The location of all existing and proposed buildings or structures;
3. The location of all paved areas, existing and proposed;
4. The location and nature of all areas presently landscaped which are to remain;
5. The location and specific designation of all proposed landscaping, drawn at a scale and in sufficient detail to clearly indicate the specific plant materials and landscape structures or facilities.

B. The zoning administrator shall reject any plans that are inadequate, for the purpose of enforcing this chapter. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(B), 1980)

18.64.080 Landscape plan--Submittal--Number of copies. The plan shall be submitted in three copies, together with a processing fee as set by resolution. However, should the plan be referred to the planning commission, the applicant shall provide five more copies. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(C), 1980)

18.64.090 Landscape plan--Review for approval. The city administrator shall review the plan and approve it if found in accord with the standards and intent of this chapter. If the plan is disapproved, the administrator shall report to the applicant the reasons therefor. If the administrator finds that exceptional conditions apply which require increasing or decreasing the standards set in this chapter, the plan shall be referred to the planning commission. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(D), 1980)

18.64.100 Landscape plan--Appeal from disapproval. In the event that the applicant disagrees with a disapproval of a plan by the administrator, the applicant may appeal the matter to the planning commission by filing a written notice of appeal which specifically states what action by the planning commission the applicant desires. (Ord. 189 §2(part), 1980: Ord. 189 Art. 4 §10.5(E), 1980)

18.64.110 Landscape plan--Installation prerequisite to building approval and occupancy--Delays. After plan approval, the installation of the plan shall be completed before final approval and occupancy of the building or expansion related to the landscaping, except that a thirty-day delay may be granted on application and the filing with the city of a cash bond in the amount of one hundred fifty percent of the work to be completed as mutually agreed, which bond shall be forfeited at the end of the thirty-day period and may be used by the city to complete the landscaping work. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.5(F), 1980)

18.64.120 Maintenance requirements. All required landscaping shall be maintained in good condition. Such maintenance shall include, where appropriate, pruning, moving, weeding, cleaning, fertilizing and watering. Whenever necessary, plant materials shall be replaced, and any structural materials included in the basic landscaping design shall be repaired or replaced. (Ord. 190 §2(part), 1980: Ord. 189 Art. 4 §10.2, 1980)

## Chapter 18.68

### NONCONFORMING USES

#### Sections:

- 18.68.010 Continuation of nonconforming uses permitted when.
- 18.68.020 Maintenance and repair limitations.
- 18.68.030 Enlargement or reconstruction--Conditional use permit required.
- 18.68.040 Restoration after damage--Conditional use permit required.

18.68.010 Continuation of nonconforming uses permitted when. Except as otherwise provided in this title, uses of land, buildings or structures existing at the time of the adoption of the ordinance codified herein (February 25, 1980), amendments to said ordinance, or the revision of district boundaries, may be continued, although the particular use, or the building or structure, does not conform to the regulations specified by this title for the district in which the particular building or structure is located or use is made, provided, however:

A. No nonconforming structure or use of land may be extended to occupy a greater area of land upon which the building is situated than is owned by

the property owner at the time of adoption of the ordinance codified in this title;

B. If any nonconforming use is discontinued or abandoned, any subsequent use of such land or building shall conform to the regulations specified for the district in which such land or building is located;

C. If no structural alterations are made therein, a nonconforming building may be changed to another use of the same or more restrictive classification upon the securing of a conditional use permit;

D. If the nonconforming use is replaced by a more-restrictive nonconforming use, the occupancy thereafter may not revert to a less-restrictive use;

E. If any use is wholly discontinued for any reason, except pursuant to a valid order of a court of law, for a period of six months, it shall be conclusively presumed that such use has been abandoned within the meaning of this title and all future uses shall comply with the regulations of the particular district in which the land or building is located. (Ord. 189 Art. 4 §9(part) 1980)

