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# TITLE 18, ZONING

## Article I General Provisions

### 18.02 General Provisions

#### 18.02.010 Title Adopted

This Title is enacted based on the authority vested in the City of Suisun City by the State of California. The Title is an adopted zoning plan for Suisun City.

#### 18.02.020 Purpose and Components

The zoning plan is adopted to provide a precise plan for residential, commercial, industrial, agricultural, public, and other land uses in the city in order to:

- A. Protect the established character and social and economic values of residential, commercial, industrial, agricultural, recreational, public and other areas within the city that have developed in a healthy and orderly manner;
- B. Encourage beneficial development of those areas that have grown with conflicting or uneconomic patterns of use; and
- C. Assist in providing a definite and publicly approved plan of development to guide, control, and stimulate the future growth of the city in accordance with the needs of the city and in proper relation to other land use areas in the region.

(Ord. 379 § 100(B), 1974)

#### 18.02.030 Components of Zoning Plan

The zoning plan consists of the establishment of various districts within the incorporated territory of the city, within some, all or none of which it is lawful, and within some, all or none of which it is unlawful, to erect, construct, alter, repair or maintain certain buildings or to carry on certain trades or occupations, or to conduct certain uses of land or of buildings within which certain open spaces shall be required about future buildings, and consists further of appropriate regulations to be enforced in such districts, all as set forth in this Title.

(Ord. 379 § 100(C), 1974)

#### 18.02.040 Authority and Relationship to General Plan

It is the policy of the City of Suisun City to eliminate any inconsistencies between this Title and the General Plan adopted by the City. Each parcel in this Zoning Ordinance shall be zoned consistent with the General Plan and any applicable Specific Plan. Where inconsistency exists between the zoning designation for a parcel and the General Plan, the General Plan designation shall govern.

#### 18.02.050 Applicability

Except as otherwise provided in this Title:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designated or intended to be used for any purpose,



or in any manner, other than is included among the uses listed in this Title as permitted in the district in which such building, land or premises is located.

- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this Title for the district in which such building is located.
- C. No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations designated in this Title for the district in which such building or open space is located.
- D. No yard or other open space provided about any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site, shall be considered as providing a yard or open space for a building on any other building site.

(Ord. 379 § 200(D)(1-4), 1974)

### **18.02.060 Savings Clause**

If any part of these regulations is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of the remaining portions of these regulations. It is hereby expressly declared that this Title and each part would have been adopted irrespective of the fact that any part might be declared invalid or unconstitutional.

## **18.04 Definitions**

### **Accessory Use**

A use naturally and normally incidental to and subordinate to the principal use of the land, and that does not change the character of the principal use.

### **Agriculture**

The science of cultivation, including harvesting of crops and rearing and management of livestock, tillage, husbandry, farming, horticulture, and forestry.

### **Agricultural Processing Facility**

An establishment that processes or packages crops to prepare them for market on- or off-site. Includes related accessory uses such as, offices, laboratories, and tasting facilities.

### **Agriculture-Related**

Uses include agricultural product sales, roadside stands, produce stands, self-pick operations, agricultural processing, and agricultural home stays.

### **Alcoholic Beverage Establishment**

An establishment where alcoholic beverages are sold, served, or given away for consumption on the premises, excluding full-service restaurants. Typical alcoholic beverage establishments include but are not limited to bars, cocktail lounges, ballrooms, dance bars, piano bars, billiard and game parlors, bowling alleys, nightclubs, and tasting rooms.



**Alley**

A passage or way open to public travel affording a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

**Alteration**

Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, repair, or removal of any structure.

**Amusement Center**

A facility wholly enclosed in a building that offers games, including one or more of the following, but not limited to, bingo, bowling, billiards, pool, ski-ball, air hockey, skating, go-karts, miniature golf, and electronic arcade games.

**Auto Service and Repair**

A service establishment where automobiles may be disassembled and assembled to alter their appearance or improve their operation.

Include but not limited to the following:

- Auto parts, sales without repair
- Auto parts, sales with repair
- Auto service and repair
- Auto detailing (full service car wash)

**Bed and Breakfast Inn**

A single-family dwelling, which is predominantly residential in character, and containing up to six guest rooms offering overnight accommodations for rent, wherein a breakfast meal is customarily included in the lodging rate.

**Boarding and Rooming House**

A dwelling, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation. Single-room occupancy units (see definition below) are allowed by right in Residential Medium, RH1, and RH2 zones (CA AB 2634). Facilities providing drug and alcohol treatment are not considered boarding and rooming houses under CA Health and Safety Code 11834.23.

**Building Height**

The height of the highest part of the building above the finished grade.

**Campgrounds**

Land or premises used or intended to be used, let, or rented for occupancy by campers traveling by automobiles or otherwise, for temporary occupancy by tents or similar quarters.

**Convenience Market**

An establishment with a gross floor area of less than 6,000 square feet offering for sale a variety of fresh or prepackaged food and beverage products, alcoholic beverages for off-site consumption, household items, and similar products. This use may include a market that is combined with another use, such as an automobile service station, when the market net floor area is between 500 and 6,000 square feet. Includes liquor stores below 6,000 square feet which focus on the sale of alcoholic beverages.



**Club**

An association of individuals used in the furtherance of a common purpose. Excludes clubs whose purpose is a service customarily carried on as a business (such as a health club).

**Community Care Facility, Small**

Small community care facilities are located in residential dwellings where non-medical care is provided to six (6) or fewer persons on a twenty-four (24) hour basis. Small community care facilities include foster family homes, group homes for children who are wards of the state, adult day support centers, social rehabilitation facilities, transitional care facilities, and adult residential facilities (for adults with mental disabilities). A community care facility is licensed under the State of California Health and Safety Code 1520 et seq.

**Community Care Facility, Large**

Large community care facilities are located in residential dwellings where non-medical care is provided to seven (7) or more persons on a twenty-four (24) hour basis. Large community care facilities include foster family homes, group homes for children who are wards of the state, adult day support centers, social rehabilitation facilities, transitional care facilities, and adult residential facilities (for adults with mental disabilities). A community care facility is licensed under the State of California Health and Safety Code 1520 et seq.

**Community Center**

A facility used for recreational, social, educational, and cultural activities open to members of voluntary associations, or to the public at large.

**Community Garden**

Public or private land divided into multiple plots for the growing of fruits, vegetables, flowers, nuts, seeds, culinary herbs, or other similar uses for the personal use of the growers. A community garden does not include a private garden incidental to the primary use of the lot, including lots devoted to the personal use of the occupants of residences or a lot developed with a nonresidential use.

**Community Social Service**

Any public or private organization, providing services to the community including employment centers, food banks, and counseling services, among others.

**Complete Streets**

Streets designed to accommodate multiple travel modes. This means that streets would have not only travel lanes for vehicles, but also room for bicycles, sidewalks, street trees, and bus stops and pull-out lanes (along bus routes).

**Construction**

Any building activity that affects the exterior appearance of a structure, including the erection, alteration, reconstruction, repair, maintenance or extension of a structure, requiring the issuance of a building permit.

**Demolition**

Any act or process that destroys (in part or in whole) a structure.

**Density**

The amount of residential development permitted in a given area, typically expressed as the number of dwelling units per acre (du/ac) of land.



**Development Services Director**

The department head or other responsible City official in charge of the planning functions for the City, which for the purposes of this Zoning Ordinance, shall also be referred to as Development Services Director. The Development Services Director may delegate authority to planning staff.

**Duplex**

A detached building occupied by two families living independently of each other in distinct units that are separated by a common wall.

**Dwelling**

Includes a room or group of rooms that include cooking, eating, sleeping, and sanitation facilities and designed as an independent unit. Types of dwellings include, but are not limited to, single-family, two-family, multi-family dwellings, mobilehomes, condominiums, and townhomes.

**Emergency Shelter**

Per California Health & Safety Code (section 50801[e]), “emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

**Enlargement**

Construction that results in the expansion of the gross floor area of a structure.

**Family Day Care, Small**

A small family day care is located in a single-family residential dwelling, where care, protection, and supervision is provided for periods of less than twenty-four (24) hours while parents, guardians or authorized representatives are away. A small family day care can provide care for four (4) infants or for up to six(6) children if no more than three (3) infants are under care, or for up to eight (8) children if only two (2) infants and two (2) children are school age. A small family day care is considered a single-family residential use and licensed under the State of California Health and Safety Code 1597.45, which requires that it be permitted as a residential use in single-family zones.

**Family Day Care, Large**

A large family day care is located in a single-family residential dwelling where care, protection, and supervision is provided for periods of less than twenty-four (24) hours while parents or authorized representatives are away. A large family day care can provide care for up to twelve (12) children if there are no more than four (4) infants, or for up to fourteen (14) children if two (2) are school age and there are no more than two (2) infants in care. An assistant must be present.

A large family day care is considered a single-family residential use and licensed under the State of California Health and Safety Code 1597.45, which requires that it be permitted as a residential use in single-family zones.

**Farm Worker Housing for Six or Fewer**

Farm worker housing for six or fewer means any attached or detached dwelling unit used to house farm/agricultural workers and their family members, including temporary mobile homes.

**Farm labor quarters**

Farm labor quarters means roominghouses and boardinghouses and mess halls for any number of farm help



customarily employed principally on land owned by the owner of the building site occupied by the houses or halls. For the purpose of this definition, any related family shall be deemed to be one person.

**Fence**

A barrier constructed of materials such as wood, steel, iron, masonry, or hedging and located along a property or setback line, or within a setback line and acting as a deterrent to ingress or egress, a support for vegetation, or as a decorative element.

**Floor-Area Ratio (FAR)**

The permitted gross interior building floor area (on all floors/levels of a building) divided by the total area of the site.

**Garage, Private**

An accessory building for the storage of private motor vehicles.

**Home Occupation**

A home occupation is a business operated within a residential dwelling that is carried out by the occupants and is secondary to the primary purpose of the dwelling. See Section 18.50, "Home Occupation," for detailed requirements of home occupations.

**Improvement**

Any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property or any part of such betterment.

**Junkyard**

The use of more than two hundred (200) square feet of the area of any parcel, lot, or contiguous lots for the storage of junk or salvable materials, including junk metals or other scrap materials and/or for the dismantling or wrecking of automobiles or other vehicles or machinery.

**Kennel**

Any lot or premises on which five (5) or more dogs, cats, or small animals over four (4) months old are kept, maintained, boarded, and/or offered for sale.

**Landscaping Service**

A business that offers landscaping installation, care, and maintenance services for hire. The business site may include equipment, plants, and materials such as mulch, gravel, stone bender board, and irrigation pipes and parts.

**Live-Work Unit**

A building or spaces within a building that is used jointly for commercial and residential purposes, where the resident owner or employee of the business is responsible for the commercial activity performed, and where the commercial activity conducted is subject to a valid business license associated with the premises.

**Lot**

A defined area of real estate that is synonymous with an assessor's parcel.

**Lot, Key**

The first lot to the rear of a reversed corner lot, front line of a corner lot, a line separating the narrowest street frontage on the lot from the street, except in those cases where access is prohibited to the street on



the side of the normal front lot line.

**Lot, Large**

The site of a proposed new development that was legally created in compliance with the Subdivision Map Act.

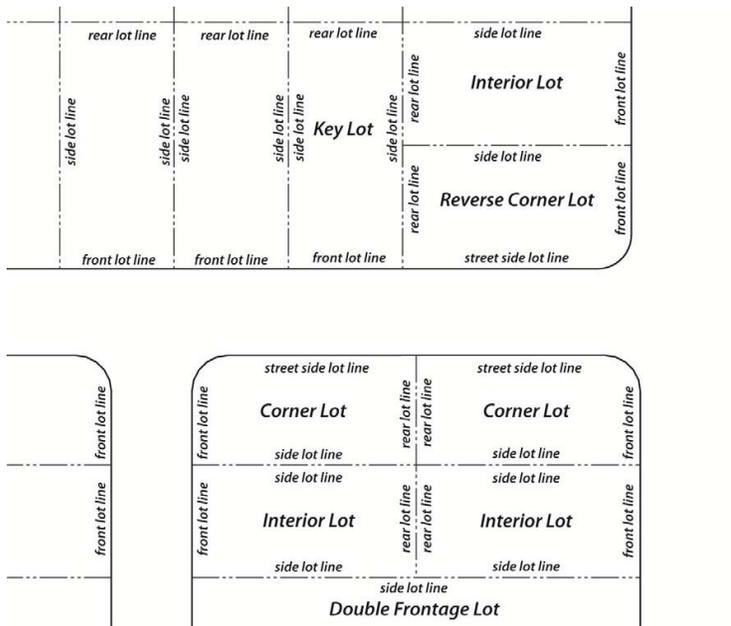
**Lot Line, Front**

A line separating the lot from a street or way and in the case of a corner lot, a line separating the narrowest street frontage on the lot from the street, except in those cases where access is prohibited to the street on the side of the normal front lot line.

**Lot Line, Rear**

A line that is opposite and most distant from the front lot line and in the case of an irregular or triangular lot, a line within the lot ten (10) feet in length, parallel to and at the maximum distance from the front lot line.

**Example of Lot Definition**



**Manufacturing/Processing, Light**

A facility engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the process and the materials uses are unlikely to cause significant impacts on surrounding land uses or the community. Examples include clothing assembly and fabric manufacturing; electronics and appliance manufacturing; food and beverage manufacturing; metal products; machine and welding shops; and handicraft industries.

**Medical, Office**

A medical office refers to a facility where medical, dental, mental health, surgical, urgent care, or other healthcare services are provided on an outpatient basis.



**Medical Health Care Facility**

A facility that is maintained and operated to provide medical care and includes nursing homes, intermediate care facilities, medical clinics, and home health agencies. Licensed by the California State Department of Health Services (Health and Safety Code 1200 et seq)

**Medical, Hospital**

Hospitals and similar facilities engaged in providing diagnostic services, extensive medical treatment, and inpatient care; may include emergency services and a heliport pad.

**Minerals**

Any naturally occurring chemical element or compound or groups of elements and compounds formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum (Public Resources Code Section 2005). Gold, sand, gravel, clay, crushed stone, limestone, diatomite, salt, borate, potash, etc. are examples of minerals.

**Mobilehome (or Mobile Home)**

Mobilehome is a structure designed for human habitation and for being moved on a street or highway under permit, pursuant to Section 35790 of the CA Vehicle Code. Mobilehome includes a manufactured home (except under specified circumstances) and does not include a recreational vehicle.

**Mobilehome Park**

Mobilehome park is an area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes for human habitation.

**Mobile Food Vendor**

Mobile food vendor means a person who sells, serves, offers for sale, or gives away only food from a mobile food vending unit, parked or located on a private parcel of property. This term does not include a person who operates a mobile food vending unit that visits multiple private property sites on a daily basis for no more than thirty (30) minutes per site, per day.

**Mortuary, Funeral Home**

Funeral homes and parlors, where funeral services may be conducted and the remains of the deceased are prepared for burial or cremation.

**Nursery (Plants)**

A commercial agricultural establishment engaged in the production of ornamental plants and other nursery plants, grown under cover on the site in containers or soil, indoors or outdoors. Also includes greenhouses and nurseries that sell these products.

**Open Space**

Land or water that is unimproved and devoted to managed production of resources; the preservation of natural resources; outdoor recreation; and/or public safety.

**Parking Facility**

Includes day-use and long-term parking lots, garages, structures, and park and ride lots, except when accessory to a primary use such as, a residential garage.



**Parking Space**

A usable space for parking of a motor vehicle off the street.

**Performance Standards**

Regulations for the control of dangerous or objectionable elements.

**Personal Services**

Establishments providing non-medical services to individuals as the primary use. Examples include barber and beauty shops, massage therapy, tailors, shoe repair, and dry cleaning.

**Public Safety Facility**

A facility operated by a public agency for community welfare, which may include fire stations and firefighting and prevention facilities; police and sheriff stations; and incarceration facilities.

**Recycling Collection Facility (Small)**

A small recycling collection facility provided for the collection of recyclables within neighborhoods and may consist of drop-off centers or local transfer stations.

**Recycling Collection Facility (Large)**

A large recycling collection facility, providing for the collection, sorting, and packaging of recyclable materials, not including refuse or hazardous materials, but may include equipment to aid in the sorting and packaging processes.

**Religious Facility**

A permanent facility operated by a religious organization for religious activities, as well as accessory uses. Examples of religious facilities include churches, mosques, synagogues, and temples, among others. Accessory uses may include living quarters for staff, day care facilities, and kitchens for events.

**Removal**

Any relocation of a structure on its site or to another site.

**Repair**

Any improvement that requires the replacement of a major building element and requiring a building permit or improvement to correct deficiencies resulting from normal wear and tear of improvements and not requiring a building permit.

**Research and Development**

A facility for the research, design, development, and testing of components, prior to product manufacturing.

**Restaurant, Full Service**

A food service establishment that is used for the serving of meals for compensation, which has a kitchen and opportunities for patrons to eat while being seated. Alcoholic beverages may be served, but are incidental to the primary food service. Full-service restaurants do not include snack bars and temporary food service.

**Shall**

That which is obligatory.

**Should**

A less rigid directive than “shall;” a directive to be honored and followed if possible, in the absence of



compelling reasons for departure from a policy.

### **Single Room Occupancy (SRO)**

A dwelling, other than a hotel, with multiple single-room dwelling units and private or shared kitchen and bathroom facilities. Single room occupancy structures shall have units rented individually and shall accommodate a maximum of one person per unit.

### **Structural Alterations**

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

### **Structure**

Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground, but not including any trailer or tent.

### **Supportive Housing**

Housing with no limit on length of stay, and that is linked to on-site or off-site services that assist resident(s) to retain the housing, maintain or improve their health status, and maximize their ability to live and, when possible, work in the community.

### **Target Population**

Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

### **Tract Office**

A temporary office used during construction and removed at the completion of a construction project.

### **Transitional Housing**

Per California Health & Safety Code (Section 50801[i]), "transitional housing" means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons.

### **Usable Open Space**

"Usable open space" means that space upon the lot or parcel to which it is appurtenant, which can be used by inhabitants of the property for outdoor living, activity, and/or recreation and may include landscaping. All such areas shall be readily accessible to the inhabitants of the property. "Usable open space" does not include driveways, open or covered parking areas, utility space such as, trash or garbage areas or space occupied by the required front yard.

### **Use**

The purposes for which land or premises or a building thereon is designed; arranged or intended; or for which it is or may be occupied or maintained.

### **Winery**

An agricultural processing facility for the purpose of processing grapes, berries, or other fruits to produce wine or wine products. Processing includes crushing, fermentation, blending, bottling, packaging, storage, aging, handling, shipping, and receiving of such products.



**Wrecking Yard**

The use of a property for the storage and commercial sale of junk or salvable material, including junk metals or other scrap material and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.

**Yard**

Open space that is unoccupied and unobstructed from the ground upward, except for landscaping and as otherwise provided in Chapters 18.32, "General Development Regulations" and 18.36, "Yards," but not including any portion of any street or alley or road right-of-way.

**Yard, Front**

A yard, extending across the front of the lot, between the side lot lines and to a depth required by the district in which the lot is situated; provided, however, that if any building line or official plan line has been established for the street upon which the lot faces or if any future width line is specified, therefore in Chapter 18.46, then such measurement shall be taken from such building line, official plan line, or such future width line to the nearest line of the building.

**Yard, Rear**

A yard extending across the back of the lot between the side lot lines and to a depth required by the district in which the lot is situated.

**Yard, Side**

A yard between the side lot line of the lot and the building; and to a width required by the district in which the lot is situated and extending.



## Article II Zoning Districts

### 18.06 Districts and Map

#### 18.06.010 Establishment of Zoning Districts

Several districts have been established in the City and are shown in Table 18.06.01, Suisun City Zoning Districts, below.

<b>Table 18.06.01 Suisun City Zoning Districts</b>	
<b>Residential</b>	
RL	Low-Density Residential
RM	Medium-Density Residential
RH1	High-Density Residential 1
RH2	High-Density Residential 2
RMU	Residential Mixed Use
<b>Commercial/Retail/Office</b>	
CR	Commercial Retail
CSF	Commercial Services and Fabricating
CMU	Commercial Mixed Use
O	Business and Professional Office
<b>Park/Public/Other</b>	
APS	Agriculture Production and Sales
OS	Open Space
P	Park
PQP	Public/Quasi-Public
PUD	Planned Unit Development
DWSP	Waterfront District Specific Plan

#### 18.06.020 Zoning Map Adopted

The districts, described in Section 18.06.010, are established insofar as the designations, locations, and boundaries are set forth and indicated in this section and in other sections of this Title, which describe the districts and consists of a map, entitled "Zoning Map City of Suisun City, California," dated November 2008. The Zoning Map in Section 18.06.050 and all notations, references, data, and other information shown within it are adopted and made a part of this Title. The zoning map is on file in the Office of the City Clerk.

(Ord. 379 § 200(B), 1974)



### **18.06.030 Boundary Uncertainties**

Where uncertainty exists as to the boundaries of any of the districts, as described in this chapter or as shown on the sectional maps, written application shall be made to the Development Services Director for review of mapping, which may include assessor's parcel maps and zoning district maps, among others, to determine the location of zoning district boundaries. If the boundaries of parcels, contributing to a zoning district are unclear or unknown due to a lack of available data or boundary line revisions, the Development Services Director may request a survey to ascertain the precise boundaries of a zoning district in a specified area.

The Development Services Director's decision may be appealed in writing to the Planning Commission or the Planning Commission may, upon its own motion, request a hearing of zoning district boundaries. The Planning Commission determination may be appealed to the City Council, in accordance with Chapter 18.84, "Appeals."

(Ord. 379 § 200(C), 1974)

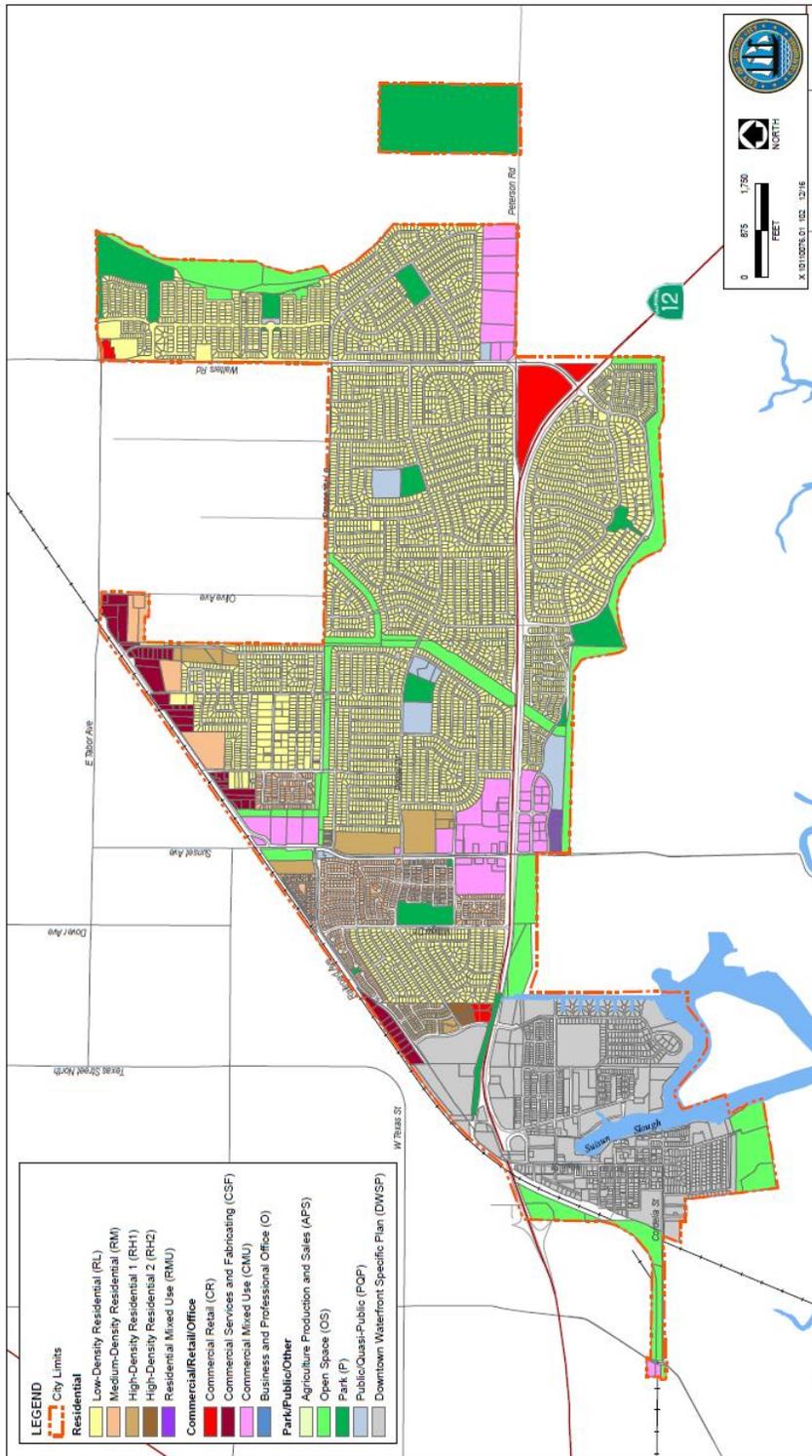
### **18.06.040 Annexed Land**

- A. Any land within the incorporated limits of the City, now or in the future, and not designated or indicated on the zoning map, shall be placed in the proper zoning district by initiation of amendments procedure, as set forth in Chapter 18.74, "Amendments by the Planning Commission."
- B. Under the direction of the City Council, the Planning Commission may consider and recommend appropriate zoning for all land contained in the annexation proceedings.
- C. When no action is taken by the Planning Commission and City Council to place land in a specified zoning district identified in this Title, then it shall be placed in a zoning district, consistent with General Plan land use designation identified for that property's location.

(Ord. 379 § 200(D)(5), 1974)



18.06.050 Zoning Map



## 18.08 Residential Districts

### 18.08.010 Low-Density Residential (RL)

The Low-Density Residential (RL) zoning district is applicable to parcels, where dwellings developed in the four (4) to ten (10) dwelling units per gross acre range, are the primary land use. Residential dwelling types in the RL district may include single-family detached dwellings on small or standard lots, two-family dwellings (duplexes or duets), townhomes (attached and detached), and other dwellings within the specified density and intensity range, as identified in Section 18.08.050. Other residential uses, as well as secondary, public/quasi-public, and commercial uses may be permitted in this zone, as indicated in Table 18.08.02, "Allowable Uses in Residential Zones." The RL zone is consistent with the Low-Density Residential land use designation in the General Plan.



### 18.08.020 Medium-Density Residential (RM)

The Medium-Density Residential (RM) zoning district is applicable to parcels, where dwellings developed in the 10.1 to 20 dwelling units per gross acre range, are the primary land use. Residential dwelling types in the RM district may include single-family detached dwellings on small lots, two-family dwellings (duplexes or duets), townhomes (attached and detached), multi-family apartments and condominiums, and other dwellings within the specified density and intensity range, as identified in Section 18.08.050. Other residential uses, as well as secondary, public/quasi-public, and other uses may be permitted in this zone, as defined in Table 18.08.02, "Allowable Uses in Residential Zones." The RM zone is consistent with the Medium-Density Residential land use designation in the General Plan.



**18.08.030 High-Density Residential 1 (RH1)**

The High-Density Residential 1 (RH1) zoning district is applicable to parcels, where dwellings developed in the 20.1 to 30 dwelling units per gross acre range, are the primary land use. Dwelling types in the RH district may include multi-family dwellings in a variety of formats, including attached townhomes and garden court formats, and representing surface and tuck-under parking arrangements. Other dwelling types within the specified density range and meeting the standards, identified in Section 18.08.050, may be included in this zone. Nonresidential uses may be permitted, as indicated in Table 18.08.02, “Allowable Uses in Residential Zones.” The RH1 zone is consistent with the High-Density Residential land use designation in the General Plan.



**18.08.040 High-Density Residential 2 (RH2)**

The High-Density Residential 2 (RH2) zoning district is applicable to parcels, where dwellings developed in the 20.1 to 45 dwelling units per gross acre range, are the primary land use. Dwelling types in the RH2 district may include multi-family dwellings in a variety of formats, including townhomes and garden court apartments, with surface, tuck-under, and podium parking arrangements. Other dwelling types within the specified density range and meeting the standards, identified in Section 18.08.050, may be included in this zone. Nonresidential uses may be permitted, as indicated in Table 18.08.02, “Allowable Uses in Residential Zones.” The RH2 zone is consistent with the High-Density Residential land use designation in the General Plan.



**18.08.050 Residential Mixed Use (RMU)**

The Residential Mixed Use (RMU) zoning district is applicable to parcels, where a variety of residential dwelling types and complementary nonresidential uses are desired in proximity. Dwellings in the RMU zone will be developed in the 10 to 45 dwelling units per gross acre range and nonresidential intensities within the 0.3 to 1.0 floor area ratio range, with residential uses as the primary use and nonresidential as a secondary use. Nonresidential uses are not required on any given parcel, but are permitted on the ground floor to increase the likelihood of their economic viability and contribute to the goods and services available to the neighborhood. All uses must meet density and intensity standards in Section 18.08.050. The RMU zone is consistent with the Mixed Use land use designation in the General Plan.



**18.08.060 Densities and Intensities in Residential Zones**

Table 18.08.01, “Densities and Intensities in Residential Zones” shows the minimum and maximum build-out possible in each residential zone.

<b>Table 18.08.01 Densities and Intensities in Residential Zones</b>			
<b>Zone</b>	<b>Residential Density Minimum-Maximum</b>	<b>Nonresidential Floor Area Ratio Minimum/Maximum</b>	<b>General Plan Designation</b>
RL	4 – 10 du/ac (gross)	N/A	Low-Density Residential
RM	10.1 – 20 du/ac (gross)	N/A	Medium-Density Residential
RH1	20.1 – 30 du/ac (gross) <sup>1</sup>	N/A	High-Density Residential
RH2	20.1 – 45 du/ac (gross) <sup>1</sup>	N/A	High-Density Residential
RMU	10 – 45 du/ac	0.3 to 1.0	Mixed Use
<b>Key</b>			
RL Low Density Residential			
RM Medium Density Residential			
RH1 High Density Residential 1			
RH2 High Density Residential 2			
RMU Residential Mixed-Use			
<sup>1</sup> Per the City’s Housing Element			



**18.08.070 Allowable Uses in Residential Zones**

Table 18.08.02 identifies the residential and nonresidential land uses allowed in residential zoning districts in Suisun City. Uses not listed here, but consistent with the character and density and intensity of zoning districts, defined in Sections 18.08.010 through 18.08.040, may be permitted through the Administrative Review process.

<b>Table 18.08.02 Allowable Uses in Residential Zones</b>						
<b>Residential Use Types</b>	<b>RL</b>	<b>RM</b>	<b>RH1</b>	<b>RH2</b>	<b>RMU</b>	<b>Refer to Special Use Section</b>
<b>Residential</b>						
Accessory buildings	P	P	P	P	P	
Community care facility, small	P	P	P	P	P	
Community care facility, large	CUP	CUP	CUP	CUP	CUP	
Dwelling, single-family	P	P	P	P	P	
Dwelling, two-family (duplex)	P	P	P	P	P	
Dwelling, multi-family	--	CUP	P	P	P	18.30.120
Dwelling, second or accessory	P	P	P	P	P	18.30.170
Emergency shelters	--	P	P	P	P	
Family day care, small	P	P	P	P	P	
Family day care, large	CUP	CUP	CUP	CUP	CUP	
Farm Worker Housing	P	P	P	P	P	
Home occupations	P	P	P	P	P	18.50
Live-work units <sup>1</sup>	--	P	P	P	P	18.52
Mobile home, single	P	P	P	P	P	18.54
Mobile home, park	CUP	CUP	CUP	CUP	CUP	18.54
Rooming and boarding house	--	--	P	P	P	
Single-room occupancy units	--	--	P	P	P	
Transitional and Supportive housing	P	P	P	P	P	18.30.190
Office, accessory	A	A	A	A	A	
<b>Public/Quasi-Public</b>						
Cemetery, crematory, mausoleum, columbarium	--	--	--	--	--	
Community center	A	A	P	P	P	
Community facility	CUP	A	A	A	A	
Community garden	A	A	A	A	A	
Educational facility	CUP	A	A	A	A	
Lodges, fraternal groups, and clubs	CUP	A	A	A	P	



<b>Table 18.08.02 Allowable Uses in Residential Zones</b>						
<b>Residential Use Types</b>	<b>RL</b>	<b>RM</b>	<b>RH1</b>	<b>RH2</b>	<b>RMU</b>	<b>Refer to Special Use Section</b>
Public safety and fire substations	A	A	A	A	A	
Roadway and utility easements	P	P	P	P	P	
Power generating facilities, on-site power use primary	P	P	P	P	P	
Power generating facilities, off-site power use primary	CUP	CUP	CUP	CUP	CUP	
Religious facility	CUP	A	A	A	A	
Telecommunications facilities	A	A	A	A	A	
<b>Commercial</b>						
Professional office	--	CUP	CUP	CUP	P	
Bed and Breakfast	A	A	A	A	A	18.30.040
Café, coffee shop, restaurant	CUP	CUP	CUP	A	P	
Convenience store	--	--	--	--	A	
Medical, hospital	--	CUP	CUP	CUP	CUP	
Key: P Permitted A Administrative Review CUP Conditional Use Permit -- Not Permitted						
<sup>1</sup> Live-work units shall be subject to the special use regulations in Section 18.30.100.						

## 18.10 Reserved

## 18.12 Reserved

## 18.14 Residential Mixed Use Zone

### 18.14.010 Purpose

To provide for a predominantly residential zone that allows for flexible housing types, along with a mix of compatible and supportive nonresidential uses in proximity, that could include neighborhood commercial, office, and service uses and live-work units.

### 18.14.020 Definitions

#### Vertical Mixed Use

The combination of two or more uses in a single building, with each use typically occupying on one or more floors of the building.





### **Horizontal Mixed Use**

The combination of two or more uses on a single site, with the uses sharing a building (e.g., a residential building wrapped by commercial uses) or occupying separate buildings.



### **18.14.030 Mixing of Uses**

- A. Nonresidential uses are permitted, but not required in the RMU district.
- B. Both vertical mixed use and horizontal mixed-use development is permitted in this zone.
- C. In vertical mixed-use buildings, nonresidential uses must be located on the ground floor and occupy street frontage.

### **18.14.040 Development Size**

- A. A single nonresidential (commercial/retail or office) tenant space, where provided, shall be no larger than 15,000 square feet of gross leasable area (the approximate size of a large full service restaurant).
- B. Each individual development project may include between a minimum of 0% and maximum of 50% nonresidential uses of the total gross leasable building area. Each individual development project must include some residential uses.
- C. Mixed-use development with residential and non-residential uses may be eligible for a density bonus, including parking reductions, per Section 18.14.060, "Parking Reductions."





#### **18.14.050 Site Design**

- A. Access drives on local streets that connect with major streets is preferred to reduce curb cuts on major streets.
- B. Where the size of the development warrants (and there are multiple tenants on a site greater than two acres) with internal traffic circulation routes and parking areas, pedestrian routes must be clearly marked with paving treatments and signage.
- C. Street trees shall be planted in landscape strips or tree wells along drive aisles and pedestrian walkways and in parking areas, as required by Chapter 18.42.
- D. Pedestrian amenities (street trees, sidewalks, and benches) shall be included along pedestrian walkways in the building frontage area.
- E. A minimum five-foot clear pedestrian path shall be maintained along sidewalks and building frontage areas. Pedestrian amenities shall not be located in this clear zone.
- F. Pedestrian and bicycle connections to nearby uses and adjacent neighborhoods must be identified on site plans, submitted with tentative parcel maps.

#### **18.14.060 Parking Reductions**

- A. Parking reductions less than the total of the various uses may be requested based the Urban Land Institute's *Shared Parking Second Edition* (2006) or another shared parking resource approved by the Development Services Director. On-street parking may be used to satisfy off-street parking requirements.
- B. An approved parking plan must be completed before a certificate of occupancy can be issued for an RMU project.
- C. Parking for nonresidential uses shall not exceed 3 per 1,000 square feet of gross floor area.

#### **18.16 Reserved**

#### **18.18 Reserved**



## 18.20 Commercial Districts

### 18.20.010 Commercial Retail (CR)

The Commercial Retail (CR) zoning district is applicable to parcels where the sale of goods and services is the primary intended use. This includes large format retail establishments, as well as smaller commercial businesses scaled to neighborhood-serving goods and services meeting the density and intensity standards defined in Section 18.20.060. The CR zone is consistent with the Commercial land use designation in the General Plan.



### 18.20.020 Commercial Services and Fabricating (CSF)

The Commercial Services and Fabricating (CSF) zoning district is applicable to parcels where a mix of retail, services, wholesale, warehousing, light assembly, and manufacturing uses are desirable.<sup>1</sup> Uses in this zone are subject to the density and intensity standards identified in Section 18.20.060 and the development standards defined in Section 18.32. The CSF zone is consistent with the Commercial land use designation in the General Plan.



<sup>1</sup> The CSF zone is intended to replace the Light Manufacturing (ML) zone with a more inclusive category that combines some wholesale/retail with warehousing and assembly.



### **18.20.030 Commercial Mixed Use (CMU)**

The Commercial Mixed Use (CMU) zoning district is applicable to parcels where a variety of commercial uses are desired as the primary use, with residential uses permitted as a secondary use. Commercial and other nonresidential uses in this zone may be within the 0.25-1.0 floor area ratio range, with residential uses to be developed within the 10-40 dwelling units per acre range.

Residential uses are not required on any given parcel, but if included, must be above or behind ground floor commercial uses in this zone. All uses must meet development standards, as defined in Section 18.32. The CMU zone is consistent with the Mixed Use land use designation in the General Plan.



### **18.20.040 Business and Professional Office (O)**

The Business and Professional Office (O) zoning district is applicable to parcels where professional office is the primary intended use, with complementary services and retail permitted as secondary uses. The O zone is consistent with the Commercial land use designation in the General Plan.



### **18.20.050 Waterfront District Specific Plan (DWSP)**

The Waterfront District Specific Plan (DWSP) zoning district encompasses the zoning districts in the Downtown, as defined by the latest *City of Suisun City Waterfront District Specific Plan*.



**18.20.060 Densities and Intensities in Commercial Zones**

Table 18.20.01, Densities and Intensities in Commercial Zones shows the minimum and maximum build-out possible in each residential zone. Parcels within the DWSP zone are regulated by the latest City of Suisun City Waterfront District Specific Plan and are not subject to the densities and intensities defined in the Table 18.20.01.

<b>Zone</b>	<b>Residential Density Minimum - Maximum</b>	<b>Nonresidential Floor Area Ratio Minimum - Maximum</b>	<b>General Plan Designation</b>
CR	N/A	0.25 – 1.0	Commercial
CSF	N/A	0.25 – 0.5	Commercial
CMU	10 – 40 du/ac	0.25 – 1.0	Mixed Use
O	N/A	0.25 – 1.0	Commercial

**Key**  
 CR Commercial Retail  
 CSF Commercial Services and Fabricating  
 CMU Commercial Mixed-Use  
 O Business and Professional Office

**18.20.070 Allowable Uses**

<b>Commercial Use Types</b>	<b>CR</b>	<b>CSF</b>	<b>CMU</b>	<b>O</b>	<b>Refer to Special Use Section</b>
<b>Residential Use Types</b>					
Accessory buildings	P	P	P	P	
Community care facility, small	--	--	P	--	
Community care facility, large	--	--	P	--	
Dwelling, single-family	--	--	--	--	
Dwelling, duplex	--	--	--	--	
Dwelling, multi-family	--	--	P	--	18.30.120
Dwelling, second or accessory	--	--	P	--	18.30.170
Emergency shelters	CUP	P	CUP	CUP	
Family day care, small	--	--	P	P	
Family day care, large	--	--	CUP		
Home occupations	--	--	P	--	18.50
Live-work units	--	A	P	P	18.52
Mobile home, single	--	--	--	--	18.54



<b>Table 18.20.02 Allowable Uses in Commercial Zones</b>					
<b>Commercial Use Types</b>	<b>CR</b>	<b>CSF</b>	<b>CMU</b>	<b>O</b>	<b>Refer to Special Use Section</b>
Mobile home, park	--	--	--	--	18.54
Rooming and boarding house	--	--	A	--	
Single-room occupancy units	--	--	P	--	
Supportive housing	--	--	P	--	18.30.190
Transitional housing	--	--	P	--	18.30.190
<b>Retail Use Types</b>					
Alcoholic beverage establishment	CUP	CUP	CUP	--	
Auto, motorcycle, RV, sales or rental	P	P	CUP	--	
Auto parts, sales without repair	P	P	P	--	
Auto repair and service	--	P	--	--	
Building materials, garden supplies, >40,000 sq. ft.	P	P	--	--	
Building materials, garden supplies, <40,000 sq. ft.	P	P	P	--	
Convenience store	P	P	P	P	
Farm equipment and supplies	P	P	--	--	
Furniture sales	P	P	P	--	
Food sales, specialty	P	A	P	--	
Food sales, full service grocery	P	--	P	--	
Gasoline service station	P	P	--	--	
Nightclub	CUP	CUP	CUP	--	18.30.080
Nursery (plants)	P	P	A	--	
Restaurant, drive-through	P	A	--	--	18.42.080 (drive-through facilities)
Restaurant, full service	P	P	P	--	
Restaurant, accessory to primary use	P	P	P	P	
Retail store, general merchandise (such as art and crafts, antiques & collectables, books, clothing, florist, pharmacy) <5,000sqft	P	P	P	--	
Retail store, 5,000 – 40,000 sq ft	P	P	P	--	
Retail store, 40,000 – 100,000 sq ft	CUP	CUP	CUP	--	
Retail store, accessory to primary use	P	P	P	P	
Wholesale, <10,000-40,000	CUP	P	--	--	



<b>Table 18.20.02 Allowable Uses in Commercial Zones</b>					
<b>Commercial Use Types</b>	<b>CR</b>	<b>CSF</b>	<b>CMU</b>	<b>O</b>	<b>Refer to Special Use Section</b>
Wholesale, 40,000-100,000	--	P	--	--	
<b>Commercial Service Use Types</b>					
Adult Business					18.48
Automated teller machine	P	P	P	P	
Bank, teller	P	--	P	P	
Bank, drive-through	P	--	P	P	18.42.080 (drive-through facilities)
Bed & Breakfast	--	--	A	--	
Business support services	P	P	P	P	
Car wash, full service	P	P	CUP	--	
Car wash, self-service	P	P	A	--	
Catering	P	P	P	P	
Circus, fair, revival	T	T	T	--	18.30.050
Community social service	P	P	P	P	
Drive-in or outdoor theater	--	CUP	--	--	
Educational services, tutoring, art/dance/music schools	P	P	P	P	
Health club, gym spa	P	P	P	A	
Hotel/motel	P	A	P	--	
Kennel, animal boarding	CUP	P	CUP	--	
Landscaping service	--	P	--	--	
Laundry and dry cleaning	P	P	A	A	18.30.030
Medical, clinic/lab	--	P	P	P	
Medical, extended care	--	CUP	P	--	
Medical, office	--	P	P	P	
Medical, health care facility	--	CUP	P	P	
Medical, hospital	--	CUP	CUP	CUP	
Mortuary, funeral home	--	P	P	--	
Office, professional	--	--	P	P	
Office, accessory	P	P	P	P	
Parking facility	P	P	P	P	
Personal services	P	P	P	P	
Veterinary clinic, animal hospital	--	P	P	CUP	18.30.020



<b>Table 18.20.02 Allowable Uses in Commercial Zones</b>					
<b>Commercial Use Types</b>	<b>CR</b>	<b>CSF</b>	<b>CMU</b>	<b>O</b>	<b>Refer to Special Use Section</b>
<b>Manufacturing, Processing, and Warehousing</b>					
Contractor's and corporation yard	--	P	--	--	
Food processing, bakery, creamery	--	P	--	--	18.30.030
General services and repair (auto repair, cabinet shop, plumbing, welding)	--	P	--	--	
Junk yard, wrecking yard	--	CUP	--	--	
Manufacturing/processing, light	--	P	--	--	
Mini-storage	--	P	CUP	--	
Recycling collection facility (small)	--	A	A	A	
Recycling collection facility (large)	--	CUP	--	--	
Research and development	--	P	P	A	
Warehousing and distribution	--	P	--	--	
<b>Public/Quasi-Public/Other</b>					
Amusement Center	CUP	CUP	CUP	--	18.30.010
Auditorium and meeting halls	--	P	P	--	18.30.180
Childcare facility	CUP		CUP	A	
Community center	A	A	P	P	
Educational facility		P	P	CUP	
Health/fitness club	P	P	P	P	
Indoor amusement/entertainment center	CUP	P	CUP	--	
Library	--	--	P	P	
Lodges, fraternal groups, and clubs	CUP	P	P	P	
Museum	--	--	P	P	
Outdoor recreation center	--	CUP	--	--	18.30.180 (stadiums)
Park	P	P	P	P	
Public safety and fire substations	P	P	P	P	
Religious facility	CUP	P	CUP	P	
Theater, live entertainment	P	P	P	--	
Theater, motion picture (1-3 screens)	P	--	P	--	
Theater, motion picture (4+ screens)	CUP	--	CUP	--	



<b>Table 18.20.02 Allowable Uses in Commercial Zones</b>					
<b>Commercial Use Types</b>	<b>CR</b>	<b>CSF</b>	<b>CMU</b>	<b>O</b>	<b>Refer to Special Use Section</b>
<b>Communications and Transportation</b>					
Bus station, train station	P	P	P	P	18.30.150
Roadway and utility easements	P	P	P	P	
Power generating facilities, on-site power use primary	P	P	P	P	
Power generating facilities, off-site power use primary	A	A	A	A	
Truck stop	CUP	P	--	--	
<b>Key</b>					
P Permitted					
A Administrative Review					
CUP Conditional Use Permit					
T Temporary Use Permit					
-- Not Permitted					

**18.20.080 Trash and Storage Areas**

Refuse containers shall be stored within an enclosed area in such a manner as not to be visible from public rights-of-way, driveways or parking areas and preventing the materials contained therein to be viewed from outside the enclosure or blown outside of the enclosure. In all nonresidential and multiple family districts, refuse containers shall be stored within a masonry or similar permanent enclosure, provided with screening doors.



(Ord. 440 § 4(part), 1980: Ord. 379 § 910(F), 1974)

**18.20.090 Utility Service**

Any utility service located in public view from the front of buildings or public streets shall be screened. (Ord. 440 § 4(part), 1980: Ord. 379 § 910(G), 1974)



## **18.22 Commercial Mixed Use Zone**

### **18.22.010 Purpose**

The purpose of the Commercial Mixed Use (CMU) zoning district is to allow a mix of land uses that may include commercial retail, service, or office and housing to support a variety of uses that effectively respond to changes in the market and promote economic vitality. The CMU zoning district is intended to be comprised of predominantly retail or service uses, in combination with other secondary and complementary uses (i.e., residential, office, or civic uses).

### **18.22.020 Definitions**

#### **Vertical mixed use**

The combination of two or more uses in a single building, with each use typically occupying one or more floors of the building.

#### **Horizontal mixed use**

The combination of two or more uses on a single site, with the uses sharing a building (e.g., a residential building “wrapped” by commercial uses) or two or more uses occupying separate buildings.

### **18.22.030 Development Size**

- A. The minimum area per commercial development is 2,500 square feet, as indicated in Chapter 18.32.
- B. Minimum size of commercial/retail tenant space is 2,500 square feet of gross leasable area. Maximum size of commercial/retail tenant space is 40,000 square feet gross leasable area. Over 40,000 square feet of gross leasable space and up to a maximum 100,000 square feet is possible, with a conditional use permit. The use may be permitted, based on a traffic impact and parking analyses and corresponding circulation and parking plans and any required CEQA analysis, not previously addressed, that minimizes impacts to adjacent areas.

### **18.22.040 Mixing of Uses**

- A. Each development project must include at least 50% minimum retail and up to a maximum of 100% retail gross leasable area, where 100% retail is permitted only in the early phases of the project (unless part of a larger commercial mixed-use development area that will contain a varied mix of commercial uses).
- B. Each development may include up to 50% residential, office, and civic uses.
- C. Multi-family housing may be eligible for a density bonus, per Section 18.54, “Residential Density Bonus and Density Incentives.”

### **18.22.050 Site Design**

Commercial mixed use development shall incorporate the following site design requirements:

- A. Access drives on local streets that connect with nearby major streets shall reduce curb cuts on major streets to ensure safe vehicular access.
- B. In commercial centers with internal traffic circulation routes and parking areas, pedestrian routes must be clearly marked with paving treatments and signage.
- C. Street trees shall be planted in landscape strips or tree wells along drive aisles and pedestrian walkways and in parking areas.



- D. Pedestrian amenities (street trees, sidewalks, and benches) shall be included along pedestrian walkways along building storefronts.
- E. A 5-foot clear, unobstructed pedestrian path must be provided and maintained along the building storefronts for pedestrian access.
- F. Pedestrian connections to nearby uses and adjacent neighborhoods must be provided on tentative parcel maps and/or site plans.
- G. Commercial mixed use development is encouraged to be provided adjacent to transit. Transit stops, located within a CMU development, are preferred, but where transit is located outside of the development, nearby wayfinding signage shall be provided that clearly displays the location of transit stops.

#### **18.22.060 Building Design On Mixed Use Sites**

- A. In general, commercial/retail uses in the CMU zoning district should be oriented toward a commercial street, visible and accessible from that street at the pedestrian level. However, commercial street frontage may include other nonresidential uses, as well as limited residential uses in the proportions defined in Section 18.22.040 and described in this section.
- B. In a vertical mixed use development in the CMU zoning district, commercial/retail uses should typically occupy the ground floor. Multi-story commercial/retail buildings with multiple tenants or a multi-story design for a single commercial/retail store are also permitted. Stories above the ground floor may include residential, office, or other nonresidential uses.
- C. In a horizontal mixed use development in the CMU district, commercial/retail uses should typically be oriented toward the commercial street front at the ground floor level. Where residential and other nonresidential uses are included, they should be located behind the commercial/retail street front and accessible from side and local streets.

#### **18.22.070 Parking Reductions**

- A. Parking reductions, less than the total of the various uses, may be requested, based on the Urban Land Institute's *Shared Parking Second Edition* (2006) or another shared parking resource approved by the Development Services Director. On-street parking may be included in parking calculations.
- B. An approved parking plan must be completed before a certificate of occupancy can be issued for a CMU project.
- C. Parking for nonresidential uses shall not exceed 3 per 1,000 square feet of gross leasable floor area.

### **18.24 Reserved**



## **18.26 Waterfront District Specific Plan (WDSP)**

### **18.26.010 Purpose**

The purpose of the Waterfront District is to provide a mechanism for carrying out the goals, policies, objectives, and regulations of the Waterfront District Specific Plan.

(Ord. 596 § 1(part), 1991; Ord. 549 § 1(Exbt. A(part)), 1987; Ord. 492 § 3 (part), 1983; Ord. 379 § 1400(A), 1974)

### **18.26.020 Permitted Uses**

Existing structures in the Waterfront District may be occupied by new uses, only when such use is found by the Development Services Director to be consistent with the land use descriptions found in Chapter 4, "Land Use Regulations," the Land Use Map, and all other applicable provisions of the Waterfront District Specific Plan.

(Ord. 596 § 1(part), 1991; Ord. 492 § 3(part), 1983; Ord. 379 § 1400(B), 1974)

### **18.26.030 Uses Permitted Subject to Site Plan/Architectural Review**

Certain uses shall be subject to site plan/architectural review, as specified by the Waterfront District Specific Plan.

(Ord. 596 § 1(part), 1991; Ord. 492 § 3(part), 1983; Ord. 379 § 1400(C), 1974)



### **18.26.040 Uses Permitted with Conditional Use Permit**

As specified by the Waterfront District Specific Plan.

(Ord. 596 § 1(part), 1991; Ord. 492 § 3(part), 1983; Ord. 379 § 1400(C-1), 1974)



### **18.26.050 General Development Standards**

Development standards for new or remodeled structures and uses are contained in the Waterfront District Specific Plan and are to be considered minimum standards for the purposes of administering the regulations of this district.

(Ord. 596 § 1(part), 1991: Ord. 493 § 3(part), 1983: Ord. 379 § 1400(D)(1), 1974)

### **18.26.060 Off-Street Parking**

A. Any new construction or alteration to commercial districts within the Specific Plan, which requires additional off-street parking facilities, shall be satisfied by:

1. Provision of the spaces required by the Specific Plan on-site; or
2. Provided by entering into an agreement with the City for payment of fees in lieu of the provision of on-site spaces, as addressed in the Specific Plan.

B. Such agreement shall provide for the following:

1. Payment to the City in an amount equal to the value of the required parking on a per-parking-space basis. From time to time, the City Council shall establish by resolution the value of the off-street parking facilities on a per-parking-space basis. Funds collected by the City from such payment shall be deposited in a special fund and used only by the City to acquire and/or develop off-street parking spaces and related facilities in the Downtown Public Parking Benefit Area.
2. Funds paid to the City in lieu of parking shall not be refundable, except where funds are not used within ten years.
3. All in-lieu-of-parking fees shall be paid prior to the issuance of any license or permit by the City.

(Ord. 596 § 1(part), 1991: Ord. 492 § 3(part), 1983: Ord. 379 § 1400(D)(2), 1974)

### **18.26.070 Nonconforming Uses**

All nonconforming uses shall comply with the regulations in Chapter 18.68, "Nonconforming Uses."

(Ord. 596 § 1(part), 1991: Ord. 492 § 3(part), 1983: Ord. 379 § 1400(F), 1974)

### **18.26.080 Design Review**

Remodeled structures, alterations, additions, construction, removal or demolition, and signs shall be subject to the design review, as provided in the Downtown Waterfront Specific Plan.

(Ord. 644 § 7, 1998)



## 18.28 Civic, Park, and Other Zones

### 18.28.010 Agricultural Production and Sales (APS)

The Agricultural Production and Sales (APS) zoning district is intended to preserve agricultural lands in Suisun City, while permitting compatible uses such as, the processing and packaging of agricultural products, recreation, the sales and marketing of agricultural products, and commercial uses, such as restaurants and bed and breakfast establishments. The APS zone is consistent with the Agriculture and Open Space land use designation in the General Plan.



### 18.28.020 Park (P)

The Park (P) zoning district is the primary park and recreation zone in Suisun City allowing for a variety of permitted active and passive outdoor recreational uses. The zone also allows for compatible public facilities that may benefit from proximity to a park such as, community centers and libraries. The P zone is consistent with the Park land use designation in the General Plan.



### 18.28.030 Open Space (OS)

The Open Space (OS) zoning district is intended for the preservation and restoration of open space areas for which the primary use is the retention of these lands in their natural state. Secondary or complementary uses may include trails, accessory buildings (such as maintenance structures), and passive power generation, where these do not impinge on the functionality of the open space areas to be preserved. The OS zone is consistent with the Agriculture and Open Space land use designation in the General Plan.





### **18.28.040 Public/Quasi-Public (PQP)**

The Public/Quasi-Public (PQP) zoning district is intended to accommodate governmental, educational, community service (such as fire or law enforcement), religious, child care, or cultural facilities (galleries, art, and dance schools) that are complementary to community life. The PQP zone is consistent with the Civic land use designation in the General Plan.



### **18.28.050 Planned Unit Development (PUD)**

The Planned Unit Development (PUD) permit is designed and intended to provide for the orderly development of land in conformance with the General Plan and applicable Specific Plan. The permit would allow a flexible design approach to the establishment of a community environment equal to or better than that resulting from the application of the minimum standards of this Title. The permit is designed and intended to accommodate various types of developments such as neighborhood and district shopping centers, professional and administrative office areas, multi-family housing developments, single-family residential developments, commercial service centers, or light industrial parks, or any other use or combination of uses, which can be made appropriately a part of a planned development. The underlying zoning districts and General Plan land use designations will vary.

PUD under - (Ord. 464 § 1 (part), 1983; Ord. 379 § 1950(A), 1974)



**18.28.060 Densities and Intensities in Civic/Park/Other Zones**

Table 18.28.01, “Densities and Intensities in Civic/Park/Other Zones” shows the minimum and maximum build-out possible in each residential zone.

<b>Zone</b>	<b>Residential Density Minimum / Maximum</b>	<b>Nonresidential Floor Area Ratio (FAR) Minimum / Maximum</b>	<b>General Plan Designation</b>
APS	1 dwelling + 1 second dwelling unit / parcel	0 min. - 0.5 max.	Agriculture and Open Space
P	N/A	N/A	Park
OS	N/A	N/A	Agriculture and Open Space
PQP	N/A	0.1 – 1.0	Civic
PUD	10-40 du/ac	0.3 - 1.0	Various

**18.28.070 Allowable Uses**

<b>Use Types</b>	<b>APS</b>	<b>P</b>	<b>OS</b>	<b>PQP</b>	<b>Refer to Special Use Section</b>
<b>Agricultural Use Types</b>					
Agricultural accessory structures	P	--	A	--	
Agriculture, crop production	P	--	--	--	
Agriculture, animal, poultry	P	--	--	--	
Agriculture, animal-grazing	P	--	CUP	--	
Agriculture, animal-dairy	P	--	--	--	
Agriculture, apiary	P	--	CUP	--	
Agricultural housing	CUP	--	--	--	
Agricultural processing, products produced on premises	P	--	--	--	
Agricultural processing, products produced off premises	A	--	--	--	
Nursery, plants	P	--	A	--	
Stable, arena, riding academy	P	A	--	--	18.30.130
Winery	P	--	--	--	
<b>Residential Use Types</b>					
Dwelling, single-family	P	--	--	--	
Dwelling, two-family	P	--	--	--	



<b>Table 18.28.02 Allowable Uses in Civic/Park/Other Zones</b>					
<b>Use Types</b>	<b>APS</b>	<b>P</b>	<b>OS</b>	<b>PQP</b>	<b>Refer to Special Use Section</b>
Dwelling, second or accessory	P	--	--	--	
<b>Commercial Use Types</b>					
Kennels, dogs or cats	P	--	--	--	
Retail sales of agricultural products, products produced on premises (1,000 sq ft or less)	P	--	--	--	
Retail sales of agricultural products, products produced off-site (1,000 sq ft or less)	P	--	--	--	
Bed and breakfast inn	A	--	--	--	18.30.040
Café, coffee shop, bakery	P	A	--	P	
Gallery	P	A	--	P	
Farm supply store	P	--	--	--	
Tasting facility	P	--	--	--	
Winery	P	--	--	--	
<b>Recreational Use Types</b>					
Campground	CUP	A	CUP		
Childcare facility	CUP	CUP	--	P	
Circus, fair, revival	T	T	--	T	18.30.050
Drive-in or outdoor theater	CUP	CUP	--	CUP	
Educational facility	P	CUP	--	P	
Indoor amusement/entertainment center	CUP	P	--	P	
Lodges, swimming, fishing, boating, hunting	--	A	--	--	
Outdoor amusement/recreation center, including stadium	A	A	--	A	
Park	A	P	A	P	
Playground	A	P	--	P	
<b>Open Space Use Types</b>					
Resource protection and restoration	A	A	A	A	
Resource related recreation	P	P	A	P	
<b>Public/Quasi-Public Use Types</b>					
Aquarium	--	A	--	P	



<b>Table 18.28.02 Allowable Uses in Civic/Park/Other Zones</b>					
<b>Use Types</b>	<b>APS</b>	<b>P</b>	<b>OS</b>	<b>PQP</b>	<b>Refer to Special Use Section</b>
Auditorium	--	P	--	P	18.30.180
Cemetery, crematory, mausoleum	CUP	--	--	CUP	
Community center	A	A	--	P	
Community garden	P	A	--	A	
Hospital	--	--	--	CUP	
Library	--	A	--	P	
Lodges, fraternal groups, and clubs	A	A	--	A	
Museum	--	A	--	P	
Public safety and fire substations	P	P	--	P	
Religious facility	--	--	--	P	
School, elementary/secondary	--	--	--	P	
School, university	--	--	--	P	
<b>Transportation, Communications, and Other</b>					
Airport or heliport	CUP	--	--	--	
Junkyard, wrecking yard	CUP	--	--	CUP	
Minerals or Natural Minerals Removal	--	--	P	--	18.30.110
Power generating facility, emergency	P	P	--	P	
Power generating facility, general	CUP	--	--	CUP	
Power generating facility, renewable	A	A	A	A	18.60-18.62
Roadway and utility easements	P	P	A	P	
Telecommunications facilities	A	A	A	A	
<b>Key</b>					
P Permitted					
A Administrative Review					
CUP Conditional Use Permit					
T Temporary Use Permit					
-- Not Permitted					



## **18.30 Specific Use Standards**

### **18.30.010 Amusement Center**

Amusement center, bowling alley, dance hall, and similar places of amusement may be conditionally permitted in the CR, CSF, or CMU district, subject to:

- A. Providing parking as required with ingress and egress designed so as to avoid traffic congestion;
- B. Providing a minimum six-foot masonry wall separating parking areas from abutting residential property; and
- C. Showing that adequate control or measures will be taken to prevent offensive noise and vibration.

### **18.30.020 Animal Hospital**

An animal hospital shall:

- A. Be located no closer than two hundred feet from any residential district, restaurant, hotel or motel, and be required to obtain a conditional use permit. The conditional use permit shall be subject to revocation and/or modification for any condition found by the Planning Commission to be detrimental to the public health, safety, or welfare;
- B. If a building permit is required, prior to issuance of a permit, the applicant must show that adequate measures and controls shall be taken to prevent a public nuisance, as defined in Section 18.66, "Performance Standards." These measures and controls shall include such items as the provision of additional insulation and ventilation to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises except on approval of the Development Services Director and fire chief;
- C. Only provide boarding which is medically necessary for the animal. An animal hospital shall not operate as a kennel.

(Ord. 633 § 1, 1996; Ord. 549 § 1(Exbt. A(part)), 1987; Ord. 540 § 1(part), 1986)

### **18.30.030 Bakery or Laundry**

A bakery, creamery, laundry, cleaning and dyeing establishment shall:

- A. Provide off-street loading spaces, as required in Chapter 18.42, "Parking and Loading Areas;"
- B. Be entirely enclosed within a building;
- C. Show that adequate controls or measures will be taken to prevent offensive noise, vibration, odor, and glaring lights, as defined in Section 18.66, "Performance Standards."

(Ord. 549 § 1(Exbt. A(part)), 1987; Ord. 540 § 1(part), 1986)

### **18.30.040 Bed and Breakfast Inns**

In order for a use permit for a bed and breakfast inn to be approved, the following development criteria shall be met:

- A. All standards of the underlying zoning district, including but not limited to, height, lot and yard requirements, and lot coverage shall apply.
- B. One additional off-street parking space shall be provided for each room available for lodging purposes. Tandem parking may be deemed as meeting this requirement.