18.68.020 Maintenance and repair limitations. Any such nonconforming building or structure may be maintained or repaired so long as such maintenance, repairs or replacements do not exceed the building's assessed valuation in any one year, as shown on the latest assessment roll of the city. (Ord. 189 Art. 4 §9(part), 1980)

18.68.030 Enlargement or reconstruction--Conditional use permit required. Any building or structure existing on February 25, 1980, the date of the adoption of the ordinance codified in this title, which is nonconforming either in use, design or arrangement, shall not be enlarged, extended, reconstructed or structurally altered unless:

A. A conditional use permit is first secured in each case;

B. Such enlargement, extension, reconstruction or alteration is in compliance with the regulations set forth in this title for the district where such building or structure is located. (Ord. 189 Art. 4 §9(part), 1980)

18.68.040 Restoration after damage--Conditional use permit required. A nonconforming building destroyed to the extent of more than twice the assessed value, as shown on the official assessment roll preceding its destruction by fire, explosion or other casualty or act of God, may be restored and used only if a conditional use permit is first secured in each case, or used only in compliance with the regulations existing in the district where such building or structure is located. (Ord. 189 Art. 4 §9(part), 1980)

Chapter 18.72

CONDITIONAL USE PERMITS AND VARIANCES

Sections:

ARTICLE I. CONDITIONAL USE PERMITS

- 18.72.010 Issuance conditions.
- 18.72.020 Application--Information required.
- 18.72.030 Application--Fee.
- 18.72.040 Application--Public hearing date set.
- 18.72.050 Public hearing--Planning commission determination.

ARTICLE II. VARIANCES

- 18.72.060 Application--Grant conditions.
- 18.72.070 Certain uses not allowed.
- 18.72.080 Application--Contents and fee.
- 18.72.090 Application--Public hearing date set.
- 18.72.100 Public hearing--Planning commission recommendations.
- 18.72.110 City council hearing and modification authority.

ARTICLE III. USE RESTRICTIONS

- 18.72.120 Time of issuance--Effective date.
- 18.72.130 Expiration date.
- 18.72.140 Revocation conditions.

ARTICLE I. CONDITIONAL USE PERMITS

18.72.010 ISSUANCE CONDITIONS. Conditional use permits shall be issued only for the uses or purposes for which such permits are required. The planning commission shall impose such conditions as it deems necessary to serve the purposes of this title, and may require tangible guarantees or evidence that such conditions are being or will be complied with. (Ord. 189 Art. 5 §2(part), 1980)

18.72.020 Application--Information required. Application for a conditional use permit shall be made in writing by the owners of the property, lessee, purchaser in escrow, or optionee with the consent of the owners. The application shall include a plot plan drawn to scale showing property involved and improvements proposed, contiguous property lines and improvements, and plans showing in detail the proposed use to be made of the land or building. (Ord. 189 Art. 5 §2(part), 1980)

18.72.030 Application--Fee. A fee set by a resolution shall accompany the application. Conditional use permits issued for a specified period of time may be extended for an additional term period without additional fee. (Ord. 189 Art. 5 §2(part), 1980)

18.72.040 Application--Public hearing date set. Upon receipt of the application for a conditional use permit, the secretary of the planning commission shall set a date for public hearing on the application; notice of such hearing shall be given as provided in Chapter 18.12 of this title. (Ord. 189 Art. 5 §2(part), 1980)

18.72.050 Public hearing--Planning commission determination. A. After the conclusion of the public hearing, the planning commission shall determine whether or not the establishment, maintenance or operation of the use which is applied for will, under the circumstances of the particular case:

1. Be consistent with the General Plan;
2. Be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.

B. If the commission finds that the conditions mentioned in subsection A2 above will not result from the particular use applied for, it may grant the conditional use permit. (Ord. 189 Art. 5 §2(part), 1980)

## ARTICLE II. VARIANCES

18.72.060 Application--Grant conditions. Applications for variances from the strict application of the terms of this title may be made, and variances granted, when the following circumstances are found to apply:

A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated;

B. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. (Ord. 189 Art. 5 §3(part), 1980)

18.72.070 Certain uses not allowed. The use of lands or buildings not in conformity with the regulations specified for the district in which such lands or buildings are located may not be allowed by the granting of a variance from the strict application of the terms of this title. (Ord. 189 Art. 5. §3(part), 1980)

18.72.080 Application--Contents and fee. A. Applications for a variance shall be made in writing by a property owner, lessee, purchaser in escrow, or optionee with the consent of the owners on a form provided by the planning commission. The application shall include a plot plan drawn to scale, showing property involved and improvements, dimensions, the details of the variance requested, and evidence showing that:

1. The granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare; and

2. Due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in difficulties and unnecessary hardship.

B. A fee as set by resolution shall accompany the application. (Ord. 189 Art. 5 §3(part), 1980)

18.72.090 Application--Public hearing date set. Upon receipt of an application for a variance, the secretary of the planning commission shall set a date for a public hearing on the application. The hearing shall be held within forty-five days after the filing of the application. Notice of such hearing shall be given as set forth in Chapter 18.12 of this title. (Ord. 189 Art. 5 §3(part), 1980)

18.72.100 Public hearing--Planning commission recommendations. After the conclusion of the public hearing, the planning commission shall recommend to the city council that it grant or deny a permit to modify the application of the restrictions established by this title. The commission may recommend a change or modify the extent of the variance requested, and may recommend conditions of approval of variance. (Ord. 189 Art. 5 §3(part), 1980)

18.72.110 City council hearing and modification authority. A. Within five days after the action of the planning commission, the application, along with the planning commission's recommendations, shall be transmitted to the city council. The city clerk shall set a date for a public hearing on the application. Such hearing shall be held within forty-five days after the action of the planning commission. Notice of the hearing shall be given as set forth in Chapter 18.12 of this title.

B. After conclusion of the public hearing, the city council shall grant or deny a permit to modify the application of the restrictions established by this title. (Ord. 189 Art. 5 §3(part), 1980)

### ARTICLE III. USE RESTRICTIONS

18.72.120 Time of issuance--Effective date. No conditional use permit or granting of a variance shall have any force or effect until the applicant thereof actually receives such permit designating the conditions of its issue thereon, and signed by the secretary of the planning commission or city clerk. No permit shall be issued until the time for filing an appeal from the decisions of the planning commission has expired, or, in event of such appeal, after the final determination thereof by the city council. (Ord. 189 Art. 5 §4(part), 1980)

18.72.130 Expiration date. Any conditional use permit or variance granted in accordance with the terms of this title shall be null and void if not used within one year from the date of the approval thereof, or within any shorter or longer period of time if so designated by the planning commission or city council. (Ord. 189 Art. 5 §4(part), 1980)

18.72.140 Revocation conditions. A. Any conditional use permit or variance granted in accordance with the terms of this title may be revoked by the city council in the manner hereinafter set forth if any of the conditions or terms of such permits are violated.

B. Before the city council considers revocation of any permit, the planning commission shall hold a hearing thereon after giving written notice thereof to the permittee at least ten days in advance of the hearing. Within five days after the hearing, the planning commission shall transmit a report of its findings and its recommendations on the revocation to the city council. (Ord. 189 Art. 5 §5, 1980)

### Chapter 18.76

#### AMENDMENTS

##### Sections:

- 18.76.010 Procedure generally.
- 18.76.020 Initiation.
- 18.76.030 Resolution of intention--Public hearing
- 18.76.040 Amendments to change district boundaries.
- 18.76.050 Planning commission reports and recommendations to city council--Approval conditions.
- 18.76.060 City council action--Approval conditions
- 18.76.070 Denial of application--Waiting period of new application.
- 18.76.080 Rezoning of unincorporated territory.

18.76.010 Procedure generally. Except as otherwise provided herein, any amendment to this title may be initiated and adopted in the same manner as other ordinances are amended or adopted. (Ord. 189 Art. 5 §6(part), 1980)

18.76.020 Initiation. Any amendment to this title which changes any land from one district to another district, or imposes any regulation, shall be initiated by:

- A. The filing with the planning commission of a resolution of intention of the city council;
- B. Passage of a resolution of intention by the planning commission; or
- C. Filing with the planning commission of a petition of one or more record owners of land which is the subject of the proposed amendment, accompanied by a fee as set by resolution. (Ord. 189 Art. 5 §6(part), 1980)

18.76.030 Resolution of intention--Public hearing. Upon receipt of a petition or resolution of intention of amendment, the secretary of the planning commission shall set a date for a public hearing thereon, not later than forty-five days after the receipt of the petition or resolution. (Ord. 189 Art. 5 §6(part), 1980)

18.76.040 Amendments to change district boundaries. If the proposed amendment consists of a change in the boundaries of any district, the planning commission shall give notice of the time and place of such hearing, and the purpose thereof, in the manner designated in Chapter 18.12 of this title. (Ord. 189 Art. 5 §6(part), 1980)

18.76.050 Planning commission reports and recommendations to city council--Approval conditions. A. After the close of the public hearing or continuations thereof, the planning commission shall make a report of its findings and its recommendations with respect to the proposed amendment. The planning commission report shall include a list of persons who testified at the hearing, a summary of the testimony at the hearing, the findings of the planning commission, and copies of any maps or other data and/or documentary evidence submitted in connection with the proposed amendment.

B. A copy of such report and recommendation shall be transmitted to the city council within ninety days after the first notice of hearing thereon; provided, however, that such time may be extended with the consent of the city council or the petitioner for such amendment.

C. In the event the planning commission fails to report to the city council within the aforesaid ninety days, or within the agreed extension of time, the amendment shall be deemed approved by the planning commission.

D. The recommendations of the planning commission on proposed amendments shall be adopted by a majority of the total voting members of the planning commission. (Ord. 189 Art 5 §6(part), 1980)

18.76.060 City council action--Approval conditions. A. Upon receipt of the recommendation of the planning commission, the city council shall hold a public hearing. The city council may approve, modify or disapprove the recommendation of the planning commission, provided that any modification of the proposed ordinance or amendment by the city council 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 thereon.

B. Failure of the planning commission to report within forty days after the reference, or such longer period as may be designated by the city council, shall be deemed to be approval of the proposed modification. (Ord. 189 Art. 5 §6(part), 1980)

18.76.070 Denial of application--Waiting period for new application. In case an application for an amendment to this title, conditional use permit or variance is denied such application shall not be eligible for reconsideration for one year subsequent to such denial, unless a new application affecting or including all or a part of the same property is substantially different, in the opinion of the planning commission, from the application denied. (Ord. 189 Art. 5 §7, 1980)

18.76.080 Rezoning of unincorporated territory. The city may rezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city. The method of accomplishing such rezoning shall be as provided

by this chapter for zoning within the city. Action to prezone may be by initiation of the planning commission or city council. Such zoning shall become effective at the same time that the annexation becomes effective. (Ord. 189 Art. 5 §5(part), 1980)

## Chapter 18.80

### APPEALS

#### Sections:

- 18.80.010 Appeal open to all persons.
- 18.80.020 Method and filing--Public hearing.
- 18.80.030 Planning commission report preparation.
- 18.80.040 City council action.
- 18.80.050 Public hearing--City council determination.