- C. If more than one person who resides off the premises is employed, one additional off-street parking space for every two such employees shall be provided.
- D. Bed and breakfast facilities shall be subject to all applicable building, fire, health, and safety codes.
- E. No person who is paying rent in exchange for lodging shall occupy a guest room on the premises for more than fourteen consecutive nights.
- F. The scale and appearance of bed and breakfast facilities within the RL district shall remain primarily residential in character. All buildings and site improvements shall be similar to, and compatible in design with, the surrounding neighborhood and adjacent residences.
- G. One externally lighted sign shall be allowed on the premises. The sign may be either wall-mounted or freestanding, and shall not exceed six square feet in area. Freestanding signs shall not exceed five feet in height. The Development Services Director shall have authority to review and approve, approve with conditions, or deny the location, size, materials and design of any sign proposed in conjunction with a bed and breakfast facility.
- H. Operation of the facility must comply with all applicable county health department regulations.
- I. The parking requirements of Section 18.42, "Parking and Loading Areas," may be fulfilled by arranging for the shared use of an off-site parking facility or participation in a parking assessment district, so long as the parking facilities to be used are located within three hundred feet walking distance of the proposed bed and breakfast inn.

(Ord. 534 § 4, 1986)

#### **18.30.050 Circuses, Fairs, Revivals**

Circuses, fairs, revivals, or similar temporary establishments involving assemblages of people and automobiles shall be permitted for a brief duration not to exceed fourteen days and providing a temporary use permit, as defined in Section 18.73, is first secured in each case in the CR, CFS, CMU, APS, P, and PQP districts.

#### **18.30.060 Concrete and Asphaltic Concrete Plants--Construction Storage Yards**

Concrete and asphaltic concrete mixing plants and construction storage yards incidental to construction or public works projects may be allowed in the APS or CFS district for a limited period provided a temporary use permit is first secured in each case.

(Ord. 379 § 1800(A)(5), 1974)

#### **18.30.070 Concrete or Asphaltic Mixing Plant, Construction Storage Yards**

Concrete and asphaltic concrete mixing plants, and construction storage yards incidental to construction on public works projects in all districts shall:

- A. Show that adequate controls or measures will be taken to prevent offensive noise, odor, dust, fumes, smoke or vibration as defined in Section 18.66, "Performance Standards;" and
- B. Be so located that traffic generated will not constitute a hazard or nuisance to surrounding property.

(Ord. 549 § 1(Exbt. A(part)), 1987; Ord. 540 § 1(part), 1986)



**18.30.080 Dancehalls, Liquor-Serving Establishments, Places of Amusement, or Recreation**

No dancehall, roadhouse, nightclub, commercial club, or any establishment where liquor is served, or commercial place of amusement or recreation, or any place where entertainers are provided, whether as social companions or otherwise, shall be established in any district closer than two hundred feet to any boundary of any residential district, unless a conditional use permit is first secured in each case.

(Ord. 379 § 1800(A)(1), 1974)

**18.30.090 Emergency Shelter**

In accordance with California Code Section 65583(a)(4), emergency shelters shall be subject to the following provisions:

- A. Distance Separation Requirements. No emergency shelter shall be located within 300 feet of any other emergency shelter.
- B. Occupancy. An emergency shelter shall not exceed 40 residents, excluding staff.
- C. Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.
- D. Zone Specific Development Standards. An emergency shelter shall comply with all development standards of the applicable zoning district in which it is located.
- E. Parking Requirements. Emergency shelters shall provide one parking space for every staff member and one parking space for every 10 temporary residents.
- F. Management. An emergency shelter must adequately comply with the management standards:
  - 1. There shall be space inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights-of-way.
  - 2. Security shall be provided on-site during hours of operation.
  - 3. On-site management shall be provided by at least one emergency shelter staff member at all times while residents are present at the shelter.

**18.30.100 Merchandise Display**

Merchandise, whether for sale or rent, shall not be placed in display upon the public right-of-way except by temporary use permit, as defined in Section 18.74, and review and approval of the Development Services Director.

**18.30.110 Minerals or Natural Materials Removal**

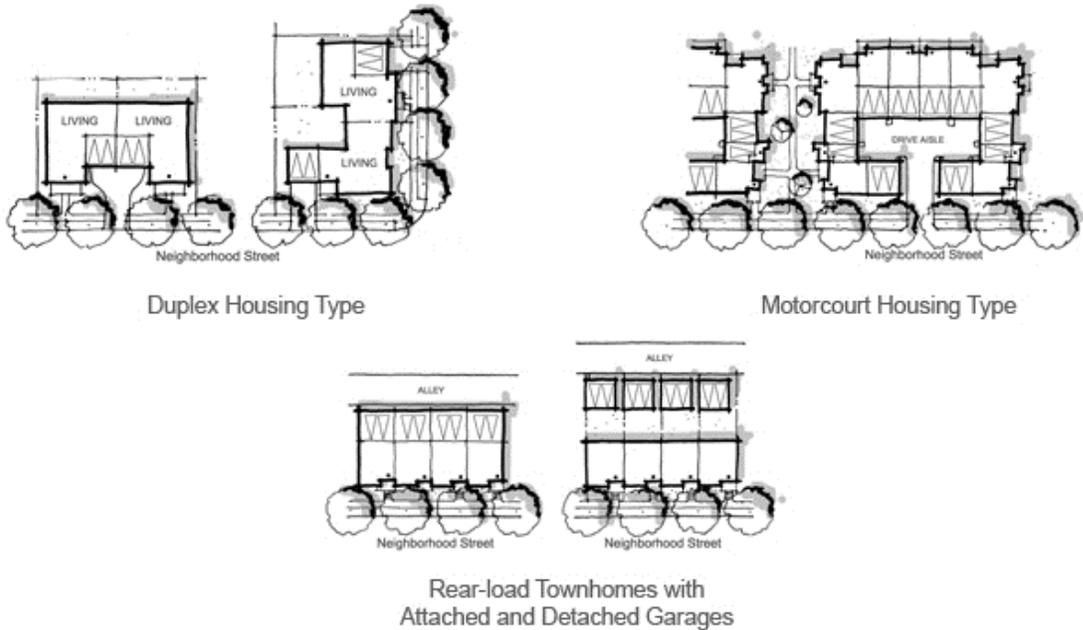
Removal of minerals or natural materials, including building and construction materials to be used for commercial purposes, may be allowed for a limited period in any district provided a conditional use permit is first secured in each case.

(Ord. 549 § 1(Exbt. A(part)), 1987; Ord. 379 § 1800(A)(3), 1974)

**18.30.120 Multi-Family Dwellings**

Multi-family dwellings shall be construed to include, but shall not be limited to, flexible housing forms that may include duplex/duet units, triplex units, fourplex, attached and detached townhomes, green court, and podium-level dwelling types. The City shall not restrict flexible housing forms, provided that all site and architectural design requirements are met as part of the development plan process.





### 18.30.130 Printing or Blueprinting

A newspaper or commercial printing shop, or blueprinting shop shall:

- A. Be entirely enclosed within a building;
- B. Provide off-street loading space in proportion to the number of truckloads per day, as defined in Section 18.42, "Parking and Loading Areas;"
- C. Show that adequate controls or measures will be taken to prevent offensive noises or vibration, as defined in Section 18.66, "Performance Standards."

(Ord. 540 § 1(part), 1986)

### 18.30.140 Private Stables

The following regulations shall apply to all private stables:

- A. The minimum lot area upon which a horse may be kept is two and one-half (2.5) acres, up to a maximum of four (4) horses. One additional horse may be kept for each twenty thousand (20,000) square feet by which the parcel of land exceeds two and one-half (2.5) acres.
- B. Stables shall be located a minimum of twenty-five (25) feet from the side lot lines, and a minimum sixty (60) feet from the front lot line, and a minimum twenty (20) feet from the rear lot line. Paddocks shall be located on the rear half of the lot, and no closer than forty (40) feet from any dwelling on the same or adjoining property.

(Ord. 379 § 1800(B)(1), 1974)

### 18.30.150 Train or Bus Station

A train or bus station shall be located so that generated traffic will not constitute a hazard or nuisance to surrounding property, as defined in Section 18.66, "Performance Standards."

(Ord. 540 § 1(part), 1986)



### **18.30.160 Satellite Dish Antennas**

#### **A. Residential Zones**

1. Antenna size, maximum diameter, twelve feet;
2. Setbacks
  - a. Rear: five feet
  - b. Side: five feet
  - c. Street side: ten feet
3. Front yard locations are prohibited.
4. Height
  - a. Pole-mounts: fifteen feet
  - b. Roof-mounts and pole-mounts attached to the structure are subject to review by Planning Commission.
5. Number. One satellite dish antenna per lot in addition to normal television and radio antennas.

#### **B. Commercial Zones**

1. Installations shall be subject to site plan review by the Planning Commission, as authorized by this Title.
2. Installation shall not be permitted within front and street side landscaped areas.
3. Installation shall, by location and design, minimize visibility from adjoining residential properties and rights-of-way.

(Ord. 524 § 1(part), 1986)

### **18.30.170 Accessory Dwelling Units**

The following regulations shall apply to all accessory dwelling units in a residential zoning district:

#### **A. Ministerial consideration**

1. **New Construction.** If the director of development services receives an application to construct an accessory dwelling unit (by either adding on to an existing structure, or constructing a new detached structure), and the proposal meets all of the requirements of the Municipal Code, then within 120 days of receipt of a complete application for the accessory dwelling unit, the director of development services shall ministerially approve the application without a hearing.
  2. **No Expansion.** If the applicant will not be adding floor area, and instead has submitted a complete application for an accessory dwelling unit entirely within the existing space of a single-family residence or accessory structure, then the director shall, without a hearing, ministerially approve a complete application for a building permit to create an accessory dwelling unit if all of the following apply:
    - a. The unit is contained entirely within the existing space of a single-family residence or accessory structure (without adding floor area to the existing residence or accessory structure).
    - b. The unit is on a lot zoned R-M (Medium-Density Residential), R-H1 or RH2 (High-Density Residential).
    - c. There will be only one accessory dwelling unit on the lot.
    - d. The unit has independent exterior access from the existing residence.
    - e. The side and rear setbacks are sufficient for fire safety as determined by the Fire Marshal.
    - f. Fire sprinklers are provided to the same extent that they are required for the primary residence.
- B.** An accessory dwelling unit may be established on any residentially zoned parcel, which permits single-family dwellings containing an existing single-family dwelling.
- C.** Accessory dwelling units shall not exceed the allowable density for the lot upon which the accessory dwelling unit is located.
- D.** Accessory dwelling units are a residential use that shall be consistent with the existing general plan and zoning designation for the lot.
- E.** An applicant must be both an owner and the current resident of the property for which an accessory dwelling unit is proposed.



- F. The accessory dwelling unit can either be attached to and designed to be located within the living area of the existing dwelling or detached from and no less than ten feet from the existing single family dwelling, and such unit shall be architecturally integrated into the existing building design.
- G. The proposed increase in gross floor area of an attached or detached accessory dwelling unit shall not exceed 50 percent of the existing living area up to a maximum of twelve hundred square feet.
- H. Detached accessory dwelling ~~second~~ units shall be located no closer than five feet from any side or rear property lines.
- I. As part of any such building permit application, the applicant shall submit a copy of the deed to the property including a full and complete set of any conditions, covenants and restrictions.
- J. Connection Fees. A local agency is prohibited from requiring a new or separate utility connection for an accessory dwelling unit if contained within the existing space of a single-family residence or accessory structure (in accordance with Government Code Section 65852.2(f)).
- K. Parking
  - a. Maximum of one space per unit or one space per bedroom. Tandem parking on an existing driveway is allowed, which may be within setback areas.
  - b. No additional parking for accessory dwelling units can be required when:
    - a. An accessory dwelling unit is located:
      - 1. Within one-half mile of public transit;
      - 2. Within an architecturally and historically significant historic district;
      - 3. Within an existing primary residence or an existing accessory structure;
    - b. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
    - c. There is a car share vehicle located within one block of the accessory dwelling unit.

### **18.30.180 Stadium or Auditorium**

A stadium or auditorium shall:

- A. Have multiple points of access and accommodate pedestrian, bicycle, and transit access;
- B. Provide parking as required in Chapter 18.42; and
- C. Show that adequate controls or measures will be taken to prevent offensive noise or light as defined in Section 18.66, "Performance Standards."

(Ord. 540 § 1(part), 1986)

### **18.30.190 Transitional and Supportive Housing**

Pursuant to Health and Safety Code sections 50675.2 and 50675.14, transitional and supportive housing shall be permitted by right in all residential zones and shall be subject to the same standards as other similar dwellings. See Section 18.04, Definitions, of this ordinance, for descriptions of transitional and supportive housing.

### **18.30.200 Warehouse**

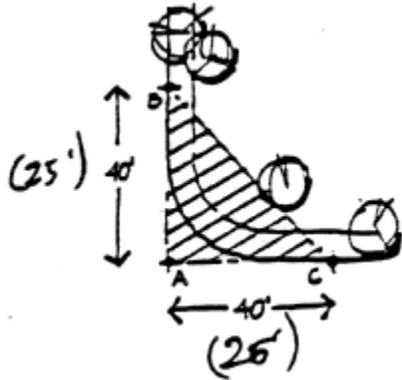
A warehouse shall provide parking as required in Chapter 18.42 and shall show that any stored material will not constitute a hazard to surrounding property.

(Ord. 549 § 1(Exbt. A(part)), 1987; Ord. 540 § 1 (part), 1986)

### **18.30.210 Clear Vision Triangle**

At all vehicular intersections with public streets, clear vision shall be maintained as follows:





- A. Extend curb lines of the two intersecting streets to Point A where the lines intersect.
- B. Locate Points B and C by measuring forty (40) feet from Point A along the curblines of each intersecting street, where the intersection involves a collector or arterial street; twenty-five (25) feet for residential street intersections.
- C. The "clear vision triangle," defined by Points A, B and C, shall be free of all obstructions between three (3) feet and eight (8) feet in height, except for sign poles and tree trunks no greater than six (6) inches in diameter.
- D. Minor deviations may be permitted by the Planning Commission at the recommendation of the Development Services Director and Public Works Director.

(Ord. 549 § 1(Exbt. A(part)), 1987).

### **18.30.220 Family Day Care Homes - Large**

A large family day care home shall be allowed in single family residential dwelling zones, upon the issuance of a family day care permit by the Zoning Administrator and in compliance with the following standards:

- A. Notice shall be given to properties within 300 feet of the proposed family day care home at least 10 days prior to consideration of the permit
- B. The permit shall be considered without public hearing unless a hearing is requested by the applicant or other affected party by the hearing deadline date. The applicant or other affected party may appeal the Zoning Administrator's decision to the City Council
- C. The family day care function shall be incidental to the residential use of the property
- D. The large family day care home shall not locate within:
  - a. Three hundred (300) feet of another such facility with said measurement being defined as the shortest distance between the property lines of any such facilities
  - b. One thousand two hundred (1,200) feet of another such facility along the same street with said measurements being defined as the shortest distance between front property lines as measured along the same street of any such facilities
- E. The owner must provide a double-wide driveway which shall be paved to meet City standards and be a minimum of 16 feet wide and 19 feet in depth as measured from the edge of sidewalk to any vertical construction. The driveway shall be available during all hours of operation for the loading and unloading of children. If a garage exists on site, it must be utilized for parking of personal vehicle(s). In the event that less than a two-car garage exists on site, the owner must designate and area on site other than on the



driveway so that a total of two personal vehicles can be parked on site, including the garage. Notwithstanding the foregoing, the applicant must comply with all other Municipal Code provisions as to parking and traffic

- F. If, in the opinion of the Zoning Administrator, there is a potential for significant traffic problems, the Zoning Administrator shall request review of the application by the City Traffic Engineer. The City Traffic Engineer may impose accessory requirements for the day care permit in these instances to ensure maintenance of traffic safety levels within the vicinity of the home.
- G. Adequate outdoor play space shall be required and determined on a case-by-case basis. Outdoor play activity shall not be allowed in the front or exterior side yard of the home.
- H. Play area shall be designed and located to reduce the impact of noise on surrounding properties.
- I. A business license will be obtained concurrently within the use permit.
- J. At the City's discretion, an annual review of the permit may be done to determine compliance with state and City requirements and the permit's conditions of approval.

### **18.30.230 Portable Storage Units**

#### **Portable Storage Unit**

Any container designed for the outdoor storage of personal property which is typically rented to owners or occupants of residential property for their temporary use on the exterior of the property and which is delivered to the property and removed by vehicle.

Portable storage units shall be permitted in residential zoning districts only on lots containing dwelling units subject to the following requirements.

- A. Portable storage units shall be permitted for a period not to exceed seven (7) consecutive days within a six (6) month period.
- B. Portable storage units shall not exceed a cumulative gross floor area of one hundred forty (140) square feet for each dwelling unit and shall not exceed a height of eight and one-half (8- 1/20 feet and a length of sixteen and one- half (16-1/2) feet.

Portable storage units shall be permitted in commercial, industrial or public/ semi-public zoning districts only as accessory uses incidental to a permitted commercial, industrial or public/semi-public principal use.

Portable storage units shall not be located in any required open space, landscaped area, on any street or sidewalk or in any public right-of-way or utility easement, in any location that interferes with vehicular or pedestrian circulation, in any required off-street parking space, in any location that restricts safe ingress or egress of buildings, in any location that hinders access to fire hydrants or utility shut-off valves, or in any location that obstructs a clear sight triangle or clear sight distance.



## Article III General Development Regulations

### 18.31 Standards for Residential Districts

<b>Table 18.31.01 Development Standards in Residential Zones</b>					
<b>Development Standards</b>	<b>RL (Low-Density Residential)</b>	<b>RM (Medium-Density Residential)</b>	<b>RH1 (High-Density Residential 1)</b>	<b>RH2 (High-Density Residential 2)</b>	<b>RMU (Residential Mixed-Use)</b>
<b>Lot Size</b>					
Minimum Lot Area	3,600 sf	1,800 sf	1,200 sf	800 sf	800 sf
Maximum Lot Coverage	40% of the lot <sup>1</sup>	80% of the lot <sup>1</sup>	80% of the lot <sup>1</sup>	80% of the lot <sup>1</sup>	80% of the lot <sup>1</sup>
Minimum Lot Width	40 ft (interior); 25 ft 45 ft (corner)		none	none	None
Minimum Lot Depth	65 ft	55 ft	none	none	None
<b>Setbacks (in feet)</b>					
Front	10 min-20 max <sup>2</sup>	10 min-20 max <sup>2</sup>	0 min - 15 max	0 min - 15 max	0 min - 15 max
Side to side, interior	5 min	0 min - 5 max	0 min - 5 max	0 min - 5 max	0 min - 5 max
Side to front, interior Rear to front, interior	10 min	20 min <sup>5</sup>	20 min <sup>5</sup>	20 min <sup>5</sup>	20 min <sup>5</sup>
Side, corner, street side	5 min - 10 max	5 min - 15 max	0 min - 15 max	0 min - 15 max	0 min - 15 max
Rear <sup>3</sup>	10 min	5 min <sup>6</sup>	5 min <sup>6</sup>	5 min <sup>6</sup>	5 min <sup>6</sup>
Maximum Height Limit	35	35	55	55	55
<b>Accessory Structure (in feet)</b>					
Minimum Side Setback, 0 ft interior		0 ft	0 ft	0 ft	0 ft
Minimum Side Setback, 10 ft street		10 ft	5 ft	5 ft	5 ft
Minimum Rear Setback <sup>3</sup>	5 ft	5 ft	5 ft	5 ft	5 ft
Maximum Height of stand-alone unit	20 ft <sup>4</sup>	20 ft <sup>4</sup>	20 ft <sup>4</sup>	20 ft <sup>4</sup>	20 ft <sup>4</sup>
<b>Usable Open Space</b>		See Section 18.31.010	See Section 18.31.020	See Section 18.31.020	See Section 18.31.020
<b>Parking</b>		See Chapter 18.42			
<b>Water-Efficient Landscaping</b>		See Title 20			
<b>Fences and Walls</b>		See Chapter 18.34			
<b>Notes</b>					
<sup>1</sup> Lot coverage includes primary buildings, accessory buildings, covered parking, and covered patios					
<sup>2</sup> Garage shall not be closer than 15 feet to the front property line					



- <sup>3</sup> Garage setback shall be no closer than 2 feet to the rear property line
- <sup>4</sup> A secondary dwelling shall not exceed 20 feet in height, except when the unit is attached to the primary unit, the maximum height shall be that established for the primary dwelling in the underlying zoning district.
- <sup>5</sup> For courtyard and green court site plans, and to allow for paseos and other pedestrian pathways, where included in the site design.
- <sup>6</sup> No required maximum to allow for parking lots and courtyards, as relevant to the design of the dwelling units.

### **18.31.010 Usable Open Space in the Medium-Density Residential Zone**

- A. For the RM district, the following types of usable open space are recommended for multi-family units:
1. To provide access to planned or existing spaces and facilities that accommodates family needs and active play areas for kids, and/or passive open space areas (such as walking trails) within one-quarter (0.25) mile of 90% of the multi-family units.
  2. Each multi-family unit should also have access to a combination of private open space (balconies or small patios, for example) and publicly accessible open space (common greens, community room, pool area, etc.)
- B. The method of computation of usable open space provided for multi-family units should be as follows:
1. Private patios, when directly accessible to the dwelling unit to which it is appurtenant; such patios shall be completely enclosed on all sides by a fence which is a minimum of 3 feet in height.
  2. Balconies and lanais, when directly accessible to the unit to which they are appurtenant; such balconies and lanais must have a minimum dimension of 5 feet.
  3. Swimming pool areas, including the hard-surface deck, which normally surrounds such pools.
  4. Indoor recreation activity rooms, provided these rooms are permanently maintained for the use of tenants for various recreation activities. Such activity rooms shall not include lobbies, but may include common steamrooms, sauna baths, or the like.

(Ord. 669 § 1, 2003; Ord. 540 § 1(part), 1986; Ord. 379 § 700(M), 1974)

### **18.31.020 Usable Open Space in the High-Density Residential (RH1 and RH2) and Residential Mixed-Use Zones**

- A. For the RH1, RH2, and RMU districts, the following types of usable open space are recommended for multi-family units:
1. To provide access to planned or existing spaces and facilities that accommodates family needs and active play areas for kids, and/or passive open space areas (such as walking trails) within one-quarter (0.25) mile of 90% of the multi-family units.
  2. Each multi-family unit should also have access to a combination of private open space (balconies or small patios, for example) and publicly accessible open space (common greens, community room, pool area, etc.)
- B. The method of computation of usable open space provided should be as follows:
1. The following areas should be computed at 1.25 times the area actually devoted to such use:
    - a. Private patios, when directly accessible to the dwelling unit to which it is appurtenant; such patios shall be completely enclosed on all sides by a fence which is a minimum of five feet in height.



- b. Balconies and lanais, when directly accessible to the unit to which they are appurtenant; such balconies and lanais must have a minimum dimension of five feet;
- c. Swimming pool areas, including the hard-surface deck, which normally surrounds such pools.
- d. Indoor recreation activity rooms provided these rooms are permanently maintained for the use of tenants for various recreation activities. Such activity rooms shall not include lobbies, but may include common steam rooms, sauna baths or the like.

(Ord. 669 § 2, 2003: Ord. 379 § 800(L), 1974)

## 18.32 Standards for Commercial Districts

<b>Table 18.32.01 Development Standards in Commercial Zones</b>				
<b>Development Standards</b>	<b>CR (Commercial Retail)</b>	<b>CSF (Commercial Services And Fabricating)</b>	<b>O (Business and Office)</b>	<b>CMU (Commercial Mixed-Use)</b>
<b>Lot Size</b>				
Minimum Lot Area	2,400 sf	7,500 sf	2,500 sf	2,500 sf
Maximum Lot Coverage	100%	80%	80%	100%
Minimum Lot Width	40 ft	75 ft	75 ft	40 ft
Minimum Lot Depth	60 ft	100 ft	100 ft	60 ft
<b>Setbacks (in feet)</b>				
Front	0	10		0 min - 10 max
Side, interior	0	see standards below		0 min - 10 max
Side, corner, street side	0	see standards below		0 min - 15 max
Side adjacent to residential		20	varies <sup>2</sup>	
Side adjacent to nonresidential		0	0 min - 10 max	
Rear <sup>3</sup>	10	10	10	15 min
Maximum Height Limit	45, 3 stories <sup>1</sup>	45, 3 stories <sup>1</sup>	45, 3 stories <sup>1</sup>	45, 3 stories <sup>1</sup>
<b>Parking and Loading</b>	See Chapter 18.42			
<b>Water-Efficient Landscaping</b>	See Title 20			
<b>Fences and Walls</b>	See Chapter 18.34			
<b>Signs</b>	See Chapter 18.44			
<b>Notes</b>				
<sup>1</sup> May be exceeded with a Conditional Use Permit.				
<sup>2</sup> Side setback must be at least the minimum side setback of the adjacent residential zone on each relevant side.				
<sup>3</sup> May be located at back of sidewalk if adjacent to nonresidential use or up to 20 feet, if located adjacent to residential.				



### 18.33 Standards for Civic/Park/Other Districts

<b>Table 18.33.01 Development Standards in Civic/Park/Other Zones</b>			
<b>APS (Agricultural Development Standards)</b>	<b>Production &amp; Sales)</b>	<b>P (Park)</b>	<b>P/QP (Public/Quasi-Public)</b>
<b>Lot Size</b>			
Minimum Lot Area	2 acres	Refer to level of service standards	Determined by use, after required setbacks and parking have been satisfied.
Maximum Lot Coverage	40%	80%	80%
Minimum Lot Width	100 ft	75 ft	75 ft
Minimum Lot Depth	250 ft	100 ft	100 ft
<b>Setbacks (in feet)</b>			
Dwelling Front	20		
Nonresidential Front	10	20	0 min - 20 max <sup>3</sup>
Dwelling Side adjacent to residential	10		
Nonresidential Side adjacent to residential	30	20	0 min - 20 max <sup>4</sup>
Dwelling Side adjacent to nonresidential	10		
Nonresidential adjacent to nonresidential	20	10	0 min - 20 max
Dwelling Rear <sup>3</sup>	15		
Nonresidential Rear	20	15	0
Maximum Height Limit	50	35, 2 stories <sup>1</sup>	Determined by adjacent use <sup>5</sup>
<b>Parking and Loading</b>	See Chapter 18.42		
<b>Water-Efficient Landscaping</b>	See Title 20		
<b>Fences and Walls</b>	See Chapter 18.34		
<b>Signs</b>	See Chapter 18.44		
<b>Notes</b>			
<sup>1</sup> May be exceeded with a Conditional Use Permit.			
<sup>2</sup> Side setback must be at least the minimum side setback of the adjacent residential zone on each relevant side.			
<sup>3</sup> May be located at back of sidewalk if adjacent to nonresidential use or up to 20 feet, if located adjacent to residential.			
<sup>4</sup> Minimum side setbacks shall be at least the minimum adjacent residential setbacks.			
<sup>5</sup> When adjacent to a residential zone, height(s) of P/QP building(s) may not exceed maximum height limit of residential zone. When adjacent to a nonresidential zone, height of P/QP building(s) to be determined by use, but heights over 45 feet (4 stories) must be approved by a CUP.			



## 18.34 Fences and Walls

### 18.34.010 Fence and Walls by Zoning District

- A. The height of side and rear yard fences, hedges, or walls behind the front setback line in any residential district shall not exceed 6 feet.
- B. Fence and wall height by zoning district are shown in Table 18.34.01.

<b>Table 18.34.01 Height Limits by Zoning District</b>			
<b>Zone</b>	<b>Location</b>	<b>Height</b>	<b>Materials<sup>1</sup></b>
RL, RM <sup>2</sup>	Front yard	3 ft. max. if solid 4 ft. max if 50% or more open	Metal, wood, hedge, stucco. Stone and brick permitted for posts.
	Side yard	6 ft. max if 5 ft. setback provided	Metal, wood, hedge, stucco. Stone and brick permitted for posts.
		3 ft. max. if within 5 ft. setback 6 ft. max. on interior side yard	
	Rear yard	6 ft. max.	Wood
RH1, RH2 <sup>2</sup>	Perimeter	6 ft. max.	Metal, wood
	Service areas	6 ft. max.	Metal, masonry, concrete block, brick
RMU, CMU	Residential use defined -- by RL, Commercial uses defined by CR		--
CR, CSF, O	Front yard	Not permitted	
	Side yard	Not permitted	
	Rear yard	Not Permitted	
	Service areas	8 ft. max storage areas <sup>4</sup>	Metal, masonry, concrete block, brick
APS	Residential uses defined -- by RL, Commercial uses defined by CR		
OS, P	To demarcate use areas	3 ft. max.	



<b>Table 18.34.01 Height Limits by Zoning District</b>			
<b>Zone</b>	<b>Location</b>	<b>Height</b>	<b>Materials<sup>1</sup></b>
	Service areas	6 ft. max.	Metal, masonry, concrete block, brick
PQP	To demarcate use areas	3 ft. max	Hedge, wood, brick, stone, stucco
	Service areas	6 ft. max.	Metal, masonry, concrete block, brick
<sup>1</sup> Chain link fence is not permitted in any district. <sup>2</sup> Fencing for front and corner side yards in single-family residential districts, and perimeter fencing in multi-family districts (other than soundwalls) must be permeable to allow visibility into the yard from exterior vantage points to promote security. Permeable fencing must be a minimum of 50% open. Refer also to standards for specific conditions in Section 18.34.050 and soundwall standards in Section 18.34.060. <sup>3</sup> Refer also to Section 18.34.020 for fences and walls around storage areas and Section 18.34.030 for requirements for outdoor sales, storage, or rental lots.			

**18.34.020 Fences and Walls Around Storage Areas**

Outdoor storage yards, corporation yards or light industrial uses may be enclosed by a fence or walls not to exceed eight (8) feet in height. The fence shall be of solid construction to adequately screen the enclosed area from view.

**18.34.030 Outdoor Sales, Storage, or Rental Lot**

Outdoor sales, storage, and rental lots shall show that adequate measures and controls will be taken to prevent offensive lights, noise, odors, and dust and shall have a minimum six-foot-high solid-board fence, or equal, separating the lot from abutting residential uses. Where these activities are approved subject to a conditional use permit, the Development Services Director or Planning Commission may require additional screening as deemed to be appropriate.

(Ord. 549 § 1(Exbt. A(part)), 1987; Ord. 540 § 1(part), 1986)

**18.34.040 Measuring Fence and Wall Height**

- A. Fence and wall height shall be measured from the ground level beneath the fence or wall to the top of the fence or wall.
- B. Where fences are installed on sloping property, the height of the fence can be measured from the ground level on the uphill slope or the highest parcel to the top of the fence, as shown in Figure 18.34.01.
- C. Where a fence or wall rests on a retaining wall, the overall combined height may not exceed ten (10) feet, as measured from the ground level at the bottom of the retaining wall to the top of the fence or wall, as shown in Figure 18.34.01.



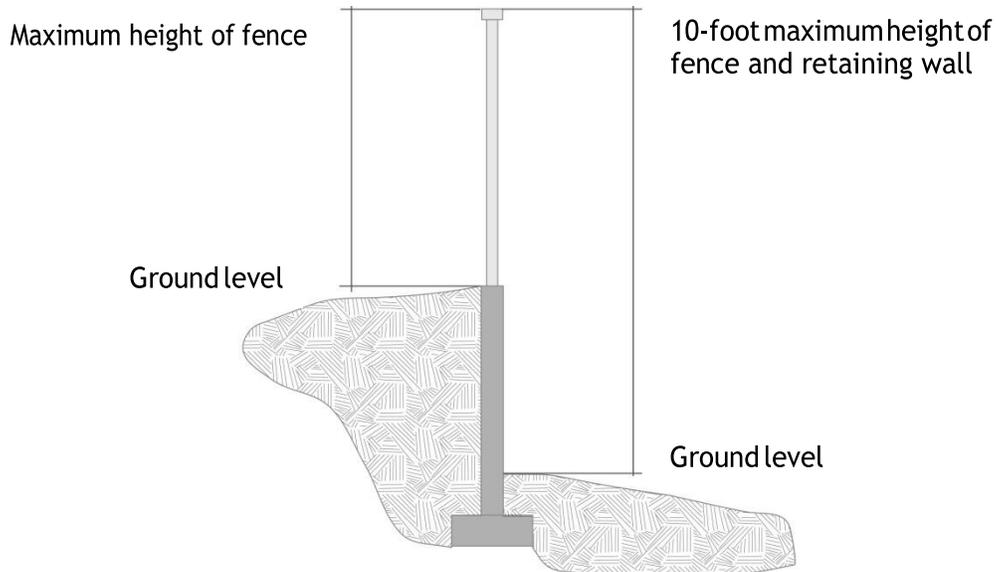


Figure 18.34.01

### 18.34.050 Other Fence and Wall Standards

A. Fences and Walls within Publicly Accessible Areas. Fencing around multi-family development is intended to protect the safety of children and serve as a visual enhancement, not to screen units, which must remain visible from publicly accessible areas. Fencing for single-family rear yards adjacent to publicly accessible areas or open space, must consist of perimeter fencing that is a minimum 50% open. Where fences and walls are not adjacent to publicly accessible areas such as, residential dwellings adjacent to uses in the CSF zone, fencing may be solid.



- B. Swimming pool enclosure. Swimming pools in multi-family developments must be enclosed by a fence or wall that is a minimum six (6) feet high to protect children.
- C. Recreational court fencing, such as tennis and basketball courts, must be constructed to conform to relevant American Society for Testing and Materials (ASTM) standards.

### 18.34.060 Soundwalls

The use of soundwalls is discouraged in Suisun City to promote continuous circulation patterns and enhanced visual accessibility. However, where soundwalls are required, they must conform to the following standards.

- A. Soundwalls must be constructed of fire-resistant materials, such as masonry, precast concrete, brick, or a similar material, and treated with a graffiti-resistant coating.
- B. Soundwalls must incorporate breaks at streets, trails, live-end cul-de-sacs, and at pedestrian access routes to schools, parks, and commercial districts. Where such pedestrian connections do not exist, soundwalls must include breaks at a minimum of every five hundred (500) feet.



- C. Soundwalls should include decorative elements, such as pilasters, posts and capitals, stamped designs, and/or landscape screening to improve their appearance from the street.



### **18.34.070 Prohibited Materials**

It is unlawful to erect any electrically charged fence or any fence composed of barbed wire, razor wire or other material which is designed to cause injury upon contact on or adjacent to any residential use regardless of the underlying zoning. Chain link fences may not be constructed after passage of this Ordinance in the front or reducible front yard of residential uses and residential zoning districts.

## **18.36 Yards**

### **18.36.010 Measurement from Official Roadway Lines**

In any case where an official plan line for a new roadway has been established as a part of a subdivision, planned unit development, specific plan, or other development project, yards adjacent to the street shall be measured from such official plan lines and shall not extend beyond measurement from such official plan line.

### **18.36.020 Projection of Architectural Features**

Architectural features, to include cornices, eaves, awnings, cantilevered walls, and fireplaces and chimneys may extend no more than two feet into the required side yard setback, provided that the distance between the projecting object and the side yard lot line is not less than 5 feet. The minimum side yard setback shall be measured from the wall from which the architectural feature projects.

### **18.36.030 Projection of Porches, Stairways, Fire Escapes, Landings**

Porches, stairways, fire escapes, or landings may extend into any required front or rear yard setback no more than six feet. Porches, stairways, fire escapes, or landings may extend into any required side yard setback no more three feet, provided a minimum of five feet is maintained between the porch and the side yard lot line.

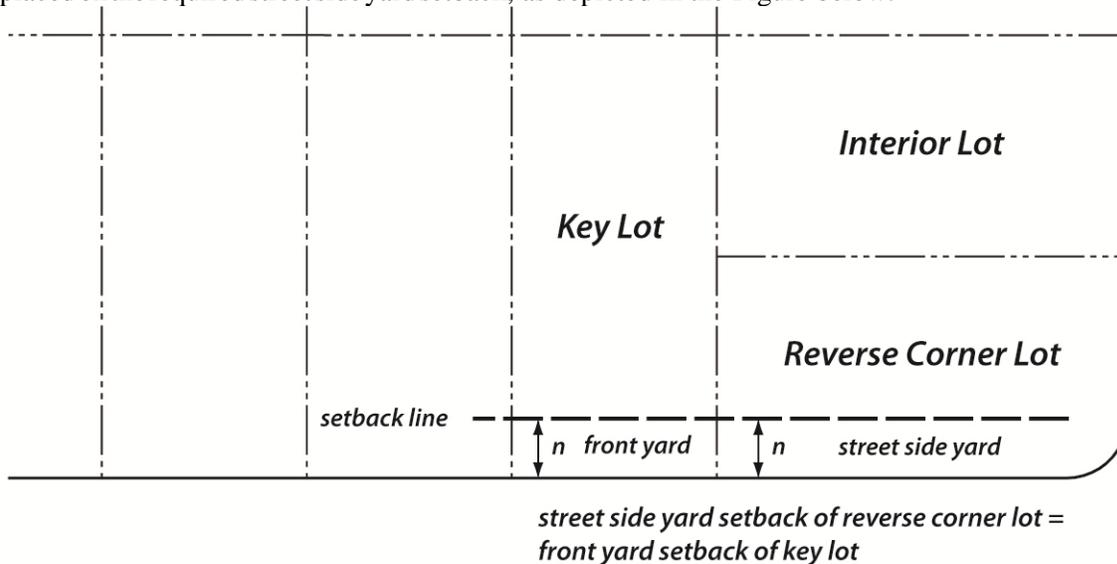
### **18.36.040 Front Yard by Average in Improved Areas**

In a residential district (RL, RM, RH, RMU) where fifty (50) percent or more of the building sites on any one block in the same district have been improved with buildings, the required front yard of an infill building shall be of a depth equal to the average of the front yards of the existing buildings on that block, not exceeding the maximum specified for the zone in which the building site is located.



**18.36.050 Corner Lots**

In the case of a reverse corner lot adjacent to a key lot, the required side yard on the street side for any building shall be equal to the front yard required on the key lot. On a corner lot, fences not more than six (6) feet in height may be placed on the required street side yard setback, as depicted in the Figure below.



**18.36.060 Double-Frontage Lots**

To efficiently use space and infrastructure, double-frontage lots are not permitted. Existing double-frontage lots must be designed and maintained with front yard setbacks facing both streets.

**18.36.070 Prohibited Activities in Front and Street Side Yards**

- A. The following are unlawful and are declared to be public nuisances in the front and side yards and are not permitted.
1. The parking, repairing, assembly/disassembly, or other activities associated with any airplane or aircraft, or any part or parts thereof;
  2. The parking, storing, or keeping for a period of time greater than seventy-two consecutive hours of any household appliance, equipment, machinery, or furniture, or of any construction equipment, machinery, or materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;
  3. The parking, storing or keeping in any such area, for a period of time in excess of seventy-two consecutive hours, of any motor vehicle or vehicles that is or are disabled or inoperative because of the need of repairs or for any other reason;
  4. The parking, storing or keeping of vehicle in any such area of front driveway, side driveway, or is visible to the public must be registered;
  5. The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing in any such area of any motor vehicle, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property, excepting the repairing, washing, cleaning or servicing by an owner, lessee, or occupant of the lot, for a period not to exceed 72 hours.
- B. For purposes of this subsection 18.36.070, “front” and “street side yard” are defined as the following:



1. The front building setback area of any interior or corner lot located within any zoning district;
  2. The side building setback area of any corner lot located within any zoning district, except where such side building setback areas are not located adjacent to a public street. Where not adjacent to a public street, the side yard must be enclosed by a solid fence or impenetrable hedge not less than 6 feet in height so that the premises are not visible from the street;
- C. For the purpose of determining whether or not a motor vehicle or airplane or other item of property has been unlawfully parked, stored, or kept in any area for a period of time greater than seventy-two (72) consecutive hours, the hours during which the unlawful activity is done shall be deemed consecutive, notwithstanding the fact that such property may have been removed from restricted setback area for an intervening period of time if such intervening period of time is less than seventy-two (72) hours, or if the property in question is parked, stored, or kept during such intervening period of time within or upon any public street.

## **18.38 Height Limits**

### **18.38.010 Chimneys, Vents, and Flues**

Chimneys, vents, and flues that present a fire hazard may extend above the height limit for a specific zoning district only to the extent necessary to ensure fire safety, based on National Fire Prevention Association codes and standards, or comparable state and local codes and standards, where these apply, and subject to approval by the Development Services Director. The required extension above the height limit will vary, depending on the chimney, vent, or flue.

### **18.38.020 Skylights, Antennas, Flagpoles, and Other Appurtenances**

Appurtenances affixed to the roof of a building may not exceed the height limit of the zoning district by more than ten percent (10%) of the overall building height, or four (4) feet, whichever is less.

### **18.38.030 Towers, Poles, and Water Tanks**

Towers, poles, water tanks, and similar structures not affixed to a building may be erected to a greater height than the limit established for the district in which they are to be located, based on the construction specifications of the manufacturer, and subject to approval by the Development Services Director. Local distribution poles for public utilities shall be allowed in all districts and to greater heights than allowed for the districts.

(Ord. 379 § 1800(C)(2), 1974)

### **18.38.040 Height of Buildings above District Limits**

Any building may be erected to a greater height than the limit established for the district in which the building is to be located, to a maximum of two (2) additional stories, provided that the setbacks are increased proportionally.

### **18.38.050 Height of Buildings in the PQP Zoning District**

Since buildings in the PQP district are likely to be single-use, and located adjacent to other land uses, the height of buildings in the PQP district shall be based on the height of adjacent zoning districts. The height of buildings in the PQP district may exceed the height limit of the greatest height limit in an adjacent zoning district by one story. Any greater increase in height shall be subject to a CUP, provided the required setbacks are increased by 5 feet per additional story.

### **18.38.060 Communications, Utility, Transit Structures**

Communications equipment buildings, public utility distribution and transmission substations, radio, and transmission towers, and underground transmission facilities shall be permitted in all districts without limitation



as to height and without the necessity of first obtaining a use permit provided that the proposed use shall not be a nuisance or safety hazard under provisions of Section, 18.66, "Performance Standards."

## **18.40 Building Site Area and Frontage Exceptions**

### **18.40.010 Lots of Record**

The use of land in the zoning district in which it is located shall be permitted on a building site of less area or frontage than that required by the regulations for such district, providing such is shown as a lot on a subdivision map of record or is a parcel of land which was under one ownership on the effective date of the ordinance codified in this Title and provided that in either case the owner of such lot has not owned or purchased any adjoining property since the effective date of the ordinance codified in this Title.

(Ord. 379 § 1800(D)(1), 1974)

### **18.40.020 Frontage on Private Drive**

A. A building site may have its principal frontage on a public or private street. Land that has its principal frontage on a private street shall be considered a building site only if the land is connected by a private drive serving only one building site and meeting the following standards:

1. If the private drive exceeds six hundred (600) feet in length, the driveway shall be at least sixty (60) feet wide.
2. If the private drive is more than seventy-five (75) feet and less than six hundred (600) feet in length, it shall be at least fifty (50) feet wide.
3. If a private drive is more than seventy-five (75) feet and less than three hundred (300) feet in length, it shall have at least 30 feet of paved surface, provided a 12-inch by 18-inch "No Parking at Any Time" sign is installed on each side at the entrance of the drive. The private drive shall also have installed a 24-inch by 24-inch stop sign consistent with City standard designs located on the egress side of the private drive where it enters a public street. The signs shall have a clearance of not less than seven (7) feet to the bottom of the sign.
4. A private driveway more than fifty (50) feet in length and serving more than two (2) dwelling units shall be not less than fifteen (15) feet in width.

(Ord. 379 § 1800(D)(2), 1974)

## **18.42 Parking and Loading Areas**

### **18.42.010 Purpose**

These regulations are established to assure that parking facilities are properly designed and located to meet the parking needs of specific uses. Such uses generate vehicular traffic according to their specific characteristics and thus require differing amounts of off-street parking and loading areas. The purpose of these regulations is to ensure properly designed parking areas with adequate numbers of parking spaces in order to reduce traffic congestion, promote business, and enhance safety.

### **18.42.020 Applicability**

Any building and land use generating traffic shall be required to provide and permanently maintain off-street parking and loading facilities in accordance with the provisions of this chapter. Every lot shall have off-street parking spaces sufficient to provide for the uses of the property, including employee, customer, client, and



supplier parking and loading needs created by the use. These parking spaces and loading spaces shall be provided, maintained, developed, and used as required by this article.

### **18.42.030 Basic Regulations for Off-Street Parking**

- A. Off-street parking shall be provided subject to the provisions of this chapter for:
  - 1. Any new building constructed;
  - 2. Any addition or enlargement of an existing building and use; and
  - 3. Any change in the occupancy of any building or the manner in which any use is constructed that would result in additional parking spaces being required.
- B. The required parking spaces or garages shall be located on the same building site or development.
- C. All off-street parking spaces and areas required by this chapter shall be designed and maintained to be fully useable for the duration of the use requiring such areas and spaces.
- D. On-street parking within public or private streets, driveways, or drives shall not be used to satisfy the off-street parking requirements, except where allowed by this chapter.
- E. Whenever the computation of the number of off-street parking spaces required by this section results in a fractional parking space, one (1) additional parking space shall be required for one-half (0.5) or more fractional space and any fractional space less than one-half (0.5) of a parking space shall not be counted.
- F. Temporary use of off-street parking spaces for non-parking purposes is defined in Chapter 18.73.120, "Temporary Use Permits."
- G. Parking facilities constructed or substantially reconstructed subsequent to the effective date of this chapter, whether or not required, shall conform to the design standards set forth in this chapter.

### **18.42.040 Design Standards**

The following standards shall apply to all zoning districts:

- A. **Standard Stall Size.** Each standard parking space shall consist of a rectangular area not less than 9 feet wide by 19 feet long. All parking spaces should have a vertical clearance of not less than eight and one-half (8.5) feet.
- B. **Compact Stall Size.** Stalls designated for use by compact cars may be reduced in size to a minimum of 8 feet in width and 16 feet in length.
- C. **State Law.** All provisions for handicapped spaces shall conform to state law.
- D. **Paving.** Parking and loading facilities shall be surfaced and maintained with asphaltic, concrete, or other permanent, impervious surfacing material sufficient to prevent mud, dust, loose material, and other nuisances. Alternate porous surface materials will be considered by the Development Services Director and Public Works Director if shown that such material will not cause adverse effects and that it will remain in a usable condition.
- E. **Drainage.** All parking and loading facilities shall be graded and provided with permanent storm drainage facilities. Surfacing, curbing, and drainage improvements shall be sufficient to preclude free flow of water onto public streets or alleys, and to preclude standing pools of water within the parking facility.
- F. **Safety Features.** Parking and loading facilities shall meet the following standards:
  - 1. Safety barriers, protective bumpers or curbing, and directional markers/signage shall be provided to



ensure pedestrian/vehicular safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.

2. Visibility of pedestrians, bicyclists, and motorists shall be ensured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility.
  3. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.
- G. **Lighting.** Lights provided to illuminate any parking facility or paved area shall be designed to reflect away from residential uses and motorists. It is the intent to maintain light standards in a low-profile design and to be compatible with the architectural design. Light standards shall not exceed fifteen (15) feet in overall height from the finished grade of the parking facility. No lighting shall create illumination on adjacent properties which exceeds five (5) footcandles.
- H. **Noise.** Areas used for primary circulation, for frequent idling of vehicle engines, or for loading activities shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or noise attenuation.
- I. **Screening.** Unenclosed off-street parking areas shall be screened from view from public streets and adjacent more restrictive land uses. Screening may consist of one or any combination of the following methods, upon the approval of the Development Services Director:
1. Low-profile walls, three and one-half feet in height shall consist of stone, brick, or similar types of decorative solid masonry materials;
  2. Plant materials when used as a screen, shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, so as to provide screening, have a minimum height of three and one-half feet within 18 months after initial installation;
  3. Berms. Earthen berm at least three and one-half feet above grade;
  4. Combination of the above.
- J. **Landscaping.** The following basic standards shall be observed:
1. A minimum of ten (10) percent of the total off-street parking area shall be landscaped. Landscaping shall consist of a minimum of irrigation systems, groundcover (mulch or decomposed granite), and a tree program with the approval of the Development Services Director. Trees shall be a minimum of fifteen (15) gallon size tree. The Development Services Director and the Chief of Police, in considering the landscape plans, shall review for safety and security of pedestrian movement within the parking lot. The area shall be computed by adding the areas used for access drives, aisles, stalls, maneuvering, and landscaping within that portion of the premises that is devoted to vehicular parking and circulation.
  2. Planter required every other row of parking stalls of at least three (3) feet in width.
  3. Such planters to contain approved trees on twenty (20)-foot centers or as permitted by the standards below.
  4. Each unenclosed parking facility shall provide a perimeter landscaped strip at least five (5) feet wide (inside dimension) where the facility adjoins a side property line, unless specifically waived by the Development Services Director. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required, and shall be continuous, except for required access to the site or to the



parking facility.

5. All landscaping shall be protected with curbs, wheel stops, or equivalent barriers.
  6. All landscaping shall be continuously maintained free of weeds, debris, or litter.
  7. Planters shall be separated from maneuvering and parking areas by a 6-inch raised curb or equivalent barriers. The innermost two (2) feet of each parking space (between the curb and planter, sidewalk, or bumper) may remain unpaved and planted with low groundcover to expand the planting area and reduce impervious surface area.
  8. Islands of a minimum area of sixty square feet shall be established at an average separation of ten (10) continuous parking stalls. The islands shall be landscaped with groundcovers and at least one 15-gallon tree planted with each. Alternatively landscaped tree wells, of a minimum 25 square feet, may be provided with an average separation of five (5) continuous parking stalls.
- K. **Striping.** All parking stalls shall be clearly outlined with single lines on the surface of the parking facility or any other permanent space designator (tree, shrubs, etc.), approved by the Development Services Director. In all parking facilities, all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines to expedite traffic movement.
- L. **Maneuvering.** Parking and maneuvering areas shall be arranged so that any vehicle entering a public right-of-way can do so traveling in a forward direction, except for single-family residential developments.

#### **18.42.050 Residential**

The following design standards shall apply to residential developments:

- A. Covered off-street parking spaces in a garage or carport shall be a minimum of nine (9) feet in width and nineteen (19) feet in depth of unobstructed area provided for parking purposes. The required minimum measurements may not include the exterior walls or support of the structure.
- B. Driveways providing access to garages, carports and parking areas serving four (4) or less dwelling units shall be a minimum of twenty (20) feet in width of unobstructed area. Exceptions may be approved by the Development Services Director for individual single-family homes.
- C. Driveways providing access to garages, carports, and open parking spaces serving 5 or more dwelling units shall be a minimum of twenty-four (24) feet wide.
- D. Notwithstanding subsections (B)(2) and (B)(3) of this section, all driveways and access way widths and designs must be approved by the fire department for purposes of emergency accessibility.
- E. No property owner shall sublease, subrent, or otherwise make available to residents of other properties, the off-street parking spaces required by this section.
- F. All required covered off-street parking spaces shall be located conveniently accessible to the dwelling unit served by such parking space.
- G. Residential developments which provide private streets shall be planned, designed, and constructed to meet the minimum engineering and fire department requirements for private streets.

#### **18.42.60 Commercial, Public/Quasi-Public Facilities**

The following design standards shall apply to commercial, institutional, and community facility uses.

1. Those areas designated for use by motorcycles shall consist of a minimum usable area of 54 square feet.
2. Access driveways on-site shall be a minimum of 24 feet wide unless otherwise approved by the



Development Services Director and Public Works Director.

3. Notwithstanding subsection (C)(2) of this section, all driveway and access way widths and designs must be approved by the fire department for purposes of emergency accessibility.

### **18.42.070 Special Requirements**

The following parking requirements are applicable to all commercial, industrial, and office land uses. These special stalls shall be closest to the facility for which they are designated in order to encourage their use. The following standards, with the exception of the requirement for handicapped spaces, may be modified by the Planning Commission if the proponent demonstrates that a different standard would result in an equal or better site plan or design:

- A. **Motorcycles.** Facilities with 25 or more parking spaces should provide at least one designated parking area for use by motorcycles. Areas delineated for use by motorcycles shall meet standards set forth in Section 18.42.060.
- B. **Compact Cars.** Parking facilities may provide up to thirty-five percent (35%) of its parking for use by compact cars. Spaces delineated for compact car use shall meet standards set forth in Section 18.42.040.
- C. **Bicycles.** Bicycle parking shall be provided as required by the California building code. All commercial and office areas shall provide adequate locking facilities for bicycle parking at any location convenient to the facility for which they are designated. Whenever possible, weatherproofing or covering should be used.
- D. **Universal Access.** Spaces for handicapped persons shall be provided at a ratio of one space for each forty required spaces, or portion thereof, to be located as close to the main entrance of the building as feasible.

### **18.42.080 Drive-Through Facilities**

Drive-through facilities require special consideration as their design can significantly impact the vehicular circulation on a site. The following requirements apply to any use with drive-through facilities:

- A. Each drive-through lane shall be separated from the routes necessary for ingress or egress from the property, or access to any parking space.
- B. Each drive-through lane shall be striped, marked, signed, or otherwise distinctly delineated.
- C. The vehicle stacking capacity of the drive-through facility and pick-up facilities will be determined by the Development Services Director and Public Works Director based on appropriate traffic engineering and planning data. The applicant shall submit to the City a traffic study addressing the following issues:
  1. Nature of the product or service being offered;
  2. Method by which the order is processed;
  3. Time required to serve a typical customer;
  4. Arrival rate of customers;
  5. Peak demand hours;
  6. Anticipated vehicle stacking required.

### **18.42.090 Shared Parking**

Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to the approval of the Development Services Director and must meet the following conditions:



- A. The applicant must demonstrate to the director's satisfaction that substantial conflict shall not exist in the principal hours or periods of peak demand for the uses for which the joint use is proposed.
- B. The number of parking stalls which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking stalls reasonably anticipated to be available during differing hours of operation.
- C. Parking facilities designated for joint use should not be located further than 300 feet from any structure or use served.
- D. A written agreement shall be drawn to the satisfaction of the City attorney and executed by all parties concerned assuring the continued availability of the number of stalls designated for joint use.

**18.42.100 Parking Structures**

Where the height of the structure is limited by other sections of this Title, one additional floor or story may be allowed subject to approval by the Planning Commission under the following conditions:

- A. At least seventy-five percent (75%) of the ground floor is used for off-street parking, access and maneuvering;
- B. Use of the remaining ground floor area is limited to manager's offices, elevators, service facilities and building access facilities including entrance foyer or lobby;
- C. Ground floor parking shall be screened, insofar as practicable, from surrounding uses and from public view.

**18.42.110 Parking Tables**

<b>Table 18.42.01 Parking in the RL, RM, RH1, RH2, RMU Zones</b>		
<b>Residential Use Type</b>	<b>Parking Spaces Required</b>	<b>Loading Space<sup>1</sup></b>
Community care facility, small	2 per dwelling, one in garage	--
Community care facility, large	1 per every 4 beds	Yes
Day care center	1 per employee	1 per 8 children
Dwelling, single-family detached	2 per dwelling, one in garage	--
Dwelling, two-family	1 upto 1,000sf of dwelling space in garage 2 over 1,000 sf of dwelling space, one in garage	--
Dwelling, multi-family <sup>2,3</sup>		--
• Studio-1 bedroom	1 covered per unit, plus .25 guest parking	
• 2 bedrooms	1 covered per unit, plus .5 uncovered, .25 guest Parking	
• 3+ bedrooms	1 covered per unit, plus .1 uncovered, .25 guest Parking	
• Senior	1 covered per unit, plus .25 guest parking	
Dwelling, accessory	1 covered per unit	--
Emergency shelters	1 per employee, plus 1 per every 10 shelter resident	yes
Family day care home, small	2 per dwelling, one in garage	--



Family day care home, large	1 stall per employee, 1 stall per every 5 children	yes
Live-work units	Reference dwelling, multi-family above	--
Mobile home, single	2 per dwelling unit	--
Mobile home, park	2 per dwelling unit, plus .5 guest parking	--
Rooming and boarding house	2 per unit, plus 0.5 per sleeping room	--
Single-room occupancy units	1 per unit	--
<p><sup>1</sup> One loading space, plus one additional loading space per 20,000 square feet of floor space</p> <p><sup>2</sup> In addition to the required number of parking spaces for each unit, one off-street uncovered parking space shall be provided for each four units for visitor parking. For single-family zero lot line, patio homes, and duplexes, on-street parking may be substituted for visitor parking, where sufficient street pavement width and distance between driveways has been provided.</p> <p><sup>3</sup> For developments, containing five (5) or more units, up to thirty-five percent (35%) of the required uncovered spaces may be compact-car size.</p>		

<b>Table 18.42.02 Parking in the CR, CSF, O, and CMU Zones</b>		
<b>Use Type</b>	<b>Parking Spaces Required</b>	<b>Loading Space<sup>1</sup></b>
<b>Commercial/Retail Use Types</b>		
Alcoholic beverage establishment	1 per 100 sf*	Yes
Auto, motorcycle, RV, sales or rental	1 per 400 sf	Yes
Auto parts (sales without repair)	1 per 250 sf	Yes
Auto service and repair	1 per 400 sf, plus 1 per service bay	Yes
Automated teller machine	1 per ATM	--
Bank, teller	1 per 250 sf	Yes
Building materials, garden supplies, $\geq 40,000$ sq. ft.	1 per 300 sf, plus 1 per 1,000 sq ft of outdoor display area	Yes
Building materials, garden supplies, $\leq 40,000$ sq. ft.	1 per 300 sf, plus 1 per 1,000 sq ft of outdoor display area	3 spaces min.
Business support services	1 per 300 sf	Yes
Café, coffee shop, bakery	1 per 100 sf	Yes
Car wash, full service & detailing	1 per 3 times washing capacity, plus parking for washing and drying, and 100 linear feet for stacking	--
Car wash, automatic	1 per drying and vacuum, plus 100 linear feet for stacking	--
Car wash, self-service	2 per wash stall	--
Catering	1 per 300 sf	Yes



Community social service	1 per 250 sf	--
Convenience store	1 per 100 sf	Yes
Drive-through food sales	1 per 50 sf	Yes
Educational services, tutoring, art/dance/music schools	1 per 3 student capacity of classrooms, plus 1 per faculty/employee	--
Farm equipment and supplies	1 per 3 employees, plus additional visitor spaces as prescribed by Community Services Director.	Yes
Furniture sales	1 per 400 sf	Yes
Food sales, specialty	1 per 100 sf	Yes
Food sales, full service grocery	1 per 300 sf	2 spaces min.
Gallery	1 per 400 sf	Yes
Gasoline service station, with convenience sales	1 per 300 sf, with 5 spaces minimum	Yes
Gasoline service station, without convenience sales	5 spaces	--
Health club, gym, spa	1 per 150 sf	--
Hotel/motel	1 per guest room, plus 1 per every two employees	Yes
Liquor store	1 per 300 sf	Yes
Kennel, animal boarding	1 per 10 animal stalls	Yes
Medical, clinic/lab	1 per 150 sf	Yes
Medical, office	1 per 200 sf	Yes
Medical, healthcare facility	1.8 per hospital bed	Yes
Medical, general or psychiatric hospital	1.5 per patient bed or 1 per doctor, plus 1 per 3 employees on largest shift, plus 1 per 3 beds	Yes
Merchandise, general (art, antiques, books, clothing, florist, pharmacy)	1 per 250 sf	Yes
Mortuary, funeral home	1 per 3 fixed seats, or 1 per 25 sq ft of assembly area	Yes
Nightclub	1 per 2 occupants or as determined by CUP	Yes
Nursery (plants)		Yes
Office, professional	1 per 250 sf	Yes
Personal services	1 per 250 sf	Yes
Restaurant, full service	1 per 100 sf	Yes
Restaurant, accessory to primary use	1 per 200 sf	Yes



Retail sales, agricultural products produced on premises ( $\leq 1,000$ sq ft)	1 per 250 sf	Yes
Retail store, warehouse	1 per 300 sf	Yes
Retail store, shopping center format	1 space per 200 sf	Yes
Retail store, accessory to primary use	1 space per 200 sf	Yes
Veterinary clinic	1 per 150 sf	Yes
Winery, tasting facility	1 per 100 sf	Yes
<b>Manufacturing, Processing, and Warehousing</b>		
Contractor's and corporation yard	1 space per 3 employees	Yes
Food processing, bakery, creamery	1 per 1,000 sf	Yes
General services and repair (auto cabinet shop, plumbing, welding)	1 per 750 sf of floor area, or 1 space per 3 repair employees	Yes
Manufacturing/processing, light	1 per 400 sf, or one per each employee on maximum shift*	yes
Mini-storage	4 spaces, plus 2 for office	yes
Recycling collection facility	1 per 10,000 sf of storage yard, 1 per 250 sq ft for office	yes
Research and development	1 per 3,000 sf	yes
Warehousing and distribution	1 per 1,000 sf	yes
<sup>1</sup> One loading space, plus one additional loading space per 20,000 square feet of floor space *per gross floor area		
<b>Open Space Use Types</b>		
Resource protection and restoration	Determined during Design Review	--
Resource relation recreation	Determined during Design Review	--
<b>Public/Quasi-Public Use Types</b>		
Aquarium	Determined during Design Review	yes
Auditorium	1 per 35 sf, where no fixed seats are provided	yes
Community center	1 per 75 sf	yes
Community garden	1 space per 2 plot owners	yes
Library	1 per 300 sf	yes
Lodges, fraternal groups, and clubs	1 space per 75 sf	yes
Museum	1 per 400 sf	yes
Public safety and fire substations	1 per employee (based on the maximum number of employees per shift)	yes



School, elementary	2 per classroom	yes
School, secondary	1 per classroom, plus 1 for every 5 students	yes
School, university	1 for every two employees, 1 for every 3 students or to be determined during Design Review	yes
Religious facility	1 per every 4 fixed seats; or 1 per 24 linear inches of bench; or 1 per every 35 sf of open auditorium seating area with no fixed seats	yes
Theater, live entertainment	1 per every 3 seats, plus one for each employee	yes
Theater, motion picture (1-3 screens)	1 per every 3 seats, plus one for each employee	yes
Theater, motion picture (4+ screens)	1 per every 4 seats, plus one for each employee	yes
<sup>1</sup> One loading space, plus one additional loading space per 20,000 square feet of floor space		

<b>Table 18.42.03 Parking in the APS, P, OS, P/QP Zones</b>		
<b>Use Types</b>	<b>Parking Spaces Required</b>	<b>Loading Space<sup>1</sup></b>
<b>Agricultural Use Types</b>		
Agricultural accessory structures	N/A	--
Agriculture, crop production	N/A	yes
Agriculture, animal, poultry	N/A	yes
Agriculture, animal-grazing	N/A	yes
Agriculture, animal-dairy	N/A	yes
Agriculture, apiary	N/A	--
Agricultural processing, products produced on or off premises	1 per 1,000 sf	yes
Nursery, plants	1 per 300 sf, plus 1 per 1,000 sf of outdoor display area	yes
Stable, arena, riding academy	1 per 5 horses boarded on premises	yes
Winery, production	1 per 1,000 sf	yes
<b>Recreational Use Types</b>		
Campground	2 per campsite, plus 1 per employee	--
Golf course	6 per hole, plus 1 per employee	yes



Indoor amusement/ entertainment center	1 per 200 sf	yes
Outdoor amusement/ recreation center	Based on amusement type and defined as part of Design Review	yes
Park	2 per 0.5 acre	--

## 18.44 Signs (Commercial)

### 18.44.010 Purpose

The purpose of this Chapter is to establish sign regulations that are consistent with the goals, objectives, and policies of the General Plan and the City’s visual and aesthetic goals and to provide adequate identification for establishments. The City recognizes that signs are an essential element of a community’s visual appearance and provide a means to identify communities and promote commerce, provide useful information to the public, and should not become visual distractions along public roadways. These regulations are intended to protect the public health, safety, and welfare and provide for the integrity of the city’s aesthetics.