18.80.010 Appeal open to all persons. Any person may appeal to the city council any order, requirement, decision or determination of the planning commission, in the manner provided in this chapter. (Ord. 189 Art. 5 §8(part), 1980)

18.80.020 Method and filing--Public hearing. Appeals shall be made in writing and filed with the city clerk within ten days after the final action of the planning commission. Upon receipt of notice of such appeal, the city clerk shall set a time within thirty days after the receipt of such appeal for the public hearing on the appeal. Notice of the hearing shall be given as set forth in Chapter 18.12 of this title. The city clerk shall also notify the planning commission of such appeal. (Ord. 189 Art. 5 §8(part), 1980)

18.80.030 Planning commission report preparation. The planning commission, upon receipt of the notice of appeal, shall prepare a report of the facts pertaining to the decision of the planning commission, and shall submit such report to the city council along with the reason for the commission's action (Ord. 189 Art. 5 §8(part), 1980)

18.80.040 City council action. The city council shall refer any matter back to the planning commission if any evidence is presented to the council that was not presented to the planning commission. (Ord. 189 Art. 5 §8(part), 1980)

18.80.050 Public hearing--City council determination. At the close of the public hearing, the city council may affirm, revise or modify the decision of the planning commission. If the council does not take any action on the appeal within sixty days after the filing thereof, the commission's action shall be deemed affirmed. (Ord. 189 Art. 5 §8(part), 1980)

Chapter 18.84

ENFORCEMENT

Sections:

- 18.84.010 Permits or licenses issued in conflict with title provisions deemed null and void.
- 18.84.020 Buildings and structures not in conformity deemed unlawful-- Remedies.
- 18.84.030 Violation--Penalty.

18.84.010 Permits or licenses issued in conflict with title provisions deemed null and void. All departments, officials and public employees of the city, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title, and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title shall be null and void. (Ord. 86-271 §30(part), 1986: Ord. 189 Art. 6 §1(part), 1980)

18.84.020 Buildings and structures not in conformity deemed unlawful-- Remedies. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this title is unlawful and a public nuisance, and the city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and injunction thereof in the manner prescribed by law, and shall take such other steps and shall apply to such courts, as may have jurisdiction to grant such relief as will abate and remove such building or structure, and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building contrary to the provisions of this title. (Ord. 86-271 §30(part), 1986: Ord. 189 Art. 6 §1(part), 1980)

18.84.030 Violation--Penalty. Any person guilty of violating any of the provisions of this title, or performing any act declared by this title to be unlawful, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine and/or imprisonment in accordance with the general penalty provision then in effect in the city, pursuant to Chapter 1.08 of this code, as amended. (Ord. 86-271 §30(part), 1986: Ord. 189 Art. 6 §1(part), 1980)

## ORDINANCE NO. 99-343

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE AMENDING MUNICIPAL CODE TITLE 18 REGARDING ZONING (SECTIONS 18.36.020, 18.36.030, 18.40.020 AND 18.40.030)

WHEREAS, Title 18 of the Municipal Code (the "Code") of the City of Guadalupe (the "City") regulates the zoning uses within the City; and

WHEREAS, it is deemed to be in the best interest of the City to update and amend Sections 18.36 and 18.40 of the Code;

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Guadalupe as follows:

1. That Section 18.36.020 be amended to read as follows:

18.36.020 Permitted uses. Uses permitted in the G-C district include:

- A. The following uses within a building:
  1. Ambulance service, taxi stand and bus depot.
  2. Banks and loan offices,
  3. Butcher shops, bakeries and other food preparation for retail sale,
  4. Churches, meeting halls, theaters and auditoriums,
  5. Dressmaking, tailor, jewelry and other small handicraft establishments,
  6. Eating and entertainment establishments,
  7. Hotels and motels,
  8. Laundromats, laundry and dry-cleaning agencies,
  9. Medical, dental and similar offices or clinics,
  10. Mortuary,
  11. Professional, sales, public and administrative offices,
  12. Repair shops for small items,
  13. Retail stores offering new merchandise for sale to the general public,
  14. Single-family or multiple dwellings, only if located on floors above a permitted use;
- B. Accessory buildings, only if constructed simultaneously with or subsequent to the main building on the same lot;
- C. Public and private parking lots;