In addition, these regulations are intended to:

- A. Promote economically stable and visually attractive communities within the city.
- B. Promote signs that are attractive, pleasing, and harmonized with the physical character of the structure and environment of surrounding properties.
- C. Prevent an inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message.
- D. Encourage individuality among communities and businesses through signage.
- E. Encourage consolidation of signs to reduce visual clutter.
- F. Improve traffic safety and the smooth and efficient flow of pedestrians, bicyclists, vehicles, and emergency/fire protection services to their destinations.
- G. Direct persons to various activities and enterprises, in order to provide for maximum public convenience.

### 18.44.020 Definitions

As used in this Chapter, the terms below are defined as follows.

**Abandoned Sign.** Any display or sign remaining in place or not maintained which no longer identifies an ongoing business, product, or service available on the premises where the display or sign is located or where the structure, business, or establishment to which the display or sign is related has ceased operation.

**A-Frame Sign.** A sign made of wood, cardboard, plastic, or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable. See Figure 18.44.01(A-Frame Sign).



**Figure 18.44.01**  
**A-Frame Sign**



**Animated Sign.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**Awning, Canopy, or Marquee.** Any structure made of metal or a flexible material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

**Balloon Sign.** A flexible bag made of a material such as rubber, latex, polychloroprene, or a nylon fabric that is filled with a gas such as helium, hydrogen, nitrous oxide, or air. A balloon qualifies as a “sign” when it is larger than 8 cubic feet in volume or is stationed at or above 10 feet above the ground. See Figure 18.44.02 (Balloon Sign).

**Figure 18.44.02**  
**Balloon Sign**



**Banner.** A temporary sign (typically for grand openings or special events) composed of lightweight material



either enclosed or not enclosed in a rigid frame, secured or mounted so as not to allow movement of the sign.

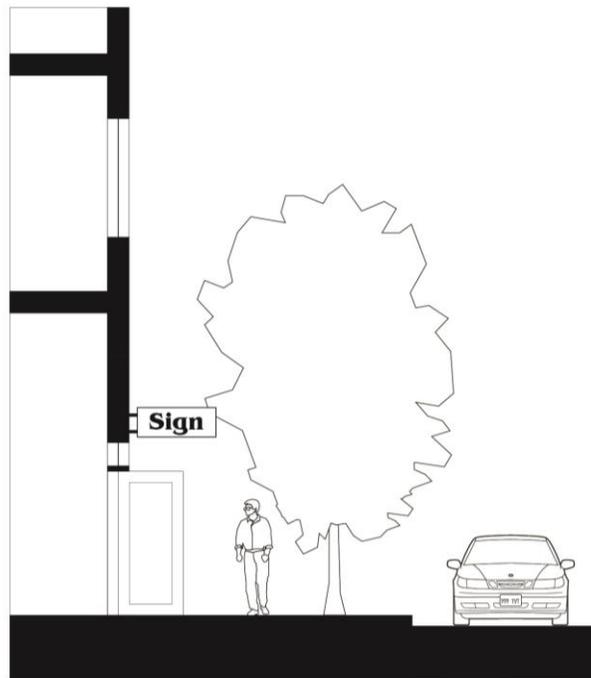
**Billboard.** A sign which meets any one or more of the following criteria (also see off-site sign):

- A sign structure which is used for the display of off-site commercial messages.
- A sign structure which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located.
- An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign), in exchange for a rent, fee, or other consideration.
- An off-site outdoor advertising sign on which space is leased or rented.

**Blade Sign.** A small, pedestrian-oriented sign that hangs underneath an awning, canopy, or pedestrian overhang. Similar to an under-canopy sign. See Figure 18.44.14 (Under-Canopy Sign).

**Bracket Sign.** A small, pedestrian-oriented sign that projects perpendicular from a structure. See Figure 18.44.03 (Bracket Sign).

**Figure 18.44.03  
Bracket Sign**



**Building-Attached Sign.** A sign placed on a wall or canopy, projecting from a wall, or hung underneath a canopy or overhang structure, or placed in a window. This sign category includes wall signs, canopy signs, projecting signs/bracket signs, under-canopy signs/blade signs, and window signs as defined herein.

**Building Frontage, Primary.** For the purposes of signage, refers to the building frontage that faces the street. In cases where a building has more than one street frontage, the longest of the street frontages shall be



considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage. For multi-tenant buildings, ground-floor tenants may have their primary frontage determined independently of the rest of the building based on the aforementioned rules.

**Building Sign.** A sign lettered to give the name of a building itself or the date constructed, as opposed to the name of occupants or services.

**Canopy Sign.** Any sign that is part of or attached to an awning, canopy, or other material, or structural protective cover (excluding a marquee) over a door, entrance, window, or outdoor service area.

**Can Sign.** A sign which contains all the text and/or logo symbols within a single enclosed cabinet that is mounted to a wall or other surface. It specifically does not include the sign cabinet that is part of a freestanding sign. See Figure 18.44.04 (Can Sign).

**Figure 18.44.04  
Can Sign**



**Changeable Copy Sign.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign. A sign on which the messages or characters change more than 12 times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Chapter.

**Channel Letter Sign.** A type of sign comprising individual letters that are independently mounted to a wall or other surface with a covered face, where the “air space” between the letters is the building façade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements. See Figure 18.44.05 (Channel Letter Sign).



**Figure 18.44.05**  
**Channel Letter Sign**



**Commercial Message.** Any sign, wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity, primarily concerns the economic interest of the message sponsor or audience, or proposes a commercial transaction.

**Construction Sign.** A temporary sign mounted or displayed on the site of a construction project during the time when actual physical construction is ongoing.

**Copy.** The words, letters, numbers, figures, designs, or other symbolic representations incorporated into the visually communicative elements of a sign.

**Digital Display.** Display methods utilizing light emitting diode (LED), liquid crystal display (LCD), plasma, projected images, or any functionally equivalent technology and which is capable of automated remote or computer control to change the image, either in a “slide show” manner (series of still images), or full motion animation, or any combination of them. Also known as dynamic signs and commercial electronic variable message signs (CEVMS).

**Digital Sign.** See Electronic (Digital) Message Sign.

**Directional Sign.** Any sign (building-attached or freestanding) intended to be permanently affixed and utilized only for the purpose of indicating the direction of any object, place, or area.

**Directory Sign.** A pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multi-tenant site.

**Double-Face Sign.** A single sign structure with two parallel sign faces back to back.



**Electronic (Digital) Message Sign.** A sign whose primary advertising focus is the intermittent display, stream, or movement of electronic, computerized, digital, or similarly produced letters, numerals, words, or messages as part of the advertising message. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than an internal or external light source illuminating the message.

**Figurative Sign.** A sign that comprises a three-dimensional object that graphically or iconically brands an establishment or development (e.g., provides a representational message rather text messages). Such signs may be used as either building-attached or freestanding signs. See Figure 18.44.06 (Figurative Sign).

**Figure 18.44.06  
Figurative Sign**



**Flag.** Any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

**Flashing Sign.** An illuminated sign that exhibits changing light or color effect by blinking or any other such means so as to provide non-constant illumination.

**Freestanding Sign.** A permanent sign that is self-supporting in a fixed location and not attached to a building. A freestanding sign can be connected or attached to a sign structure, fence, or wall that is not an integral part of a building. Freestanding signs include, but are not limited to, monument/pylon signs and pole signs as defined in this Section.

**Garage, Yard, Estate, and Other Home-Based Sales Signs.** Signs advertising the occasional non-business public sale of secondhand household and other goods incidental to household uses by a person or persons from a residential use.



**Gas Pricing Sign.** A sign identifying the brand, types, octane rating, etc., of gasoline for sale, as required by state law.

**Governmental/Civic Sign.** Any temporary or permanent sign erected and maintained by or required by the City or by the City, state, or federal government for the purpose of providing official governmental information to the general public, including, but not limited to, traffic direction, city entrance, or designation of direction to any school, hospital, historical site, or public service, property, or facility.

**Highway-Oriented Sign.** A sign located on property which is adjacent to a highway and meant to be seen from the highway.

**Illegal Sign.** Any sign or advertising statuary which was not lawfully erected or maintained, or was not in conformance with the ordinance in effect at the time of the erection of the sign or advertising statuary, or which was not installed with a valid permit from the City.

**Illuminated Sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes.

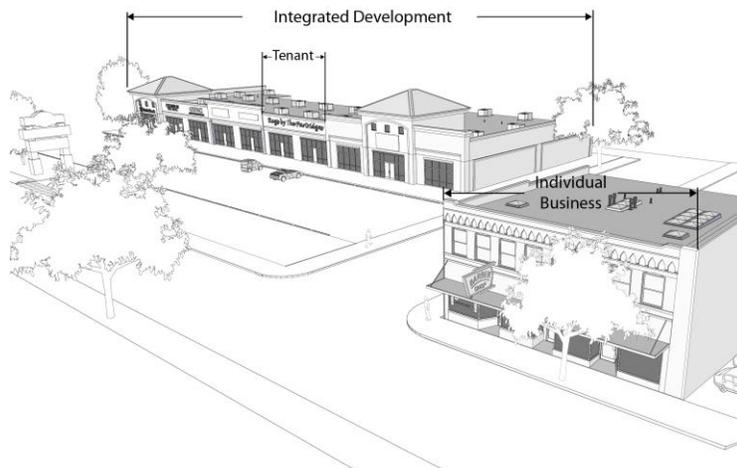
**Incidental Sign.** A sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, including but not limited to restrooms, phones, credit cards, or hours of business.

**Individual Business.** A freestanding development that is not considered to be part of an integrated development. See Figure 18.44.07 (Integrated Development, Tenant, and Individual Business).

**Inflatable Sign.** Any sign which is inflated, floats, is tethered in the air, or is activated by air or moving gas, whether located in the air, on the ground, or on a building.

**Integrated Development.** A development consisting of three or more separate tenants/uses that share structures, public spaces, landscape, and/or parking facilities.

**Figure 18.44.07**  
**Integrated Development, Tenant, and Individual Business**



**Interior Sign.** A sign displayed in any fashion within a business or residence, as long as such sign meets this code's definition of an interior sign (one which is not displayed so as to be viewed from any public space).

**Legal Nonconforming Sign.** A sign lawfully erected and legally existing at the time of the effective date of



an ordinance, but which does not conform to the provisions of this Chapter.

**Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building for a distance of 5 or more feet, generally designed and constructed to provide protection from the weather.

**Marquee Sign.** Any sign attached to, in any manner, or made a part of a marquee. See Figure 18.44.08 (Marquee Sign).

**Figure 18.44.08  
Marquee Sign**

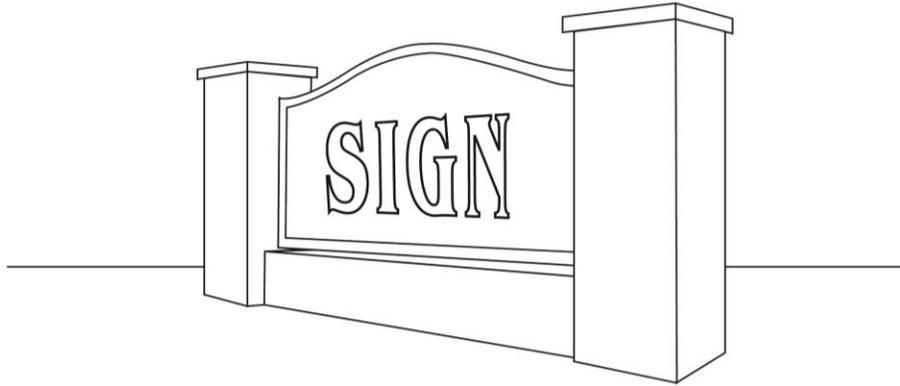


**Mobile Billboard Sign.** An off-site, outdoor advertising sign on which space is leased or rented and is attached to a wheeled, mobile, nonmotorized vehicle that carries, pulls, or transports a sign or billboard. A vehicle which advertises the company of its primary use is not considered a mobile billboard.

**Monument Sign.** A freestanding sign detached from a building and having a support structure that is a solid-appearing, contiguous structural base constructed of a permanent material, such as concrete block or brick. This sign type also includes multi-tenant signs as shown in Figure 18.44.09 (Monument Sign).



**Figure 18.44.09**  
**Monument Sign**



**Mural.** A painted or otherwise attached or adhered image or representation on the exterior of a structure that is visible from a public right-of-way or neighboring property, does not contain commercial advertisement (is noncommercial in nature), and is designed in a manner so as to serve as public art, to enhance public space, and to provide inspiration.

**Nameplate.** A sign attached to a wall that identifies the occupant.

**Noncommercial Message.** A message that addresses topics of public debate and concern.

**Nonstructural Trim.** The molding, battens, caps, nailing strips, latticing, cutouts, or letters which are attached to the sign structure.

**Off-Site or Off-Premise Sign.** A sign that directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered at a location other than where the sign is located. This definition shall include billboards, posters, panels, painted bulletins, and similar advertising displays. An off-site sign meets any one of the following criteria and includes only commercial messages:

- A permanent structure sign which is used for the display of off-site commercial messages.
- A permanent structure which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located.
- An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign), in exchange for a rent, fee, or other consideration.

**On-Site or On-Premise Sign.** A sign which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered upon the lot or parcel on which the sign is placed. In the case of multiple-tenant commercial or industrial development, a sign is considered on-site whenever it is located anywhere within the development.

**Painted Sign.** A sign that comprises only paint applied on a building or structure.



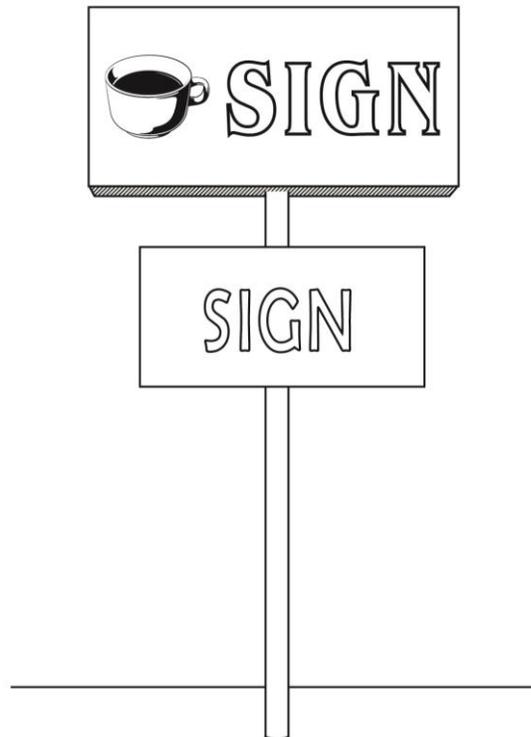
**Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

**Permanent Display Case.** A case or cabinet constructed of durable, permanent materials such as metal, plastic, and glass, used to display commercial messaging.

**Permanent Sign.** A sign that is entirely constructed of durable materials and is intended to exist for the duration of time that the use or occupant is located in the premises.

**Pole Sign.** An on-site freestanding sign, supported by a sign structure from the ground, which identifies businesses located on the same parcel or in the same development on which the sign is located. Generally, pole signs are supported by one or more metal or wood posts, pipes, or other vertical supports. The support structure is not integrated into the overall design of the sign. See Figure 18.44.020-10 (Pole Sign).

**Figure 18.44.10**  
**Pole Sign**



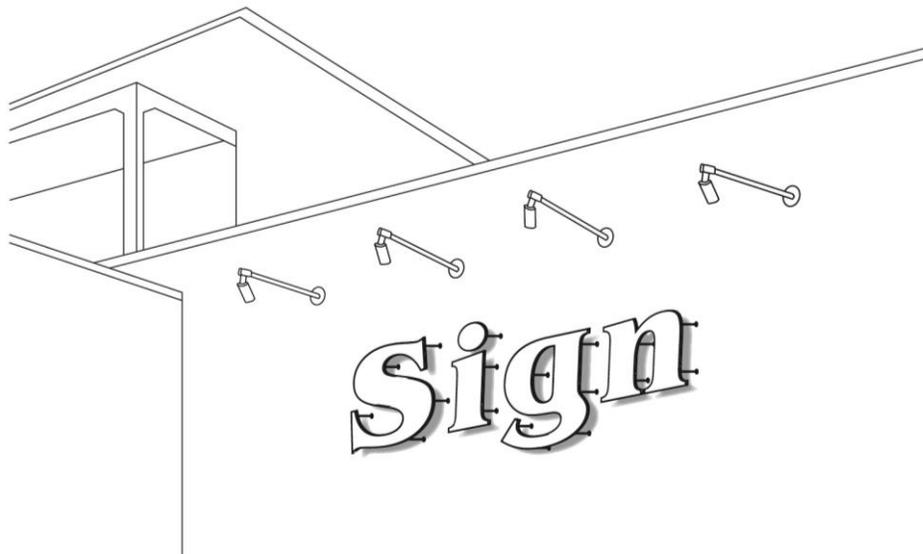
**Portable Sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels, A-frame signs, menu and sandwich board signs, and umbrellas used for advertising. Clothing or other aspects of personal appearance are not within this definition.

**Projecting Sign.** A sign attached to and extending outward from the face of a structure. Includes, but is not limited to, a blade/bracket sign or a marquee sign.



**Push Pin Letter Sign.** A sign made up of individual letters that are independently mounted to a wall or other surface. Such sign may be illuminated by an external light source, such as pendant lighting, where the “air space” between the letters is not part of the sign structure but rather the building façade. See Figure 18.44.11 (Push Pin Letter Sign).

**Figure 18.44.11  
Push Pin Letter Sign**



**Pylon Sign.** A freestanding sign detached from a building where the sign face is usually over 6 feet high and separated from ground level by one or more concealed supports such as poles, pole covers, or columns. See Figure 18.44.12 (Pylon Sign).

**Figure 18.44.12  
Pylon Sign**



**Real Estate Sign.** Any temporary sign advertising the sale or lease of the property upon which it is located. The sign may include the identification and contact information of the person and/or company handling such sale, lease, or rent. This definition does not include occupancy signs at establishments offering transient occupancy, such as hotels and motels.

**Reverse Channel Letter Sign.** A sign comprising individual letters that are independently mounted to a wall or other surface, with lights mounted behind the letters that face the wall behind. Lights illuminate the space around the channel letters rather than the channel letters themselves, creating a “reverse” lighting effect (e.g., halo effect). The “air space” between the letters is not part of the sign structure but rather is part of the building façade. See Figure 18.44.13 (Reverse Channel Letter Sign).

**Figure 18.44.13  
Reverse Channel Letter Sign**



**Roof Sign.** A sign placed upon, projecting from, or above the eaves of the roof or the roof itself. A sign hanging from and below a roof eave is not a roof sign.

**Sign.** Any medium, including its structure and component parts in view of the general public, which is used to attract attention for advertising or identifying purposes.

**Sign Face.** That area or portion of a sign on which copy is intended to be placed.

**Sign Structure.** Any structure which supports or is capable of supporting any sign as defined in this Chapter. A sign structure may or may not be an integral part of the building.

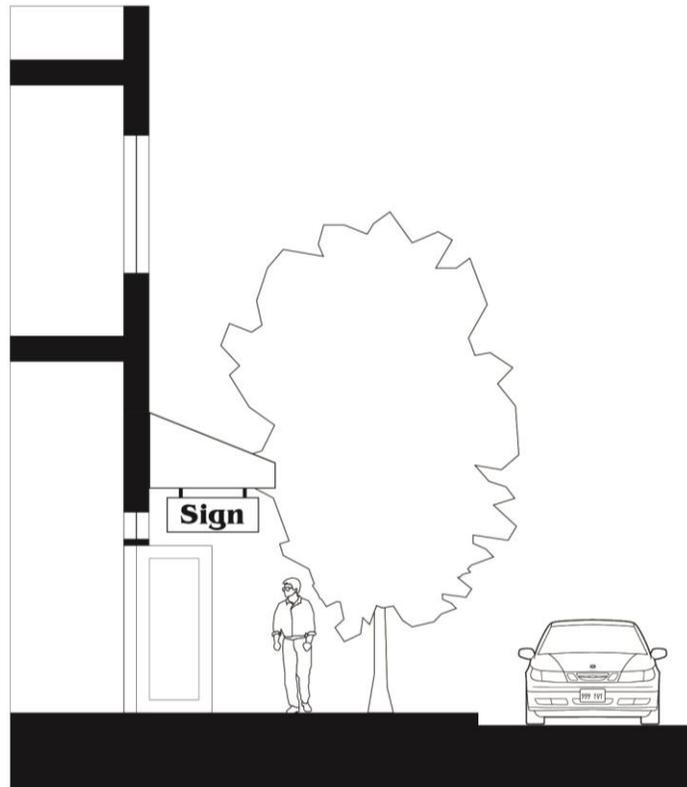
**Temporary Sign.** A structure or device used for the public display of visual messages or images, which is easily installed with common hand tools or without tools, and which is not intended for or suitable for long-term or permanent display, due to the lightweight or flimsy construction materials. Examples include, but are not limited to, A-frame signs, banners, pennants, streamers, or similar nonpermanent sign made of paper, cloth, canvas, lightweight fabric, or other nonrigid material, with or without frames.



**Tenant.** An independent business that is part of an integrated development. See Figure 18.44.07 (Integrated Development, Tenant, and Individual Business).

**Under-Canopy Sign.** A pedestrian-oriented sign hung from underneath an awning, canopy, or overhang structure/breezeway. See Figure 18.44.14 (Under-Canopy Sign).

**Figure 18.44.14**  
**Under-Canopy Sign**



**Vehicle Sign.** A sign that is attached to and is an integral part of a motorized vehicle or bicycle used directly for the purpose of a particular business and not used primarily as a sign base or for general advertising.

**Wall Sign.** A sign attached directly to an exterior wall of a building or dependent on a building for support, with the exposed face of the sign located in such a way as to be substantially parallel to such exterior building wall to which it is attached or is supported by, and which does not extend above the roof, parapet, building façade, or any outermost edge of the building or structure.

**Window Sign.** Any sign, picture, letter, character, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed on and/or inside and/or within 3 feet of a window for the purpose of being visible from the exterior of the window.



## 18.44.030 Sign Policies

Except as otherwise specifically noted herein, the following requirements shall apply to all signage in all areas of the city.

- A. **Regulatory Interpretations.** The requirements of this Chapter shall not be interpreted to nullify any easements, covenants, or other private agreements that provide more restrictive sign regulations than required by this Chapter.
- B. **Message Neutrality.** In adopting this Chapter, the City intends to regulate signs within the scope of this Chapter in a way that does not favor commercial speech over noncommercial speech and does not regulate noncommercial speech based on message content. The message of any sign shall not be reviewed except to the minimum extent necessary to identify the type of sign.
- C. **Message Substitution.** Subject to the property owner's consent, a constitutionally protected noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is authorized in compliance with this Chapter, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular protected noncommercial message over any other protected noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided the sign structure or mounting device is authorized in compliance with this Chapter, without consideration of message content.

This provision does not create a right to increase the total amount of signage on a parcel, lot, or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device or location; does not allow the substitution of an off-site commercial message in the place of an on-site commercial or noncommercial message; and does not authorize the conversion of an existing sign to general advertising for hire.

- D. **On/Off-Site Distinction.** In this Chapter, the distinction between on-site and off-site applies only to commercial messages. Off-site non-commercial messages are allowed consistent with Sections 18.44.050 (Exempt Signs), 18.44.100 (Allowed Off-Site Sign Regulations), and 18.44.130 (Signs on City Property).
- E. **General Prohibition.** Permanent signs not expressly allowed by this Chapter are prohibited.
- F. **Exceptions to Limitations.** Any exception to the limitations and/or sign development standards stated or shown in this Chapter shall require a Variance in compliance with Section 18.80 (Variance). However, consideration of the Variance request shall not evaluate the message or graphic design of the sign.
- G. **Indecent or Obscene Matter.** To the extent allowed, indecent or obscene matter will be addressed in accordance with state law.

## 18.44.040 Permit Requirements and Review Procedures

This Section describes permit requirements and review procedures applicable to all signage in all areas of the city. Signs proposed within communities that have City-adopted local sign standards or guidelines shall conform to those standards/guidelines.



- A. **Sign Permit Required.** Sign Permits shall be required for specified types of permanent signs prior to erection, relocation, alteration, or replacement, as listed in Table 18.44.080-1 (Allowed Permanent On-Site Signs by Land Use Type), unless otherwise exempted by this Chapter.
1. No planning approvals shall be required for general maintenance of existing conforming signs or replacement of a conforming sign face (including message) when the area of the sign is not being changed, subject to Section 18.44.070 (General Sign Standards).
  2. Sign Permit(s) shall be required as part of the review of any discretionary application that includes proposed signage. The Sign Permit shall be in addition to the discretionary application or permit.
  3. Sign Permits are not required for the display of temporary signs. However, temporary signs shall be consistent with the development standards and time duration limits established in this Chapter.
- B. **Uniform Sign Program Required.** A Uniform Sign Program shall be required for all new multi-tenant shopping centers, office parks, and other multi-tenant, mixed-use, or otherwise integrated developments of three or more separate tenants/uses that share structures, public spaces, landscape, and/or parking facilities. A Uniform Sign Program provides a process for the City's review of, and decisions related to, requests for signs for multi-tenant projects. The Uniform Sign Program allows the integration of a project's signs with the design of the structures to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects. The Development Services Director is the decision-making authority for Uniform Sign Programs. However, if part of an application is reviewed and decided by the Planning Commission or the City Council, the Uniform Sign Program shall be decided by same higher-level Approving Authority in conjunction with other entitlements. Deviations from the sign standards of this Chapter of up to 10 percent over maximum allowance are allowed through the Uniform Sign Program. At a minimum, the Uniform Sign Program shall include the type, number, size, location/placement, and general design parameters of all permanent building-attached and freestanding signs. Modifications to any Uniform Sign Program shall be made in the same manner as the original approval. In order to approve a Uniform Sign Program, the Approving Authority shall make all of the following findings.
1. The proposed Uniform Sign Program is consistent with the objectives of the General Plan.
  2. The proposed Uniform Sign Program is consistent with all adopted specific plans, master plans, and design guidelines applicable to the project.
  3. The proposed Uniform Sign Program establishes a unified design theme for all permanent building-attached and freestanding signs within the project.
  4. The proposed deviations from the sign standards of this Chapter contribute to the character and vitality of the project and do not negatively impact surrounding properties.
- C. **Creative Sign Program Required.** A Creative Sign Program provides a mechanism that is available for the benefit of property owners and businesses to request deviation from the sign standards in this Chapter for creative or unique signs that do not meet all of the specified standards in this Chapter. A Creative Sign Program is a discretionary entitlement decided by the Planning Commission which allows an applicant to request up to a maximum of 20 percent deviation from the specified sign standards in this Chapter. Modifications to any Creative Sign Program shall be made in the same manner as the original approval.



In order to approve a Creative Sign Program, the Approving Authority shall make all of the following findings.

1. The proposed Creative Sign Program is consistent with the objectives of the General Plan.
2. The proposed Creative Sign Program is consistent with all adopted specific plans, master plans, and design guidelines applicable to the project.
3. The proposed Creative Sign Program establishes unique project signage that exhibits a high degree of imagination and visual interest, which contribute positively to the visual character of the community.
4. The proposed deviations from the sign standards of this Chapter contribute to the character and vitality of the project and do not negatively impact surrounding properties.

D. **Community Sign Program Required.** The City Council is the decision-making authority for all new Community Sign Programs. All decisions of the City Council are final. Three types of Community Sign Programs are outlined below.

1. Community Directional Sign Program. Said program shall establish directional wayfinding signs as off-site signs on public streets or public rights-of-way to encourage, facilitate, and assist visitors and residents to find points of interest, recreational and historical areas, parks, neighborhoods, lodging, and tourist industries in the city (e.g., subdivision directional signs, downtown district wayfinding signs).
2. Community Identification Sign Program. Said program shall establish a means for individual communities within the city to designate the community's name at main point(s) of entry to the community. Such signage can be unique to each community as a means to define its character, quality, or historic contribution to the city (e.g., district or neighborhood identity signs).
3. Community Event Sign Program. Said program shall establish general standards for both promoting and informing the public of special events within the individual communities or the city as a whole (e.g., service club signs, public parade, event signs).

E. **Highway-Oriented Sign Permit.** A Highway-Oriented Sign Permit shall be required for all highway-oriented signs located within 100 feet of a designated state highway. This permit would allow consideration of freestanding signs taller and larger than otherwise permitted by this Chapter and would be in addition to other permanent on-site freestanding signs allowed pursuant to Table 18.44.080-1 (Allowed Permanent On-Site Signs by Land Use Type). The Highway-Oriented Sign Permit also allows for the consolidation of commercial messages for businesses in a designated area proximate to the highway to collocate one or more freestanding signs for maximum highway visibility and minimal aesthetic impact. The City Council is the decision-making authority for Highway-Oriented Sign Permits. All decisions of the City Council are final and not subject to appeal.

## 18.44.050 Exempt Signs

The following sign types are expressly exempted from the permit requirements of this Chapter but must satisfy any and all other applicable permit requirements when applicable (e.g., building, electrical, plumbing, grading, encroachment). These exemptions shall apply in all areas of the city.



A. **Exempt Signs Without Limitations.** The following signs are exempt from Sign Permit requirements with no specific limitations.

1. Conforming signs that change messages, but do not alter size, location, or illumination. This provision does not authorize the conversion of an existing legal sign to a general advertising for hire use or to a digital display.
2. All devices which are excluded from the definition of a “sign” as set forth in this Chapter.
3. Official traffic signs or other municipal governmental signs, legal notices, advertisements, and notices prescribed by law and placed by governmental entities, and signs indicating the location of buried utility lines or any notice posted by a governmental officer in the scope of his or her duties.
4. Direction, warning, or information signs or structures required or authorized by law, or by federal, state, county, or City authority, including, but not limited to, traffic control signs (e.g., stop, yield), railroad crossing signs, highway route number signs, and construction zone or site signs.
5. Noncommercial utility company signs identifying cables, conduits, and dangerous situations.
6. Holiday decorations.
7. Street address signs on structures and building identification signs consistent with the City-adopted building code or relevant provisions of the City Municipal Code. Notwithstanding anything in this Section, street address signs may be illuminated and may contain reflective paint or material.
8. Tablets and plaques installed by the City, or by a state, federal, or City recognized historical organization exempt from federal taxation under Section 501 of United States Code Title 26 (IRS Code) including names of structures and date of erection, or signs authorized and installed by City, state, or federal agencies on publicly owned lands.
9. Gas pricing signs, as required by state law, which identify the brand, types, octane rating, etc., of gasoline for sale within the city (Sections 13530–13540 of the Business and Professions Code). This does not limit the approval and design requirement for permanent or temporary placement and approval provisions listed herein.
10. Signs on currently registered and operable vehicles and vessels, including license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the establishment for which the vehicle or vessel is an instrument or tool (not including general advertising, such as mobile billboard), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.
11. Signs and advertising located on buses and bus shelters.
12. Murals on nonresidential structures.

B. **Exempt Signs with Limitations.** The following sign types are expressly exempted from the permit requirements of this Chapter but must meet the size, height, duration, and/or maximum number limitations



listed below and satisfy any and all other applicable permit requirements (e.g., building, electrical, plumbing, grading, encroachment).

1. A-Frame, sandwich board, or similar portable signs, subject to the following.
  - a. Maximum of one sign per tenant space.
  - b. Maximum sign area of 6 square feet and a maximum height of 3 feet, measured from the ground to the top of the sign structure.
  - c. A-frame signs are allowed in any front yard, foyer, portico, or other building entry provided they do not interfere with required pedestrian access, ingress, and egress.
  - d. A-frame signs shall be placed at least five feet behind the face of curb and outside of the City right-of-way. Where there is no sidewalk or curb, A-frame signs shall be located outside of the City right-of-way.
  - e. A-frame signs shall not be placed where they may obstruct vision or create other public safety hazards. A-frame signs shall comply with clearance rules under the Americans with Disabilities Act.
  - f. A-frame signs may be placed in the visibility triangle area depicted below, provided they are less than 3 feet in height.
  - g. A-frame signs may not be illuminated.
  - h. A-frame signs shall be removed during all times when the business establishment is closed.
2. Window signs that do not exceed 25 percent coverage of any window. Window signs do not count toward cumulative allowable sign area. This limitation is considered industry best practice for natural surveillance that serves to increase the risk of detection for offenders, enable evasive actions by potential victims, and facilitate intervention by police (Crime Prevention Through Environmental Design and Defensible Space). As such, window signs that exceed 25 percent of any window are not allowed.
3. Flags, not subject to the standards set forth in Section 18.44.080 (Allowed On-Site Sign Regulations), meeting the following requirements.
  - a. Flag poles shall be located outside of the public right-of-way.
    - a. The maximum height for flag poles is 30 feet.
    - b. The maximum size for any one flag is 30 square feet.
4. Signs on property undergoing construction or remodeling not exceeding 32 square feet each in area and limited to one sign for each street frontage. Such signs shall not be illuminated. Such signs shall be removed within 30 days of the earliest of the following events: final building inspection approval,



issuance of a valid Certificate of Occupancy, opening for business to the public, or expiration of the building permit.

5. Signs warning against trespass on the premises not to exceed 2 square feet per sign.
6. Signs on property that is currently offered for sale, lease, or rental:
  - a. On residential zoned property, one sign not exceeding 6 square feet per face and not exceeding a height of 5 feet, exclusive of support structures. On weekends and holidays, up to four signs to direct traffic to the subject property are allowed, provided each sign does not exceed 6 square feet in area and 3.5 feet in height. A sign shall not be placed on a sidewalk, street, or public right-of-way. A sign shall not create a safety hazard. Such signs shall not be illuminated.
  - b. On nonresidential zoned property, one sign per street or road frontage, not exceeding 32 square feet in area per face and 12 feet in height. The sign shall not be illuminated.
7. Signs on private property where there is a garage, yard, or estate sale taking place. Such signs may be posted for no more than 48 hours and must be removed at the end of the sale. A maximum of 6 square feet is allowed per sign.
8. On-site directional and parking signs, such as exit, entrance, or other on-site traffic directional signs. The maximum height of any directional sign shall not exceed 3.5 feet and the maximum size shall not exceed 6 square feet. No advertising or message other than for traffic direction shall be displayed on the signs authorized by this Subsection.
9. Professional nameplates and occupational signs denoting only the name and occupation of an occupant in a commercial or public institutional building, not to exceed 3 square feet in area. Signs may be externally illuminated only.
10. Identification nameplates or signs on apartment houses, boardinghouses, rooming houses, or similar uses, not to exceed 2 square feet in area. Signs may be externally illuminated only.
11. Temporary signs displaying noncommercial messages subject to:
  - a. A maximum of 6 square feet of signage per sign, set back at least 5 feet from the public right-of-way, and not projecting above the roofline of any structure.
  - b. During the time period beginning 90 days before a special, general, or primary election and ending 3 weeks after such election, the total allowed sign area for noncommercial messages may be 32 square feet in area. The same setback and height restrictions listed above shall apply to this additional area.
  - c. Such signs shall not be posted on any private utility property or public property, including, but not limited to, streets, traffic signs and poles, sidewalks, parkways, medians, city parks, and trees.
  - d. Such signs shall not be located within 100 feet of a polling place, in accordance with the California Elections Code.



- e. Such signs shall not be posted without prior written approval of the property owner.
  - f. Such signs shall not be illuminated.
12. Home occupation signs in any residential zone for businesses with a current, valid business license are allowed a maximum sign area of 3 square feet. Signs shall be not be illuminated.
13. **Temporary Promotional Signs.** Temporary promotional signs include, but are not limited to, commercial signs advertising a special product, sale, or event. See additional temporary sign allowance for business transitions in subsequent Subsection 18.44.050. B.14. Temporary promotional signs are allowed by right consistent with the following limitations.
- a. Banners made of paper, cloth, canvas, lightweight fabric, or other nonrigid material, with or without frames, may be permitted. Such signs must be adequately anchored and composed of materials durable enough to withstand exposure to the elements.
  - b. Display periods for temporary promotional signs shall be limited to a maximum of 90 days per calendar year.
  - c. Temporary promotional signs may be displayed in windows, attached to a building façade, or mounted in a permanent display case.
  - d. A maximum of two signs are allowed with a maximum combined area consistent with the standards in Table 18.44.01 (Temporary Promotional Sign Standards).

**Table 18.44.01  
Temporary Promotional Sign Standards**

Size of Establishment	Maximum Sign Area
Less than 5,000 square feet	40 square feet
Greater than 5,000 square feet	60 square feet

*Table Notes:*

*1. Window signs are not included in the maximum allowable sign area above. Window signs fall under exempt signs with limitations (see Subsection 18.44.050.B).*

- e. Temporary promotional signs may not be illuminated.
14. **Temporary Business Transition Signs.** Temporary business transition signs include, but are not limited to, commercial signs for grand openings, change of ownership, or going out of business. Temporary business transition signs are allowed by right consistent with the following limitations.
- a. Banners, pennants, streamers, or similar nonpermanent signs made of paper, cloth, canvas, lightweight fabric, or other nonrigid material, with or without frames, may be permitted. Such signs must be adequately anchored and composed of materials durable enough to withstand exposure to the elements.



- b. Display periods for temporary business transition signs shall be limited to a cumulative maximum of 45 days per calendar year, either consecutive or intermittent.
- c. Temporary signs displaying a commercial message shall be limited to on-site signage only. Temporary off-site signage displaying a commercial message is prohibited.
- d. Temporary business transition signs shall not encroach on or above the public right-of-way or be attached to utility poles.
- e. A maximum of two building-attached signs are allowed with a maximum combined area consistent with the standards in Table 18.44.02 (Temporary Business Transition Sign Standards).

**Table 18.44.02**  
**Temporary Business Transition Sign Standards**

Size of Establishment	Maximum Sign Area
Less than 5,000 square feet	40 square feet
Greater than 5,000 square feet	60 square feet

*Table Notes:*

*1. Window signs are not included in the maximum allowable sign area above. Window signs fall under exempt signs with limitations (see Subsection 18.44.050.B).*

- f. Temporary business transition signs may not be illuminated.

## 18.44.60 Prohibited Signs

- A. General Prohibition.** All off-site commercial signage on private property is prohibited unless otherwise allowed in this Chapter. Existing off-site signs (e.g., billboards) are considered nonconforming signs as regulated by Section 18.44.120 (Illegal, Abandoned, and Nonconforming Signs). Off-site signs on City property are regulated by Section 18.44.320 (Signs on City Property).
- B.** The signs listed in this Section are prohibited in all zones. Except as otherwise specifically noted herein, these prohibitions apply in all areas of the city.
  - 1. Any sign not specifically allowed by this Chapter.
  - 2. Billboards as defined herein. This does not prohibit relocation agreements as authorized by state law (California Business and Professions Code Section 5412).
  - 3. Roof signs or signs placed above the roofline.
  - 4. Animated, flashing, scrolling, digital, or video screen signs except time and temperature signs.
  - 5. Revolving signs.



6. Signs placed on the public right-of-way or affixed to an element or structure on the public right-of-way, or located on a publicly owned tree, fence, or utility pole or otherwise posted on public property, except where required by a governmental agency.
7. Inflatable balloon signs, including, but not limited to, individual balloons, balloon strings, and other inflatable objects made of a flexible material and inflated so as to be lighter than air.
8. Signs painted on a fence or freestanding wall.
9. Mobile billboards advertising displays traversing or parked on a public right-of-way for the primary purpose of advertising.
10. Signs attached to light standards (poles), traffic control devices, or utility poles.
11. Signs affixed to a structure or property not owned by the person or entity installing the signs, unless authorized by the written consent of the owner of the structure or property. For purposes of this provision, “owner” means any person or entity holding the immediate right of possession and control.
12. Off-site signs, except as otherwise permitted by this Chapter.
13. Signs that are dilapidated, abandoned, or in disrepair or dangerous condition.
14. Window signs that exceed 25 percent of any window.

## 18.44.70 General Sign Standards

This Section establishes standards for sign development and design, including, but not limited to, methods for measuring sign size, area and height, sign placement, construction, design, illumination, maintenance, and removal. Unless otherwise specified in this Section, sign development and design standards shall apply to all signs in all areas of the city.

- A. **General Sign Design Requirements for Permanent Signs.** Permanent signs shall comply with the following general design requirements as well as design standards applicable to specific types of signs listed in Section 18.44.110 (Special Standards by Sign Type).
1. **Design Compatibility with Structure.** Signs shall be compatible in architectural scale and bulk with the architectural style of the main structure or structures on the site where the sign is located. The applicant shall incorporate construction materials, color, letter style, and other design details in designing an architecturally compatible sign. Multiple signs on any structure, or on structures within the same development, shall have the same primary type of building-attached sign.
  2. **Sign Illumination.** The artificial illumination of signs, from either an internal or external source, shall be designed to prevent the casting of stray light on surrounding rights-of-way and properties. All illuminated signs shall comply with the following.
    - a. External light sources shall be directed toward the sign and fully shielded to limit direct illumination of any object other than the sign.



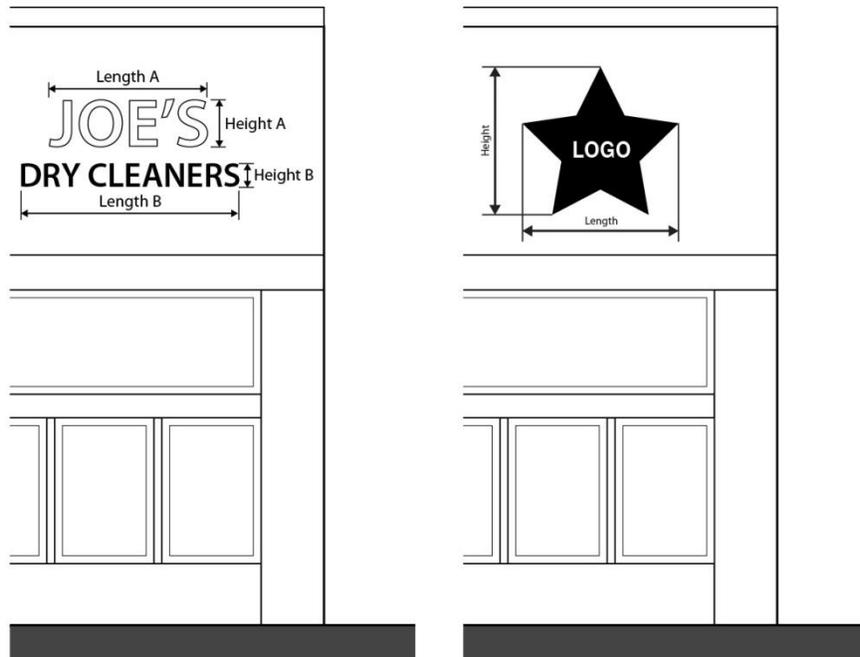
- b. The light from an illuminated sign shall not be of an intensity or brightness that creates glare or other negative impacts on any street, alley, driveway, sidewalk, parking area, or adjacent residential property, nor into the eyes of any motorist or pedestrian.
- c. Unless otherwise allowed by another provision of this Chapter, signs shall not have blinking, flashing, or intermittent lights or other illumination devices that have a changing light intensity, brightness, or color.
- d. Colored lights shall not be used at a location or in a manner so as to be confused or interpreted as traffic control devices.
- e. Light sources shall utilize energy-efficient fixtures compliant with Title 24 of the California Code of Regulations.
- f. Illuminated signs shall be permitted to be illuminated at any time unless the sign identifies a business within, or adjacent to, a residential zone. In such case, the business is required to turn off its sign(s) within two hours after the business is closed.

**B. Calculating the Area of Signs.**

- 1. General Area Calculation. Generally, the area of a sign shall be measured as the overall length of the sign multiplied by the overall height of each segment of copy or logo inclusive of background. Generally, all sides of a multisided sign will be included in the total area calculations; however, for double-faced (two-sided) freestanding signs, only one side of the sign shall be used to determine sign area. See Figure 18.44.15 (General Sign Area Measurement).

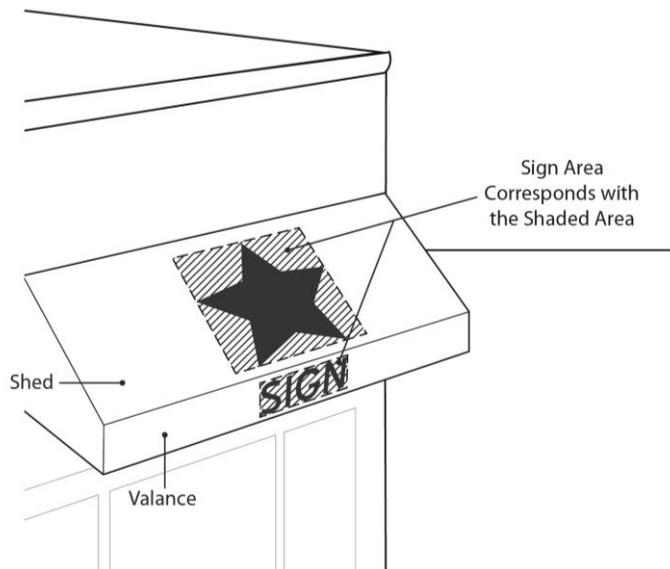
**Figure 18.44.15  
General Sign Area Measurement**





2. Awning, Canopy, Push Pin, and Channel Letter Sign Area. Sign area for copy which is applied to an awning, canopy, or as separate lettering onto the building face shall be computed at 100 percent of the area within a single rectangle enveloping the sign copy. See Figure 18.44.16 (Awning or Canopy Sign Area).

**Figure 18.44.16**  
**Awning or Canopy Sign Area**

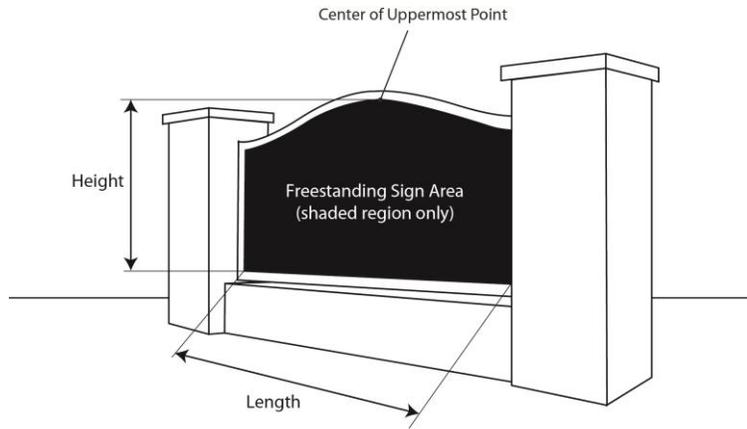


3. Freestanding Signs. Freestanding signs are to be computed as total height by the total length of the sign excluding framework (e.g., post, masonry column, or beam). The base of a monument



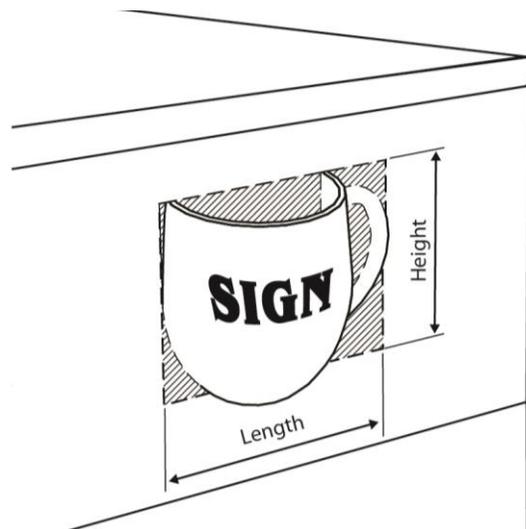
sign is not part of the sign. See Figure 18.44.17 (Freestanding Sign Area). For double-faced (two-sided) freestanding signs, only one side of the sign shall be used to determine sign area.

**Figure 18.44.17  
Freestanding Sign Area**



4. Three-Dimensional Objects. Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculptures, or statue-like trademarks), the sign area shall be measured at the maximum projection upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. See Figure 18.44.18 (Area of Three-Dimensional Objects).

**Figure 18.44.18  
Area of Three-Dimensional Objects**



- C. **Calculating the Height of Signs.** Sign height shall be measured by using the vertical distance from the uppermost point used in measuring the area of a sign to the ground (existing grade) immediately below such point. The height of a monument sign (freestanding/detached) shall be measured according to the method above or from the center of the uppermost point of the sign to the ground (existing grade) immediately below such point, whichever is higher.



**D. Construction Requirements.** Every sign and all parts, portions, and materials thereof shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and City laws and regulations, including the City's adopted building code. All signs shall comply with the following criteria.

1. All permanent signs shall be safely and securely attached or anchored to the ground, wall, building, or the like in accordance with the requirements and specifications in the City's building code.
2. All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the structure or shall be concealed within the sign.
3. All permanent signs shall be constructed of quality materials such as metal, concrete, natural stone, wood, glass, and acrylic. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements.
4. All freestanding signs that incorporate lighting shall have underground utility service.
5. All temporary signs and banners shall be maintained in good condition for as long as the sign is displayed.

**E. Sign Placement.**

1. General. The location of all signs shall be in compliance with the building, electrical, and fire prevention codes of the City as they now exist, and with all ordinances of the City, as they exist as of the effective date of the ordinance codified in this Chapter or as thereafter amended.
2. Location of Building-Attached Signs. Building-attached signs may be located along any frontage of a building that faces directly onto a public right-of-way, parking lot, pedestrian path, or natural waterway with public access. Such signs should be oriented toward the public right-of-way or pedestrian path and be consistent with the context, scale, and character of the location. Orientation of signs such that they face directly onto residential property is allowed only where there is no practical alternative and the visibility of the sign for the residence(s) is minimized and non-illuminated. All projecting signs shall have a minimum 8-foot overhead clearance above a walkway and a minimum 14-foot clearance above a vehicular driveway or parking area.
3. Clearance from Public Utility Facilities. All signs shall maintain any legally required clearance from communications and electric facilities. A sign may not be constructed, erected, installed, maintained, or repaired in any manner that conflicts with a rule, regulation, or order of the California Public Utilities Commission pertaining to the construction, operation, and maintenance of public utilities facilities.
4. Interference with Motorist Field of Vision.
5. No sign shall be located in a manner which may obstruct or interfere with the view of a traffic signal or other traffic regulatory signs. No sign shall, as determined by the Development Services Director, be so located as to create a hazard to the life or property of any person using the public right-of-way.



6. Any landscaping shall be trimmed as needed to provide clear visibility of the sign or signs.
  7. Setback and Spacing of Freestanding Signs. Setback and spacing standards for freestanding signs are as follows.
    - a. Generally, freestanding signs shall be set back a minimum of 3 feet from the public right-of-way. Exceptions may be granted through the Uniform Sign Program, Creative Sign Program, or Variance request as outlined in this Chapter.
    - b. No sign shall be located within the area designated as the clear visibility area at the corner of the intersection of two streets, or the intersection of a driveway and a street, which has specific height limitations for vegetation and structures.
    - c. The minimum spacing distance between permanent freestanding signs located on adjoining properties (excluding on-site directory and menu/order board signs) shall be 100 feet. However, the designated approving authority for sign approval may allow a reduction in minimum spacing requirements to ensure that a qualified business can have at least one freestanding sign as allowed in Section 18.44.110 (Special Standards by Sign Type).
- F. **Maintenance Requirements.** Every sign and all parts, portions, and materials thereof shall be maintained at all times in a state of safe, good repair. Good sign maintenance includes periodic repairs to prevent sign deterioration such as fading paint, fading colors, and peeling letters. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other non-maintained or damaged portions of a sign shall be repaired or replaced within 30 days following notification by the City. Failure to correct the cited conditions or remove the sign within 30 days following notification by the City will result in the sign being deemed abandoned, and the City may cause the sign to be removed, with the cost of such removal to be paid by the owner of the property. The Chief Building Official or the Development Services Director may cause any such sign causing immediate peril to person or property to be immediately abated without the necessity of prior notice to any party.
1. **Sign Removal or Replacement.** When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected surfaces shall be restored to match the adjacent portion of the structure. This requirement does not apply to routine maintenance.

## 18.44.080 Allowed On-Site Sign Regulations

This Section establishes allowed sign types and standards for permanent on-site signs by land use type. Specifically, Table 18.44.03 (Allowed Permanent On-Site Signs by Land Use Type) lists the standards for both building-attached and freestanding signs for residential and nonresidential uses. The following rules apply.

- A. **Permit Requirements.** Unless otherwise exempt, permanent on-site signs require City approval of either an administrative permit (Sign Permit) or discretionary permit (Uniform Sign Program, Creative Sign



Program, Highway-Oriented Sign Program) pursuant to Section 18.44.030 (Permit Requirements and Review Procedures).

- B. **Building-Attached Signs.** Allowed permanent on-site building-attached signs include wall signs, projecting signs/blade signs, awning or canopy signs, and under-canopy signs/bracket signs. Window signs are exempt consistent with the limitations in Section 18.44.050 (Exempt Signs). As outlined in Section 18.44.070.E (Sign Placement), building-attached signs may be located along any frontage of a building that faces directly onto a public right-of-way, parking lot, pedestrian path, or natural waterway with public access.
- C. **Freestanding Signs.** Allowed permanent on-site freestanding signs include monument/pylon signs. As outlined in Section 18.44.070.E (Sign Placement), freestanding signs shall be set back a minimum of 3 feet from the right-of-way, outside of the required vehicle visibility area (clear vision triangle) at driveway and street intersections, and in compliance with the spacing requirements between freestanding signs.
- D. **Collective Sign Area.** The total sign area allowed herein for each sign type (building-attached and freestanding) may be distributed among the maximum number of signs permitted for that sign type. For example, the maximum sign area allowance for building-attached signs may be distributed on one or more building-attached sign types in keeping with the other standards and limitations in this Chapter.
- E. **Sign Area Allowance.** Allowable sign area either is a set square footage per establishment or is based on a ratio of allowable sign area to primary building frontage (e.g., 1 square foot of sign per 1 linear foot of primary building frontage). Where a ratio is listed, a maximum sign area also applies. The permanent sign area allowed excludes temporary signs (e.g., temporary promotional signs) and exempt signs (e.g., window signs) consistent with the standards and limitations in this Chapter.
- F. **Development Types.** For the purposes of this Chapter, integrated development shall mean three or more separate tenants/uses that share structures, public spaces, landscape, and/or parking facilities. Tenants are independent businesses that are part of an integrated development. Individual businesses are freestanding developments that are not considered to be part of an integrated development.
- G. **Design Standards.** Additional design standards are listed in Section 18.44.110 (Special Standards by Sign Type). Design standards include, but are not limited to, scale and proportionality standards for wall signs, design compatibility and cohesion, scale and placement of pedestrian signs, and brightness and frequency of electronic message signs.



**Table 18.44.03  
Allowed Permanent On-Site Signs by Land Use Type**

Land Use Type	Development Type	Building-Attached Signs	Freestanding Signs
Single-Family Land Use	Individual home	Not allowed	Not allowed
	Neighborhood	Not allowed	2 monument signs with a maximum area of 24 square feet each and a maximum height of 4 feet
Multiple-Family Land Use		1 or more signs with a collective sign area of 16 square feet	1 monument sign per street frontage with a maximum area of 16 square feet and a maximum height of 4 feet
Nonresidential Uses in Residential Zoning Districts		1 or more signs with a collective sign area of 12 square feet	1 monument sign per street frontage with a maximum area of 12 square feet each and a maximum height of 4 feet
Nonresidential Uses	Individual business	1 or more signs with a collective sign area of 1 square foot per lineal foot of primary building frontage up to a maximum of: <ul style="list-style-type: none"> <li>• 50 square feet for businesses between 0 and 5,000 square feet</li> </ul>	1 monument sign per street frontage with a maximum area of 12 square feet. Maximum height is 12 feet; for developments greater than 5 acres and/or 50,000 square feet in size, sign area may be increased to 16 square feet and height may be increased to a maximum of 20 feet.
	Tenant	<ul style="list-style-type: none"> <li>• 100 square feet for businesses with between 5,001 and 25,000 square feet</li> <li>• 200 square feet for businesses between 25,001 and 50,000 square feet</li> <li>• 300 square feet for businesses between 50,001 and 100,000 square feet</li> <li>• 400 square feet for businesses over 100,000 square feet</li> </ul>	Not allowed except with nameplate on multi-tenant monument sign as part of an integrated development
	Integrated development	1 sign per street frontage with a maximum area of 24 square feet for	1 monument/pylon sign per street frontage with a maximum sign area of 32 square feet. Maximum sign height is 12 feet; for



Land Use Type	Development Type	Building-Attached Signs	Freestanding Signs
		integrated development identification	developments greater than 5 acres and/or 50,000 square feet in size, sign height may be increased to a maximum of 20 feet.

## 18.44.090 Highway-Oriented Signs

Properties within 100 feet of highway may, upon issuance of a Highway-Oriented Sign Permit, establish a highway-oriented sign consistent with the following provisions, in addition to other provisions of this Chapter and the regulations prescribed pursuant to the California Outdoor Advertising Act. This permit would allow consideration of freestanding signs taller and larger than otherwise permitted by this Chapter and would be in addition to other permanent on-site freestanding signs allowed pursuant to Table 18.44.020 (Allowed Permanent On-Site Signs by Land Use Type). The highway-oriented sign permit also allows the consolidation of commercial messages for businesses in a designated area proximate to the highway to collocate one or more freestanding signs for maximum highway visibility and minimal aesthetic impact. The procedures for application submittal, review, and hearing/decision of a Highway-Oriented Sign Permit are as provided in Subsection 18.44.040.E (Highway-Oriented Sign Permit).

All highway-oriented signs shall be consistent with the following standards.

- A. **Number of Signs.** One additional freestanding highway-oriented sign may be allowed per either an integrated development, as defined in this Chapter, and/or a site with a single tenant of 10 acres or more.
- B. **Location of Signs.**
  - 1. **Setbacks.** All signs must be set back a minimum of 10 feet from the highway right-of-way or other distance as determined by the California Department of Transportation (Caltrans). All highway-oriented signs must be distanced from any residential district by a minimum of 200 feet.
  - 2. **Spacing Between Signs.** No highway-oriented sign shall be located closer than 500 feet from any other highway-oriented sign.
  - 3. **Visibility.** Highway-oriented signs shall not be located to inhibit pedestrian or vehicular visibility and more specifically shall not be located within the City's required clear visibility area. Illuminated signs shall be directed away from any residentially designated land.
- C. **Sign Area.** Highway-oriented signs shall comply with the following limitations on sign area.
  - 1. The maximum allowed sign area for single-tenant highway-oriented signs shall be 60 square feet. For multi-tenant signs, the maximum sign area shall be 150 square feet. Ancillary components of the sign, such as shopping center identification, shall not exceed 25 percent of the total sign area and shall be excluded from the calculation of the sign area.



2. Freestanding Sign Area. The area of a highway-oriented sign shall be in addition to the allowable freestanding sign area for the underlying property that is adjacent to a highway and a local street.

D. **Sign Height.** The maximum height of highway-oriented signs shall be as follows.

1. For single-tenant signs, 1.5 times the height of an adjacent structure up to a maximum of 35 feet.
2. For multi-tenant signs, a maximum of 60 feet.

E. **Architecture.** Highway-oriented signs shall be designed as pylon signs. Pole signs are not allowed. Highway-oriented signs shall be composed of materials and design compatible with the building materials of the corresponding development.

F. **Landscaping.** The sign shall be landscaped to enhance the aesthetics of the sign. Removal of existing landscaping and vegetation shall require approval by the Development Services Director, in conformance with an approved landscaping plan submitted as part of the Highway-Oriented Sign Permit.

G. **Illumination.** All highway-oriented signs must be internally lit. Illumination of the signs shall not interfere with the effectiveness or obscure any official traffic signs, devices, signals, or pavement markings. Sign illumination must be shielded to prevent glare and impairment of driver vision. Electronic (digital) changeable-copy LED lights are allowed to be incorporated into the structure consistent with restrictions listed in Subsection 18.44.070.J.3 (Electronic (Digital) Signs).

H. **Off-Site Advertising in the Special Overlay District.**

## 18.44.100 Allowed Off-Site Sign Regulations

A. Except as otherwise allowed in Section 18.44.050 (Exempt Signs) or 18.44.090 (Highway-Oriented Signs), all new off-site commercial signage on private property is prohibited in the city. Existing off-site commercial signs (e.g., billboards) are considered nonconforming signs as regulated by Section 18.44.120 (Illegal, Abandoned, and Nonconforming Signs). Off-site signs on public property are regulated separately in Section 18.44.130 (Signs on City Property).

B. **Community Sign Programs.** In an effort to encourage, facilitate, and assist visitors and residents to recognize communities, find points of interest, and be informed of community events throughout the city, the City hereby establishes Community Sign Programs. Program descriptions, permit requirements, and procedures are listed in Section 18.44.040 (Permit Requirements and Procedures). The following development and design standards apply to community signs located on private property. Standards for community signs located on City property are listed in Section 18.44.130 (Signs on City Property)

1. Community Directional. The community directional sign program generally includes signs placed on private property to direct residents and visitors to points of interest, recreational areas, neighborhoods, and tourist industries in the city. Where applicable, the use of pylon signs shall be required in areas with higher-density uses to reduce sign clutter. Specific development and design details will be considered and decided by the City Council.



2. Community Event. Street banners, signs, or other displays on private property for any civic or public events/activities shall be allowed to be displayed up to 30 days prior to the event and shall be removed within 3 days after the event has ended.
3. Community Identification. The community identity sign program is limited to monument signs placed by an individual community at its main entry point(s). Specific development and design details will be considered and decided by the City Council.

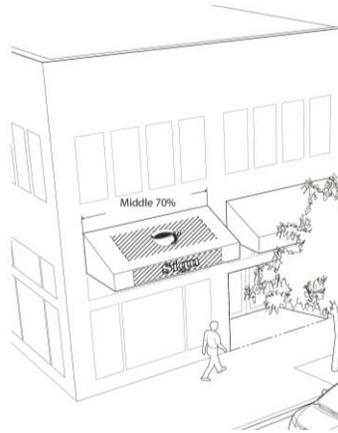
## 18.44.110 Special Standards by Sign Type

In addition to the general sign standards in Section 18.44.070, the following requirements shall apply to the specific sign types listed below.

- A. **Awning and Canopy Signs.** Awning and canopy signs may be allowed only as an integral part of the awning or canopy to which they are attached or applied and shall be considered wall signs for sign area calculation purposes. The following requirements apply.
1. Location. Lettering shall be allowed on awning valances only and shall not exceed 25 percent of the total surface area. Overall sign height (single or multiple lines of copy) shall not exceed 80 percent of the height of the valance. Logos, symbols, and graphics that do not include text may be allowed on the shed (slope) portion of an awning and shall not exceed 4 square feet in area for each awning. All awning signage, text, and/or other graphics, whether located on the shed or the valance, shall count toward the total sign area, pursuant to the measurement rules provided in Section 18.44.070 (General Sign Standards). See Figure 18.44.19 (Awning and Canopy Sign).
  2. Sign Length. Lettering shall be located within the middle 70 percent of the valance area.
  3. Only permanent signs that are an integral part of the awning or architectural projection shall be allowed. Temporary signs shall not be placed on awnings.
  4. Awning signs shall only be allowed for first- and second-story occupancies.
  5. Illumination. Awnings shall not be lighted from under the awning (backlit) so that the awning appears internally illuminated. Lighting directed downward that does not illuminate the awning is allowed.



**Figure 18.44.19**  
**Awning and Canopy Sign**



**B. Electronic (Digital) Signs.** The following standards apply to electronic (digital) signs.

1. **Sign Area.** Electronic (digital) changeable copy signs are limited to a maximum of 50 percent of the total sign area of a sign allowed pursuant to Section 18.44.080 (Allowed On-Site Sign Regulations).
2. **Frequency.** Electronic (digital) changeable copy signs shall not change message more than one time every 8 seconds.
3. **Sign Brightness.** Electronic (digital) signs shall not operate at brightness levels of more than 0.3 foot-candles above ambient light, as measured using a foot-candle meter at a distance of 250 feet from the sign face. Each digital display area shall have a light-sensing device that will adjust the brightness of the sign as ambient light conditions change throughout the day.

**C. Freestanding Signs Design Compatibility.** Materials and design of freestanding signs, including monument signs and pylon signs, shall be complementary to the materials and design of the buildings for the related development. For example, if the façade of the building is made of brick or brick veneer, a complementary freestanding sign would also include brick.

**D. Marquee or Changeable Copy Sign.** These types of signs shall be considered to be the same as any other type of sign and shall be regulated based on their location; i.e., if located on a wall, they shall be deemed wall signs.

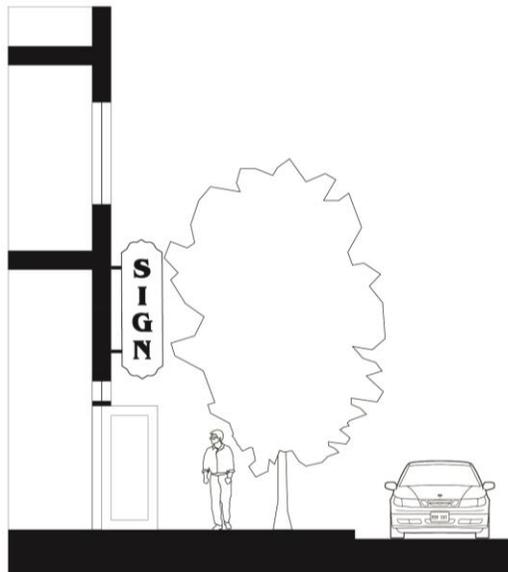
**E. Signs Painted Directly on Buildings.** Signs painted directly on buildings shall be considered wall signs. They shall be subject to the same permit fees and regulations set forth in this Chapter for signs attached to or erected against the walls of buildings and shall be included as a part of the total allowable advertising area.

**F. Projecting Signs.** Projecting signs, including, but not limited to, blade signs, bracket signs, and marquee signs, shall be considered wall signs for the purposes of sign area calculation purposes. Projecting signs shall only be allowed as follows.



1. Location. Projecting signs shall be placed only on ground-floor façades, except for businesses located above the ground level with direct exterior pedestrian access. In the case of a one-story building, the top of the sign shall, exclusive of the suspension structure, be no higher than the roof eave line.
2. Angle of Projection. Projecting signs shall either be located at right angles to the building front along the building façade or, when located on the corner of a building, at a 45-degree angle to the corner of the building. See Figure 18.44.20 (Projecting Sign).
3. Height. Where located above a pedestrian walkway, the lowest point of a blade or bracket sign shall be a minimum of 8 feet above grade.
4. Projection and Suspension. Any projecting or suspended signs must comply with current building code requirements.
5. Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
6. Encroachment. Blade, bracket, or marquee signs may not encroach into the public right-of-way or be located above it, or into City-owned property except with an encroachment permit.

**Figure 18.44.20  
Projecting Sign**



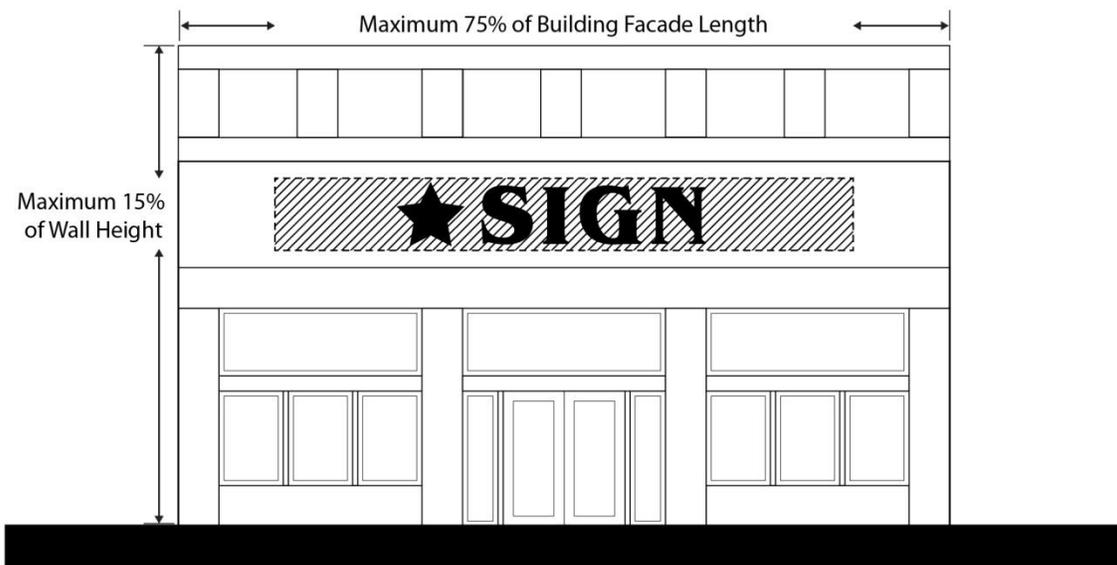
#### G. Wall Signs.

1. Design Compatibility. Wall signs shall be compatible with the predominant visual architectural elements of the building façade.



2. Sign Type. Channel letters, reverse channel letters, and push pin letters are preferred in place of can signs.
3. Projection. Wall signs shall not project more than 12 inches from the structure's façade.
4. Sign Scale and Proportionality. The combined length of all wall signs on any single wall (logos and copy) shall not exceed 75 percent of the length of the building frontage for that wall. For buildings with multiple tenants, this standard applies to the length of the individual tenant frontage. Additionally, the maximum height of all portions of a wall sign (including logo and multiple lines of copy) shall not exceed 15 percent of the total wall height. See Figure 18.44.21 (Sign Scale and Proportionality).

**Figure 18.44.21**  
**Sign Scale and Proportionality**



5. Sign Cohesion. Signage containing multiple elements (e.g., logo and text) on one façade shall be designed so that the multiple elements are located and scaled with relationship to each other. See Figure 18.44.22 (Multiple-Element Signs).



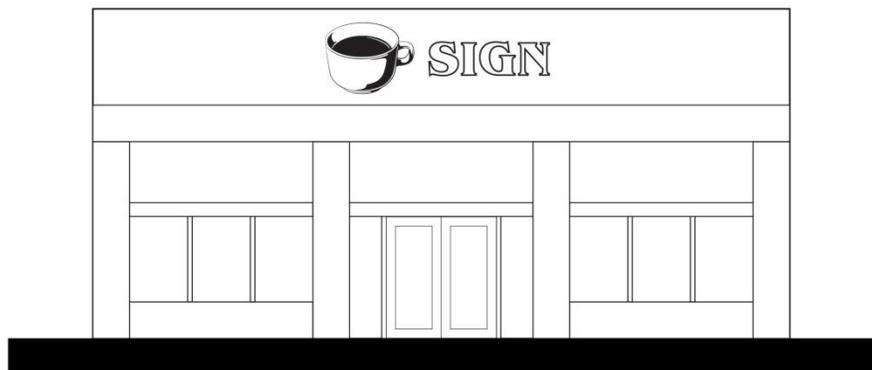
**Figure 18.44.22**  
**Multiple-Element Signs**



Encouraged: Logo related to lettering as part of the overall design.



Discouraged: The logo is unrelated to lettering based on spacing components.



Discouraged: The logo and lettering are of disproportionate scale.



**H. Restrictions for Freeways and Interstate Highways.**

1. No signs shall be located within 660 feet of any landscaped freeway or interstate highway other than the following.
  - a. Directional or other official signs or notices that are required or authorized by law.
  - b. Signs advertising the sale or lease of the property upon which they are located, provided all such advertising complies with the regulations prescribed pursuant to the California Outdoor Advertising Act.
  - c. Signs which advertise the business conducted, services rendered, or goods produced or sold on the property upon which the advertising display is placed, if the display is on the same side of the highway as the advertised activity, and provided all such advertising complies with the regulations prescribed pursuant to the California Outdoor Advertising Act.
2. The exceptions set forth in this Section shall not be construed as permitting billboards.

## **18.44.120 Illegal, Abandoned, and Nonconforming Signs**

- A. Illegal Signs.** Any sign or advertising statuary which was not lawfully erected or maintained, or was not in conformance with the ordinance in effect at the time of the erection of the sign or advertising statuary, or which was not installed with a valid permit from the City, shall be considered illegal. Illegal signs shall be abated or removed by the property owner or person responsible for installing or maintaining the sign.
1. The duty to abate arises upon notice by the Development Services Director or designee. Such notice shall give such parties a 30-day opportunity to cure by conformance to current law and/or current permit, to abate by removal or other remedial action. If the sign owner or property owner fails to remove or alter the sign to comply with this Chapter within 30 days after such notice, such signs may be removed by the City, with the reasonable cost of abatement chargeable to the sign owner and/or property owner.
  2. Such notices may be appealed in the same manner as any other sign-related decision. However, when a sign poses a serious and immediate threat to public health or safety by virtue of its physical condition, without consideration of the message thereon, the threat may be summarily abated by court order, or an emergency abatement should be summarily abated by the City, with the reasonable cost of abatement chargeable to the sign owner and/or property owner.
- B. Abandoned Signs.** The following standards shall apply to conforming and nonconforming abandoned signs.
1. Any sign that pertains to a business or occupation which has vacated or is no longer using the particular property for a period of 30 days or more, or which relates to a time or event which



no longer applies, constitutes false advertising/identification, and shall conform to the following.

- a. The structure and/or copy shall be removed within 90 days after the associated business, occupation, or event has vacated the premises. An abandoned sign is prohibited, and the removal shall be the responsibility of the owner of the sign or the owner of the premises.
  - b. If a sign is maintained, the sign copy shall be replaced with blank sign copy within 90 days of the close of the operation (e.g., no utility service, not open for more than 30 days).
  - c. A nonconforming sign that is maintained with blank copy shall only be allowed to remain for 9 consecutive months (for a total of 12 months from closure of the establishment). At the conclusion of this time period, if a new establishment that utilizes the nonconforming sign structure has not been established, the entire sign structure shall be removed.
2. A conforming sign not in use, but which could be reused in conjunction with the ownership or operation of a new establishment on a property, shall not fall under the definition of abandoned.
  3. Abandoned signs that are not maintained or removed consistent with the requirements of this Section may be abated by the City, with the cost of abatement reimbursed by the property owner and may become a lien against the property.

#### **C. Nonconforming Signs.**

1. **Removal/Abatement.** Any sign which becomes nonconforming as a result of the provisions of this Chapter shall be protected from removal by applicable provisions of state law and may be removed only as allowed by state law. The City shall order signs to be abated by the property owner and/or the person or entity responsible for sign installation and/or maintenance.
2. **Maintenance and Repair.** Any sign currently in use that was legally installed but does not conform to the requirements of this Chapter may continue with routine maintenance and repair, such as painting, repainting, or replacement of the sign face.
3. **Relocation and Alteration.** No nonconforming sign shall be structurally altered, remodeled, or moved unless such alteration, remodeling, or relocation is required by law, or brings the sign into conformance with the provisions of this Chapter. Modification of a nonconforming sign may be allowed through the plan check process (see Section 18.44.040) as long as it is determined that there is not an increase in the level of nonconformity of the subject nonconforming sign.
4. **Restoration of Damaged Signs.** As determined by the Development Services Director or designee, whenever 50 percent or less of a nonconforming sign is destroyed by fire or other calamity (not including intentional acts), the sign may be restored to its nonconforming condition and the use modified as necessary to comply with current safety code requirements. Any nonconforming sign destroyed by more than 50 percent shall not be restored unless it is brought into compliance with the provisions of this Chapter.



5. **Building Façade Modifications.** If a building permit is issued for major modifications to the exterior of a building façade, as determined by the City, any nonconforming building signs on the façade undergoing modification shall be brought into full conformance with the provisions of this Chapter prior to approval for final occupancy.

## 18.44.130 Signs on City Property

This Section states rules and policies for display of signs on properties owned by the City of Suisun City, either in fee or by holding the present right of possession and control. This Section provides the process and standards for establishing signage on City property. In adopting this Section, the City Council acts in its proprietary capacity as to City property, as defined in this Section, within the city. This Section is adopted in compliance with the City's general powers, property rights, Government Code Sections 65850(b), 38774, and 38775, Business and Professions Code Section 5200 et seq., and Penal Code Section 556 et seq.

- A. **Public Forum.** The City declares that City property shall not function as a designated public forum, unless some specific portion of City property is designated herein, or by resolution of the City Council, as a public forum of one particular type. In such case, the declaration as to public forum type shall apply strictly and only to the specified area and for the specified time period. For the purposes of this Chapter, a public forum is a government-owned property that is open to public expression and assembly which is protected under the First Amendment.
- B. **General Prohibition.** Unless specifically authorized by this Chapter, no private party signs may be displayed on City property. Any sign posted on City property in violation of this Section may be summarily removed by the City as a trespass and a public nuisance.
- C. **Certain Governmental Signs.** The following signs may be erected and displayed on City property.
  1. Traffic control and traffic directional signs erected by the City or another governmental unit.
  2. Official notices required or authorized by law.
  3. Signs placed by the City in furtherance of its governmental functions, including the dissemination of its own speech and information to the public.
- D. **Temporary Signs Displaying Noncommercial Message.** In areas qualifying as traditional public forums, private persons may display noncommercial message signs thereon, provided such signs conform to all of the following.
  1. The signs must be personally held by a person or personally attended by one or more persons. "Personally attended" means that a person is physically present within 5 feet of the sign at all times.
  2. The maximum aggregate size of all signs held or personally attended by a single person is 6 square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area.



3. The maximum size of any one sign which is held or personally attended by two or more persons acting in concert is 50 square feet.
4. The sign must have no more than two display faces and may not be inflatable, inflated, or air-activated.
5. In order to serve the City's interests in traffic flow and safety, persons displaying signs under this Section may not stand in any vehicular traffic or bicycle lane, and persons displaying signs on public sidewalks must give at least 5 feet width clearance for pedestrians to pass by. Persons holding signs may not obstruct the cross visibility area, as defined in the Design Improvement Standards Manual.

## **18.46 Reasonable Accommodation**

### **18.46.010 Purpose**

This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the American with Disabilities Act, Federal Fair Housing Act, and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, procedures, or conditions of approval.

### **18.46.020 Applicability**

- A. A request for reasonable accommodation may be made by any person with disability, their representative or any entity, if the application of a requirement of this zoning ordinance or other city requirement, policy or practice acts as a barrier to fair housing opportunities. This chapter applies to those persons who have "disabilities" as defined under the Acts, which definitions are controlling for the purposes of this chapter. Generally, a person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment.
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. A request for reasonable accommodation shall comply with Section 18.46.030 of this chapter.
- C. A reasonable accommodation will terminate if the accommodation is no longer required, or if the recipient of the accommodation ceases to reside at the property.
- D. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance otherwise required by this zoning ordinance.

### **18.46.030 Application Requirements**

- A. A request for reasonable accommodation shall be submitted on an application form provided by the development services department or in the form of a letter to the director of development services, and shall contain the following information:
  1. The applicant and property owner(s), if different, name, address and telephone number;
  2. Address of the property for which the request is being made;



3. The current actual use of the property;
  4. The basis for the claim that an individual who resides at the property has a disability protected by the Acts;
  5. The zoning ordinance provision, regulation or policy from which reasonable accommodation is being requested;
  6. Why the requested accommodation is necessary to make the specific property accessible to the individual(s) with disabilities; and
  7. Photos, site plans, drawings, and/or other graphics as may be required to clearly describe the proposed modifications to the property.
- B. If the project for which the request for reasonable accommodation is being made also requires other discretionary approval, then the applicant shall file the information required by subsection A together for concurrent review with the application for discretionary approval.
- C. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other application regulations not at issue in the requested accommodation.

#### **18.46.040 Review Authority**

- A. Requests for reasonable accommodation shall be reviewed by the director of development services, or designee, if no approval is sought other than the request for reasonable accommodation.
- B. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application in accordance with Sections 18.59.050 and 18.59.060.

#### **18.46.050 Review Procedure**

- A. The director of development services shall make a written determination within forty-five days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation in compliance with Section 18.59.060 of this chapter.
- B. If the request for reasonable accommodation is submitted for concurrent review with a discretionary land use application, the written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application. The written determination to grant or deny the request for reasonable accommodation shall be made in compliance with Section 18.59.060 of this chapter.

#### **18.46.060 Findings and Decision**

- A. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:
1. Whether the housing, which is the subject of the request, will be used by an individual with disabilities protected under the Acts;
  2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the Acts;
  3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city;
  4. Whether the requested accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to, building, land use, nuisance, and zoning law.
- B. In granting a request for reasonable accommodation, the review authority may impose any conditions of



approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection A. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

### **18.46.070 Appeal of Determination**

A determination to grant or deny a request for reasonable accommodation may be appealed to the Planning Commission, in compliance with Chapter 18.76 of the Suisun City Municipal Code.

## **18.47 Residential Density Bonus and Density Incentives**

### **18.47.010 Purpose**

The purpose of adopting this ordinance is to encourage the construction of affordable housing through density bonuses and other incentives, described in this Chapter. This ordinance is adopted to comply with the provisions of California Code Sections 65915-65918.

### **18.47.020 Applicability**

This ordinance applies to all multifamily residential, live-work, and mixed-use projects, consisting of five or more dwelling units, not including units granted as a density bonus.

### **18.47.030 Definitions**

#### **Affordable housing cost**

Refer to the definition set forth in the California Health and Safety Code Section 50052.5.

#### **Affordable rent**

Refer to the definition set forth in the California Health and Safety Code Section 50053.

#### **Child care facility**

A facility other than a family day care home, including but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

#### **Common interest development**

Refer to the definition set forth in the California Civil Code Section 13.51.

#### **Concession or incentive**

Concession or incentive means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, as provided in Part 2.5 (the State Building Code commencing with Health & Safety Code § 18901) of Division 13 of the Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements, and in the ratio of vehicular parking spaces that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions.
2. Approval of mixed use zoning in conjunction with a housing project, if commercial, office, industrial or other land uses will reduce the cost of a housing development, and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.



3. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient and actual cost reductions. This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements.

### **Density bonus**

A density increase in over the otherwise maximum allowable residential density under the applicable zoning code provisions and the land use element of the General Plan, as of the date of application by the applicant to the city.

### **Development standard**

The site or construction condition that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other city condition, law, policy resolution or regulation.

### **Housing development**

A development project for five (5) or more residential units in single-use, live-work, or mixed use formats as defined in Section 1351 of the Civil Code. Also includes a subdivision or common interest development or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in the number of residential units.

### **Lower-income household**

Persons and families whose income does not exceed 80% of the area median income, adjusted for family size and revised annually, as defined in California Health and Safety Code Section 50079.5.

### **Maximum allowable residential density**

The density allowed under the zoning code or if a range of density is permitted, the maximum allowable density for the specific zoning range applicable to the project.

### **Moderate-income household**

Persons and families whose income is between 80% – 120% of the area median income, adjusted for family size and revised annually, as set forth in the California Health and Safety Code Section 50093(b).

### **Very low-income household**

Persons and families whose income does not exceed 50% of the area median income, adjusted for family size and revised annually, as set forth in the California Health and Safety Code Section 50105.

### **Senior citizen housing development**

A housing development, where residency is restricted to persons 62 years of age or older, or 55 years of age or older in a Senior Citizen housing development, as defined in Sections 51.3 and 51.12 of the California Civil Code (at the time of adoption of this section, a senior citizen housing development is a residential development that has at least 35 dwelling units and is developed, substantially rehabilitated, or substantially renovated for senior citizens).

### **Specific, adverse impact**

Refer to the definition set forth in the California Government Code Section 65589.5(d)(2).



**Target unit**

A dwelling unit within a housing development that is reserved for sale or rent to very low, low-, and moderate-income households, or other qualifying residents.

**18. 47.040 General Density Bonus Provisions**

Density bonuses shall be subject to the provisions in this section, in accordance with California Code Section 65915.

- A. **Application.** Any person that desires a density bonus must make an application on a form approved by the director of development services at the time of submitting an entitlement application for the housing development for which a density bonus is requested. The density bonus provided by this chapter only applies to housing developments consisting of five or more dwelling units.
- B. **Incentives and concessions.** When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the city, the city must provide the applicant incentives or concessions for the production of housing units and child care facilities, as provided in this chapter.
- C. **Available density bonus options.** The Planning Commission or City Council will grant one density bonus, the amount of which will be as specified in Section 18.47.060, and incentives or concessions as described in Section 18.47.050, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one of the following:
  - 1. Five percent (5%) of the total units of a housing development for very low-income households.
  - 2. Ten percent (10%) of the total units of a housing development for lower income households.
  - 3. Ten percent (10%) of the total units in a common interest development for moderate-income households, provided that all units in the housing development are offered to the public for purchase.
  - 4. A senior citizen housing development;
  - 5. Donates land to the City of Suisun City for the construction of very low-income units.
  - 6. Includes a qualifying childcare facility, as described in section 18.46.080; in addition, to providing housing as described in paragraphs 1-3 of this section.

As used in this subsection, “total units” does not include units permitted by a density bonus awarded pursuant to this chapter.

- D. **Applicant’s election of basis for bonus.** For purposes of calculating the amount of the density bonus, pursuant to Section 18.65.050, the applicant who requests a density bonus pursuant to this section must elect whether the bonus will be awarded on the basis of paragraphs 1.-6. of subsection C. of this section.
- E. **Continued Affordability**
  - 1. An applicant must agree to the continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units must be set at an affordable rent. Owner-occupied units must be available at an affordable housing cost.
  - 2. An applicant must agree that the initial occupant of the moderate income units that are directly related to the receipt of the density bonus in a common interest development are moderate income households and that the units are offered at an affordable housing cost. The city will require an equity-sharing agreement, unless such an agreement would be in conflict with the requirements of another public funding source or



law.

### **18.47.045 Requirements for Equity-Sharing Agreement**

The following provisions must be included in any equity-sharing agreement required under this chapter:

- A. Upon resale, the seller of the unit may retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city will recapture any initial subsidy and its proportionate share of appreciation, which amount must then be used within five years for any of the purposes that promote home ownership, as described in California Health & Safety Code section 33334.2(e).
- B. For purposes of this section, the city's initial subsidy will be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale will be used as the initial market value.
- C. For purposes of this section, the city's proportionate share of appreciation will be equal to the ratio of the initial subsidy to the fair market value of the unit at the time of initial sale.

### **18.47.050 Incentives and Concessions**

- A. An applicant for a density bonus pursuant to Section 18.47.040 may submit proposal for the specific incentives or concessions that the applicant requests pursuant to this chapter, and may request a meeting with the director of development services.
- B. Subject to subsection (C) below, the applicant will receive the following number of incentives or concessions:
  1. One incentive or concession for projects that include at least 10 percent (10%) of the total units for lower income households, at least 5 percent (5%) for very low income households, or at least 10 percent (10%) for moderate income households in a common interest development.
  2. Two incentive or concession for projects that include at least 20 percent (20%) of the total units for lower income households, at least 10 percent (10%) for very low income households, or at least 20 percent (20%) for moderate income households in a common interest development.
  3. Three incentive or concession for projects that include at least 30 percent (30%) of the total units for lower income households, at least 15 percent (15%) for very low income households, or at least 30 percent (30%) for moderate income households in a common interest development.
- C. The Planning Commission or City Council must grant the concession or incentive requested by the applicant, unless it make a written finding, based upon substantial evidence, that:
  1. The concession or incentive is not required in order to provide for affordable housing costs, or for rents for the targeted units to be set as specified in Section 18.65.010(E);
  2. The concession or incentive would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or
  3. The concession or improvement would be contrary to state or federal law.



**18.47.055 Waiver or Reduction of Development Standards**

- A. An applicant may submit to the city a proposal for the Waiver or reduction of development standards that the applicant believes will have the effect of physically precluding the construction of a housing development that meets the criteria of Section 18.65.010(e) at the densities or with the concessions or incentives permitted by this chapter, and may request a meeting with the director of development services. Such proposal may not increase the number of incentives or concessions that the applicant is entitled to under Section 18.65.020.
- B. The Planning Commission or City Council must waive or reduce the development standard requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:
  - 1. The waiver or reduction would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or
  - 2. The waiver or reduction would be contrary to state or federal law.

**18.47.060 Calculation of Density Bonus**

- A. The applicant may elect to accept a lesser percentage of density bonus.
- B. The amount of density bonus to which the applicant is entitled will vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 18.65.01 O(C).
- C. For housing developments meeting the criteria of Section 18.47.010.C.1, the density bonus will be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- D. For housing developments meeting the criteria of Section 18.47.040C.2, the density bonus will be calculated as follows:

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5



16	29
17	30.5
18	32
19	33.5
20	35

- E. For housing developments meeting the criteria of Section 18.47.040C.4, as senior housing developments, the density bonus will be 20 percent.
- F. For housing developments meeting the criteria of Section 18.47.040C.3, the density bonus will be calculated as follows:

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28



34	29
35	30
36	31
37	32
38	33
39	34
40	35

G. All density calculations resulting in fractional units will be rounded up to the next whole number. The granting of a density bonus will not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

**18.47.065 Additional Density Bonus through Donation of Land**

When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city, as provided for in this section, the applicant will be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning and the land use element of the general plan for the entire development, as follows:

Percentage Very Low Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33



29	34
30	25

- A. This increase will be in addition to any increase in density mandated by Section 18.47.040.C, up to a maximum combined density increase of 35 percent, if an applicant seeks increases required pursuant to both the section and section 18.47.040.C.
1. All density calculations resulting in fractional units will be rounded up to the next whole number.
  2. Nothing in this section will be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.
- B. An applicant will be eligible for the increased density bonus described in this section if all of the following conditions are met:
1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map or parcel map or residential development application.
  2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households, in an amount not less than 10 percent of the number of residential units of the proposed development.
  3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.
    - a. The land must have appropriate zoning and development standard to make the development of the affordable units feasible.
    - b. No later than the date of approval of the final subdivision map parcel map, or of the residential development, the transferred land must have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review, to the extent authorized by California Government Code section 65583.2(i), if the design is not reviewed by the city prior to the time of transfer.
  4. The transferred land and the affordable units will be subject to a deed restriction ensuring continued affordability of the units consistent with Section 18.65.01 O(E)(1) and (2), which restriction will be recorded on the property at the time of the transfer.
  5. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to such housing developer.
  6. The transferred land must be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.

**18.47.070 Additional Density Bonus or Concession or Incentive through Provision of Childcare Facility**

- A. When an applicant proposes to construct a housing development that conforms to the requirements of Section 18.4.040.C. and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the Planning Commission or City Council must grant either of the following:
1. An additional density bonus that is the amount of square feet of residential development that is equal to or greater than the amount of square feet in the child care facility.



2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- B. The Planning Commission or City Council shall require, as a condition of approving the housing development that the following occur:
1. The child care facility must remain in operation for a period of time that is as long or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 18.47.040.E.
  2. Of the children who attend the child care facility, the children of moderate income, lower income, and very low income households must equal a percentage that is equal or greater than the percentages of the dwelling units that are required for very low income, lower income, or moderate income households, pursuant to Section 18.47.040.C.
- C. Notwithstanding any requirement of this section, the Planning Commission or City Council is not required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.
- D. For the purposes of calculating a density bonus the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus is permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.
- E. The granting of a concession or incentive will not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

### **18. 47.075 City's Discretion in Granting Density Bonus**

Nothing in this chapter will be construed to prohibit the Planning Commission or City Council from granting a density bonus greater than what is described in this chapter for a development that meets the requirements of this chapter, or from granting a proportionately lower density bonus than what is required by this chapter for developments that do not meet the requirement of this chapter.

### **18. 47.080 Parking Requirements**

- A. Upon the request of the applicant, the city will not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of Section 18.47.040.C, that exceeds the following ratios:
1. Zero to one bedrooms: one on-site parking space.
  2. Two to three bedrooms: two on-site parking spaces.
  3. Four or more bedrooms: two and one-half parking spaces.
- B. If the total number of parking spaces required for a development is other than whole number, the number will be rounded up to the next whole number. For purposes of this section, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on- street parking.
- C. This section applies to a development that meets the requirements of Section 18.47.040.C, but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this chapter, subject to Section 18.47.050.



## Article IV Special Area and Specific Use Regulations

### 18.48 Adult Business

#### 18.48.010 Intent

The intent of this chapter is to regulate uses which, because of their very nature, are believed to have any of the recognized significant secondary effects on the community which include, but are not limited to: depreciated property values and increased vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their property when such property is located in the vicinity of adult businesses due to increased crime, debris, noise and vandalism; higher crime rates in the vicinity of adult businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods in the vicinity of the adult businesses. It is neither the intent, nor the effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent, nor the effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the first amendment, or to deny access by the distributors or exhibitors of sexually oriented materials to their intended market.

Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or any statute of the state of California regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

(Ord. 697 § 4(part), 2007)

#### 18.48.020 Definitions

##### **Adult bookstore**

Any establishment, which as a regular and substantial course of conduct, displays and/or distributes adult merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, DVDs, CD ROMs, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical areas. (See "adult business" for definition of regular and substantial portion of its business.)

##### **Adult business**

Any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, stripper, adult model studio or adult hotel/motel (but not clothing optional hotel/motel); any business establishment or concern which as a regular and substantial course of conduct sells or distributes sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts. "Adult business" shall also include any business establishment or concern which, as a regular and substantial course of conduct provides or allows performers, models, actors, actresses, or employees to appear in any place in attire which does not opaquely cover specified anatomical areas. "Adult business" does not include those uses or activities, the regulation of which is preempted by state law.



**Adult cabaret**

A nightclub, bar, lounge, restaurant or similar establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written, or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**Adult hotel or motel**

A hotel or motel which, as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television or other medium, material which is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and/or which rents, leases, or lets any room for less than a 12-hour period and/or rents, leases or lets any room more than once in a 24-hour period and/or which advertises the availability of any of the above.

**Adult model studio**

Any premises where there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas where such model(s) is being observed or viewed by any person for the purpose of being sketched, painted, drawn, sculptured, photographed, filmed, or videotaped for a fee, or any other thing of value, as a consideration, compensation, or gratuity for the right or opportunity to so observe the model or remain on the premises. "Adult model studio" shall not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree under Section 94300 et seq. of the Education Code.

**Adult motion picture arcade**

Any business establishment or concern containing currency, coin or slug operated or manually or electronically controlled still, motion picture or video machines, projectors, or other image-producing devices that are maintained to display images to an individual in individual viewing areas when those images are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**Adult theater**

A business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment, motion pictures, videos, slide photographs, or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**Body painting studio**

Any establishment or business that provides the service of applying paint or any other substance, whether transparent or not, to or on the human body when such body is displaying whole or partial nudity of specified anatomical areas.

**Establish**

With reference to an adult bookstore, adult motion picture theater, adult cabaret, or other adult business:

- A. Opening or commencement of operation as a new business.
- B. Conversion of an existing business to an adult business.



- C. Addition of an adult business to an existing business, whether or not adult, if the addition results in enlarging the place of business. For purposes of this paragraph, enlargement means an increase in the size of the building or area in which the business is conducted by either construction or use of an adjacent building or any portion thereof, whether located on the same or an adjacent lot.

**G-string**

An article of clothing that opaquely covers the buttocks at least one inch on either side of the natal cleft and covers the entirety of the genitalia and pubis.

**Individual viewing area**

Any area used for viewing live performances, pictures, movies, videos or other presentations which has a potential maximum occupancy of ten persons or less as determined by the Development Services Director under the adopted Uniform Building Code.

**Live art class**

Any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical areas; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and pre-registration is required at least 24 hours in advance of participation in the class.

**Live entertainment**

Any existent display by a human being which is characterized by an emphasis on specified anatomical areas or specified sexual activities.

**Nude, nudity, or state of nudity**

The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

**Pasties**

An article of clothing that opaquely covers the nipple and areola of the female breast.

**Performer**

Any dancer, entertainer, model, or other person who performs specified sexual activities or displays specified anatomical areas in an adult business.

**Religious institution**

A building which is used primarily for religious worship and related religious activities.

**Residentially zoned properties**

Property in the RL, RM, RH, RMU, CMU, DWSP zones (with or without planned development overlay) within the City of Suisun City.

**School**

An institution of learning for minors, whether public or private which is maintained pursuant to standards set by the State Board of Education and made applicable to the particular type of school. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the State Department of Education, but does not include a vocational or



professional institution or an institution of higher education including a community or junior college, college, or university.

**Sexually oriented material**

Any element of any merchandise, including but not limited to any book, periodical, magazine, photograph, slides, drawing, sculpture, motion picture film, videos, DVDs, CD ROMs, compact disks, other types of photographic reproductions, or other written, oral, or visual representation or presentation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**Sexually oriented merchandise**

Sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

**Specified anatomical areas**

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities**

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of clothed or unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or
- B. Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence; or
- C. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- D. Fondling or touching of clothed or unclothed human genitals, pubic region, buttocks, or female breast; or
- E. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
- F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- G. Human excretion, urination, menstruation, vaginal or anal irrigation; or
- H. The presence of any person who performs, or appears in attire where specified anatomical parts are either not opaquely covered or minimally covered with devices commonly referred to as pasties and g-strings or any other opaque covering over the nipple and areola of the female breast, and, while covering the cleft between the buttocks and pubic area, covers less than one inch on either side of the entire length of the cleft between the buttocks and two inches across the pubic area.

(Ord. 697 § 4(part), 2007)

**18.48.030 Permit required**

No adult business shall be permitted to operate, engage in, conduct or carry on business within the city unless the owner of the business first obtains both an adult business permit and a business tax certificate from the City.



(Ord. 697 § 4(part), 2007)

#### **18.48.040 Application requirements**

- A. Persons Eligible. The property owner, or authorized agent of the property owner, is eligible to request an adult business permit.
- B. The information requested below is required at the time an adult business permit application is submitted to the community development department:
  - 1. A complete adult business permit application signed by the property owner or its authorized representative and by the owner of the proposed adult business.
  - 2. A nonrefundable deposit or fee as set forth by ordinance or resolution of the City Council.
  - 3. A letter of justification describing the proposed project and explaining how it will satisfy the required findings.
  - 4. Information required for public meetings and hearings.
  - 5. All other information as required by the City's adult business ordinance. (Ord. 697 § 4(part), 2007)

#### **18.48.050 Issuance of Permit--Investigation**

- A. Determination of Completeness. The Development Services Director upon receipt of an adult business application shall review said application within thirty days of submittal. The basis of this review shall be limited to the requirements of the adult business ordinance including but not limited to findings/location and operational requirements, and application requirements. If the application is determined complete, the Development Services Director shall consider the adult business permit as provided below. Should the application be found incomplete, the applicant shall be advised of the needed or expanded information to complete said application. Upon resubmittal of said application, the review process for completeness shall be the same as the original submittal.
- B. Issuance of Permit. The Development Services Director upon acceptance of a complete application shall either approve or disapprove the adult business permit within thirty days. A notice shall be mailed to property owners within five hundred feet of the proposed adult business location. The notice shall include a description of the proposed adult business and the proposed location of said business. The Development Services Director shall approve or disapprove said adult business permit. The criteria for approval or disapproval shall be based upon the requirements, findings, location, and operational criteria as established within the adult business ordinance, as adopted by the City of Suisun City. The permit may be issued pending the conclusion and findings of the Suisun City police department background investigation. Failure to issue or deny the permit upon the expiration of the time lines identified above the application has been found or deemed to be complete pursuant to this section shall result in the permit being deemed issued by operation of law.
- C. Prompt Judicial Review. Any applicant whose permit has been denied pursuant to this chapter shall be afforded prompt judicial review of that decision as provided by law.

(Ord. 697 § 4(part), 2007)

#### **18.48.060 Findings, Locational, and Operational Requirements**

The Development Services Director shall approve and issue an adult business permit if he or she finds that:

- A. The adult businesses shall not be located within three hundred feet from any residentially zoned or used property, five hundred feet of any lot upon which there is properly located a public park or religious institution, seven hundred fifty feet from any schools or five hundred feet from any other adult business



establishment as of the day the application for an adult business permit is filed.

The distance of separation required shall be made using a straight line, without regard to intervening structures or objects, from the property line of the lot on which the adult business shall be located to the nearest property line of the lot upon which is located a residential use, religious institution, park or school, or other adult use. If the residential use, religious institution, park or school, or other adult business from which the measurement is being taken is located on the same lot as the adult business, the distance between the two shall be measured in a straight line between the front doors of each use without regard to intervening structures or objects.

- B. The adult business may only be permitted in the commercial service (CS) zoning districts.
- C. The adult business shall comply with the City's zoning, building and development regulations.
- D. The adult business will not be located completely or partially within any mobile structure or pushcart.
- E. The adult business will not conduct any massage, tattooing, accupressure, fortune-telling or escort services on the premises.
- F. The adult business will provide a security system that visually records and monitors all parking lot areas. All indoor areas of the adult business accessible to the public will be open to public view at all times with the exception of restroom facilities. "Accessible to the public" will include but not be limited to those areas which are only accessible to members of the public who pay a fee and/or join a private club or organization, as well as any area of the establishment where a patron can go by way of an invitation of an entertainer.
- G. The adult business shall comply with the objective portions of the City's sign regulations.
- H. The adult business shall comply with the objective development and design requirements of the zoning district in which it is to be located.
- I. The adult business shall not display any sexually oriented material, sexually oriented merchandise or display which would be visible from any location other than from within the adult business.
- J. The adult business shall not allow admittance to any person under the age of eighteen if no alcohol is served, or under the age of 21 if alcohol is served.
- K. The adult business shall not operate between the hours of midnight and 10 a.m.
- L. For the 5 years prior to establishing the adult business and at all times during its operation in Suisun City, neither the owner (if an individual) nor any of the directors, officers or general partners (if a corporation or partnership) or employees of the adult business shall have been found guilty of a misdemeanor or felony classified by the state as a sex-related offense including but not limited to a violation of the following Penal Code sections and their subparts and subsections: 220, 261, 262, 264, 264.1, 265, 266, (inc. 266a-266k) 267, 286, 286.5, 288, 288a, 289, 647, 647b, 647d, 647 or have either had an adult business permit or similar license or permit suspended or revoked or have otherwise been found to have violated any of the provisions of an adult business permit or similar permit, license or ordinance in any city, county, territory, or state. This shall be verified by evidence generated from the police department background investigation.
- M. The owner of the adult business shall provide separate restroom facilities for male and female patrons. The restrooms will be free from sexually oriented materials and sexually oriented merchandise. Only one person will be allowed in the restroom at any time, unless otherwise required by law, in which case the owner of the adult business shall employ a restroom attendant of the same sex as the restroom users who shall be present in the public portion of the restroom during operating hours. The attendant shall insure that no person of the opposite sex is permitted into the restroom, and that not more than one person is permitted to enter a restroom stall, unless otherwise required by law, and that the restroom facilities are used only for their intended sanitary purposes. Access to restrooms for patron use shall not require passage through an



are used as a dressing area by performers.

- N. The interior of the adult business shall be configured such that there is an unobstructed view, by use of the naked eye and unaided by video, closed circuit cameras or any other means, of every public area of the premises, including but not limited to the interior of all individual viewing areas, from a manager's station which is no larger than 32 square feet of floor area with no single dimension being greater than eight feet in a public portion of the establishment. No public area, including but not limited to the interior of any individual viewing area, shall be obscured by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing into the interior of the individual viewing area, solely with the use of the naked eye and unaided by video, closed circuit cameras or any other means from the manager's station. A manager shall be stationed in the manager's station at all times the business is in operation or open to the public in order to enforce all rules and regulations.
- O. All areas of the adult business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:

Bookstores	20 foot-candles
Retail Establishments	20 foot-candles
Theater	5 foot-candles except during performances, at which times the lighting shall be at least 1.25 footcandles
Cabaret	5 foot-candles except during performances, at which times the lighting shall be at least 1.25 footcandles
Motion Picture Arcade	10 foot-candles in public areas
Individual viewing booths	1.25 foot-candles
Motion picture theater	10 foot-candles except during performances at which times the lighting shall be at least 1.25 foot candles
Motel/Hotel	20 foot-candles in public areas

- P. The individual viewing areas of the adult business shall be operated and maintained with no holes, openings or other means of direct visual or physical access between the interior space of two or more individual viewing areas.
- Q. A traffic study prepared for the adult business in conformance with industry standards must demonstrate that the project will not result in a reduction in any roadway level of service below that level of service designated in the General Plan for that roadway.
- R. The adult business shall comply with the noise element of the General Plan.
- S. The adult business shall comply with all building and construction standards of the Uniform Building Code, Chapter 24 hereof, Title 24 of the California Code of Regulations, and all other federal, state and City-adopted standards for the specific use.
- T. Live entertainment shall only be performed either: a) on a stage raised at least 18 inches above the floor and separated from patrons by a fixed rail at least 30 inches in height placed at a distance of not less than 8 feet around the perimeter of the stage; or b) in a location other than on the stage such that the performer is separated from any patron by not less than 6 feet. This provision does not apply to an individual viewing area where the stage is completely separated from the individual viewing area by a floor to ceiling permanent, solid barrier that cannot be opened between the public area and performer area.
- U. No individual viewing area may be occupied by more than one person at any one time.



- V. No patron shall directly pay or give any gratuity to any performer, and no performer will solicit or accept any directly paid gratuity from any patron. For the purposes of this section, the phrase "directly pay" shall mean the person-to-person transfer of the gratuity. This section shall not prohibit the establishment of a non-human gratuity receptacle placed at least 6 feet from the stage or area which the performer is occupying.
- W. No performer will intentionally have any physical contact with any patron and no patron will intentionally have any physical contact with any performer while on the premises of an adult business.
- X. No exterior door or window shall be propped or kept open at any time during hours of operation and exterior doors or windows shall be covered with opaque coverings at all times.
- Y. The adult business shall have a separate entrance and exit to the premises for performers which are separate from the entrance and exit used by the public and which the performers shall use at all times.
- Z. Neither live entertainment, nor any adult material or adult merchandise shall be visible from anywhere outside the adult business.
- AA. At least one security guard shall be on duty outside the premises, patrolling the grounds and parking lot at all times live entertainment is offered. The security guard shall be charged with preventing violations of law and enforcing the provisions of this chapter. All security guards shall be uniformed so as to be readily identifiable as a security guard by the public. No person acting as a security guard shall act as a doorperson, ticket taker or seller, or similar functionary while acting as a security guard. For all adult businesses providing live entertainment, an additional security guard shall be provided with each increase in maximum occupancy of two hundred persons.
- BB. The adult business shall be operated consistent with the floor plan approved by the City. No changes to the floor plan shall be implemented unless and until the changes have first been approved by the City.

(Ord. 697 § 4(part), 2007)

#### **18.48.070 Permits Nontransferable--Use Specific**

No adult business permit may be sold, transferred, or assigned by any permittee, or by operation of law, to any other person, group, partnership, corporation or any other entity. Any such sale, transfer, or assignment or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such permit, and such permit shall be thereafter null and void. An adult business permit held by an individual in a corporation or partnership is subject to the same rules of transferability as contained above. Any change in the nature or composition of the adult business from one element of an adult business use to another element of an adult business shall also render the permit null and void. An adult business permit shall only be valid for the exact location specified on the permit.

(Ord. 697 § 4(part), 2007)

#### **18.48.080 Violation and Penalty**

- A. Every person, whether acting as an individual owner, employee of the owner, permittee, or operator or employee of the permittee, or whether acting as a mere helper for the owner, permittee, employer, or operator, or whether acting as a participant or worker in any way, who operates or conducts an activity referred to in this chapter without first obtaining an adult business permit from the City shall be guilty of a misdemeanor. Except as provided herein, and as provided by the penal code, no violation of this chapter shall be criminally punished.
- B. Any owner, operator, manager, employee or independent contractor of an adult business violating or permitting, counseling, or assisting the violation of any of these provisions regulating adult businesses shall be subject to any and all civil remedies, including license revocation. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each



and every day during which such violation is committed or continued.

- C. Any establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance; and the City Attorney may commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult business and restrain and enjoin any person from operation, conducting or maintaining such an establishment contrary to the provisions of this division.

(Ord. 697 § 4(part), 2007)

### **18.48.090 Enforcement and Revocation**

- A. **Inspections.** The permittee shall permit officers of the City and each of their authorized representatives to conduct unscheduled inspections of the premises of the adult business for the purpose of ensuring compliance with the law at any time the adult business is open for business or occupied.
- B. **Revocation Grounds.** The director of development services may revoke an adult business permit when he or she discovers that any of the following have occurred:
1. Any of the locational/operational requirements above are violated;
  2. The application contains incorrect or false information;
  3. The permittee is convicted of any felony or misdemeanor which is classed as a sex or sex- related offense including but not limited to a violation of the following Penal Code sections and their subparts and subsections: 220, 261, 262, 264, 264.1, 265, 266, (inc. 266a-266k) 267, 286, 286.5, 288, 288a, 289, 647, 647b, 647d, 647, or any violation of any other adult business ordinance of any other city, county, or state; or
  4. Any person has been convicted of a sex-related offense including but not limited to a violation of the following Penal Code sections and their subparts and subsections: 220, 261, 262, 264, 264.1, 265, 266, (inc. 266a-266k) 267, 286, 286.5, 288, 288a, 289, 647, 647b, 647d, 647 as a result of his or her activity on the premises of the adult business.
  5. **Revocation Notice.** Upon determining that the grounds for permit revocation exist, the director of development services shall furnish written notice of the proposed revocation to the permittee. Such notice shall summarize the principal reasons for the proposed revocation, shall state that the permittee may request a public hearing within fifteen calendar days of the postmarked date on the notice, and shall be delivered both by posting the notice at the location of the adult business and by sending the same, certified mail, return receipt requested and postage prepaid, addressed to the permittee as that name and address appears on the permit. Within fifteen calendar days after the latter of the mailing or posting of the notice, the permittee may file an appeal request for public hearing with the Development Services Director, where it shall be considered on the next available Planning Commission agenda. (Ord. 697 § 4(part), 2007).

## **18.50 Home Occupations**

### **18.50.010 Purpose**

The purpose of this ordinance is to support employment that may occur within a residential dwelling, but is secondary to the residential uses of the dwelling.



### **18.50.020 Applicability**

Home occupations may occur in the RL, RM, and RH zoning districts or within dwelling units in the RMU or CMU zoning districts.

### **18.50.030 Home Occupation – Conditions**

- A. A business license shall be granted where the conduct and operation of the proposed business meets all of the following conditions:
- B. The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes;
- C. The use is conducted entirely within a dwelling and the business is owned by the inhabitants thereof;
- D. No mechanical equipment shall be installed or maintained other than such that is customarily incidental to domestic use;
- E. The use does not change the character of the dwelling or adversely affect the uses permitted in the residential district;
- F. The use creates no substantial additional traffic and requires no additional parking space(s);
- G. Employment shall be confined to the residents of the dwelling unit except that one employee who is not a resident may be allowed by the Planning Commission provided the following conditions are met:
  - 1. The employee works under the direction of the resident of the dwelling and is not an independent or separate business enterprise;
  - 2. The employee is necessary to the performance of the home occupation;
  - 3. Employment would be during the hours of seven a.m. to six p.m.;
  - 4. The allowance of an employee would not create on-street parking problems in the neighborhood;
  - 5. Under normal circumstances, the average residential neighbor would not be adversely affected by the home occupation.

### **18.50.040 Permitted Home Occupations**

The following uses are considered permitted home occupations and do not require a business license, provided the tests listed in Section 18.30.090.C are met:

- A. In-home sales, such as Tupperware, Avon, Fuller Brush and the like, provided there is no stock in trade kept at the licensed address;
- B. Contractors, provided no equipment of any kind is kept at the licensed address;
- C. Mail order services where no stock in trade is kept on the premises;
- D. Music lessons, tutoring and the like;
- E. Artist studios;
- F. Janitorial services;
- G. Laundry and mending services;
- H. Other uses not described herein that meet all tests listed in 18.30.090.C.

### **18.50.50 Home Occupations Complaints and Appeals**

Appeal procedures, as provided in Chapter 18.84, “Appeals” are applicable when either of the following conditions exist:



1. There is a written complaint about the conduct of a business for which a permit has been granted;
2. The applicant for a business license is not satisfied with the decision rendered by the Development Services Director.

### **18.50.060 Home Occupations - Planning Commission Consideration**

The Development Services Director may refer to any request for a business license in a residential zoning district to the Planning Commission for their consideration and decision when in the opinion of the Development Services Director there is doubt that the proposed use or business can be conducted and still meet all of the tests required in 18.30.090.C.

## **18.52 Live-Work Units**

### **18.52.010 Purpose**

The purpose of this ordinance is to provide flexibility of use by fostering the development of units that include both work and living space, with the work space as the primary use and the living space as the secondary use.

### **18.52.020 Applicability**

This ordinance is applicable to the RM, RH, RMU, CMU, and CSF districts, where live-work units are permitted. Live-work units are suitable for a variety of established and new commercial and residential areas, and may be located within existing or new buildings.

### **18.52.030 Design of Live-Work Units**

- A. Live-work units must be primarily designed such that the residential function of the building is secondary to the commercial-business establishment.
- B. The exterior design of live-work units must be compatible with the exterior design of the commercial or residential buildings in the immediate locale.
- C. Living space must include, at a minimum, cooking space, a bathroom, and dedicated sleeping space.
- D. Live-work units located at the ground floor level in the CMU zone must include the work space at the ground floor level.
- E. Live-work units that are intended to accommodate employees should be designed with separated work and living space (so-called “live near” arrangements).
- F. Where the live-work units is a “hazardous occupancy” in which hazardous materials and/or procedures are part of the production process (e.g., welding or wood shop equipment) open, studio style live-work units are not permitted, and work and living spaces must be separated by walls.

### **18.52.040 Business License Required**

At least one resident in each live-work unit shall maintain a valid City business license.

### **18.52.50 Employees, Client, and Customer Visits**

1. Persons who do not reside in the live-work unit may work there, provided that required parking is established. (see Chapter 18.42, “Parking and Loading Areas”)
2. The maximum number of employees who may work at the live-work unit but who do not reside there is two (2).
3. Client and customer visits to live-work units are permitted if the following are met:



- a. Parking requirements for a commercial establishment of the type associated with the use of the unit. On-street parking may be considered by the Development Services Director if the applicant can demonstrate that this is available.
- b. ADA accessibility requirements.

### **18.52.60 Restrictions on Sale or Rental of Portions of Units**

1. A live-work unit is not divisible, and no portion of a live-work unit may be rented or sold as separate commercial space or living space.
2. No live-work unit, or a portion of a live-work unit, may be rented or sold to persons who do not live or work on the premises.

### **18.52.70 Change of Use**

1. Residential units may be changed to live-work units in the RH and RMU zones, subject to administrative review, provided that the requirements in 18.30.100.D. and 18.30.100.E. are met.
2. Live-work units in the CMU and CSF zones may be changed to exclusively commercial uses, subject to administrative review, provided that all requirements for a commercial use in that zone are met.
3. Live-work units in the RMU zone may be changed to exclusively residential uses, subject to administrative review, provided that all requirements for a residential use in that zone are met.

## **18.54 Manufactured and Mobile Homes**

### **18.54.010 Purpose**

The purpose of this chapter is to provide specific regulations for the establishment of new manufactured homes, mobile homes, and commercial coaches in subdivisions or on residential lots.

### **18.54.020 Definitions**

#### **Manufactured home**

A single-family, factory-constructed dwelling built on or after June 15, 1976, in compliance with the standards of the U.S. Department of Housing and Urban Development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec 5401 et seq). The manufactured home must be eight feet or more in width, 40 feet or more in length, for a total of 320 square feet minimum, and is built on a permanent chassis, with or without a foundation system.

#### **Mobile home (or mobilehome)**

A factory constructed structure designed as a dwelling and for being moved on a street or highway under permit pursuant to Section 35790 of the CA Vehicle Code. Mobilehome, as defined in Section 18007 of the Health and Safety Code, means a single-family factory constructed dwelling built prior to June 15, 1976. The mobile home must be eight feet or more in width, 40 feet or more in length, for a total of 320 square feet minimum, and is built on a permanent chassis, with or without a foundation system. A mobile home does not include a recreational vehicle.

#### **Mobilehome park**

An area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobile homes for human habitation.



### **18.54.030 Eligibility**

- A. A manufactured home or mobile home may be installed on a foundation system as a fixture or improvement to real property, pursuant to this ordinance, if it is not currently located, but eligible to be located on private property in a subdivision or on a parcel of land.
- B. A subdivision or parcel of land is eligible under this ordinance if it is located:
  - 1. In the residential zones of the city (RL, RM, RH, RMU);
  - 2. Has been approved under the provisions of Suisun City, Title 17, Subdivisions;
  - 3. Is consistent with the provisions of California Administrative Code, Title 25, Chapter 2, Mobile Home Parks Act, updated February 18, 2011.

### **18.54.040 Manufactured or Mobile Home Criteria**

Upon installation in a subdivision or on a lot, the manufactured home or mobile home shall:

- A. Be occupied only as a residential use type;
- B. Be subject to all provisions of this Title applicable to residential structures;
- C. Be attached to a permanent foundation system in compliance with all applicable building regulations;
- D. Have a minimum width of 20 feet;
- E. Be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to an approved wood/earth separation device on the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material used need not extend below the top of the foundation;
- F. Have a roof with a pitch of not less than three-inch vertical rise for each twelve inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings and approved by the Planning Commission.
- G. No manufactured housing unit constructed more than ten (10) years prior to the date of application for installation shall be allowed within any residential district.

### **18.54.050 Manufactured Housing Dwelling – Waterfront District Specific Plan**

Manufactured housing dwelling units are allowed in all residential districts within the Waterfront District Specific Plan, subject to the residential design guidelines and development standards that are universally applied within the applicable zoning district that Specific Plan area.

### **18.54.060 Building Permit Requirements**

Upon completion of the approval of a mobile home subdivision or parcel, building permits shall be issued in accordance with applicable City building codes. Issuance of the building permits shall require that applicant:

- A. Comply with all the conditions of the subdivision approval;
- B. Pay all fees applicable to the construction of a conventional residential structure where they are different from those of a mobile home in a mobile home park;
- C. Comply with all requirements of the CA Health and Safety Code, Part 2.1, Mobile Home Parks Act, Section 18551, Regulations for foundation systems;
- D. Obtain manufactured home, mobile home, or commercial coach manufacturer's instructions, or obtain plans and specifications signed by a California licensed architect or engineer covering the installation of



same.

- E. Obtain plan approval of the foundation system.
- F. Once installed on a foundation system, a manufactured home, mobile home, or commercial coach shall be subject Section 18020 of the California Health and Safety Code.

### **18.54.070 Certificate of Occupancy and Surrender of Registration**

- A. Prior to occupancy the owner shall request a certification from the City that a certificate of occupancy be issued pursuant to Section 18551(b)(2) of the California Health and Safety Code. Thereafter, for an existing mobile home any license plate, certificate of ownership and certificate of registration issued by a state agency is to be surrendered to the appropriate state agencies via the City.

(Ord. 379 § 1850(G), 1974)

### **18.54.080 Property Taxation**

Mobile homes placed on a permanent foundation in compliance with all regulations become exempt from vehicle license fees and become subject to property tax laws.

(Ord. 379 § 1850(H), 1974)

## **18.56 Mobile Food Vendors**

### **18.56.010 Purpose**

The purpose of this ordinance is to allow for the provision of food and beverages from mobile vending carts and mobile food trucks, while also ensuring public health and safety through appropriate sanitation, parking, and operation.

### **18.56.020 Applicability**

This ordinance is applicable in all zoning districts in Suisun City, and all mobile food vendors shall conform to the applicable provisions. Where these regulations are silent, Solano County regulations shall apply (for example, as regards food sanitation). Mobile food vendors may include mobile food and beverage carts (e.g., hot dog or espresso carts) or mobile food trucks that serve ready-made foods (e.g., cold trucks or hot trucks).

### **18.56.030 Definitions**

#### **Cold Truck**

A mobile food truck that sells pre-packaged food, such as cold sandwiches and drinks (e.g., industrial catering vehicle).

#### **Commissary**

A wholesale supermarket where mobile food truck drivers purchase food in bulk.

#### **Fleet operator**

A person who owns more than one truck and leases these trucks and/or hires individuals to drive them.

#### **Mobile food cart**

A mobile food cart facilitates the selling of street food to pedestrians. A food cart may be towed or pushed by a vehicle or towed or pushed by a person (a hand-cart).



### **Hot Truck**

A mobile food truck that sells hot prepared food such as hamburgers, burritos, or tacos.

#### **18.56.040 Licensing and Inspection**

- A. Mobile food vendors must apply for a business license through the Suisun City Administrative Services Department and pay all applicable licensing fees. The license must be conspicuously displayed on the vehicle.
- B. Mobile food carts and trucks and any appurtenances thereto must meet the health and safety standards found in California Health and Safety Code, Sections 113700 et. seq. These standards are administered and monitored by the Solano County Department of Resource Management, Environmental Health Services Division. A valid health permit must be acquired from the Solano County Department of Resource Management, Environmental Health Services Division and displayed on the mobile food cart or truck.
- C. Mobile food trucks must be registered with the California Department of Motor Vehicles. Drivers must maintain a valid California driver's license.
- D. Mobile food carts and mobile food trucks may apply for a special event food vendor permit through Solano County.

#### **18.56.050 Hours of Operation**

Hours of operation must be between 8 a.m. and 10 p.m., except during special events, which are permitted separately and may have hours associated with the event. Hours of operation should be consistent with the type of product sold, seasonal constraints (e.g., ice cream during warmer months), and the location of the vehicle (e.g., in a commercial area that closes at 5 p.m.).

#### **18.56.060 Parking**

- A. Mobile food vendors must obtain a Suisun City permit that identifies location(s) of operation. The permit may specify a single location, multiple locations, or in the case of mobile food trucks, areas of operation.
- B. Service parking for mobile food carts may be at a pre-approved public venue (such as a park, waterfront, or downtown plaza) or at a private location (such as a medical facility, or pedestrian plaza at an office, mall or large commercial establishment).
- C. If parked in a pedestrian right-of-way, mobile food carts must keep a minimum 5 feet of clear space for pedestrian passage.
- D. Service parking for mobile food trucks may be at a pre-approved public or private venue where the vehicle does not obstruct pedestrian or vehicular traffic (such as parking lots near sports fields, commercial centers, and parks) or at a private venue (a factory parking lot or mall).
- E. For multiple vehicles, overnight parking must be at a commissary, restaurant, fleet yard, or other approved location. Overnight parking may not be on a public street, unless it is a single mobile food cart or truck located at the vendor's residence.

#### **18.56.070 Operation on Public Roadways**

- A. When traveling on a public roadway, mobile food vendors shall observe and obey all traffic regulations and parking restrictions.
- B. When stopped on a public roadway, mobile food trucks may not block, impede traffic or motorist sight distance.
- C. Mobile food trucks must dispense food from the sidewalk side of the vehicle (not the street side).



### **18.56.080 Sanitation**

- A. An approved restroom with hand washing facilities are to be located within 200 feet of the mobile food truck or food cart, if the cart or vehicle is parked in a single location for over an hour. The restroom must be readily available for use by the operator. Hand washing facilities must include a clean and reliable supply of hot and cold water, soap dispensers, and towel dispensers. Approved restroom facilities may also be located on the mobile food truck.
- B. Liquid waste from the mobile food cart or mobile food truck shall be disposed of at a commissary, restaurant, or other approved facility. Waste shall not be disposed of in the sanitary sewer/ storm drainage, or in public waste receptacles, such as those intended for pedestrians.
- C. Mobile food trucks and food carts must provide an external trash receptacle available for customer use. Trash from customers shall be removed and disposed of daily at the commissary, restaurant, or fleet center.

### **18.56.090 Food Operations**

Refer to Solano County mobile food vendor regulations regarding food operations and sanitation.

## **18.57 Mobile Living Units**

### **18.57.010 Purpose**

This ordinance defines where and in what manner mobile living units may be used for living and sleeping purposes or prohibited from such uses.

### **18.57.020 Applicability**

The ordinance applies to mobile living units operating within any zoning district in the city, regardless of whether the unit is located on public or private property, and whether the use is personal or commercial in nature.

### **18.57.030 Definitions**

#### **Commercial coach (or commercial modular)**

A structure transported in one or more sections designed and equipped for human occupancy for industrial, professional, or commercial purposes.

#### **Mobile living unit**

Includes recreational vehicle, commercial coach, truck camper, travel trailer, park trailer, camp trailer or floating home, as defined in Section 18010 of the California Health and Safety Code (recreational vehicle as also defined in Section 799.29 of the 2011 Mobilehome Residency Law) or any other vehicle or structure designed or altered and that is designed for human habitation for recreational, emergency, or other occupancy; contains less than 400 square feet or less of gross area, and less than 320 square feet of living area, is built on a single chassis, and is self-propelled, truck-mounted, or permanently towable.

### **18.57.040 Use or Occupancy of Mobile Living Units for Living or Sleeping**

It is unlawful for any person to occupy, for living or sleeping purposes, any mobile living unit upon any street, alley, road, highway, public parking lot, or upon any other parcel of publicly or privately owned real property, except as provided in this chapter.

(Ord. 540 § 1(part), 1986)



### **18.57.050 Permitted Use and Occupancy of Mobile Sleeping Units**

This chapter shall not apply to or prohibit the occupancy of mobile living units for living or sleeping purposes at the following times or places:

- A. While the mobile living unit is in motion upon a street, road, highway or alley;
- B. While the mobile living unit is parked in a lawfully established and licensed mobile home park (as defined by Chapter 2.5, Article 1, Section 798.4 of the 2011 Mobilehome Residency Law, California Civil Code), recreational vehicle park (as defined by Section 18862.39 of the California Health and Safety Code) or labor camp (subject to Title 8, Section 3350 of the California Labor Code), or in other public or private facilities which are designed, equipped and licensed by the City to accommodate mobile living units and which provide for temporary or permanent utility connections to such mobile living unit;
- C. While the mobile living unit is parked on private property, and not on a public street, parking lot, or right-of-way, at the invitation of the person owning or having the right to possess the private property and:
  1. The mobile living unit is not connected to any utility or sewer or wastewater facilities other than a temporary electrical connection installed and connected to the mobile living unit in compliance with all applicable laws and ordinances of the City,
  2. The owner or persons having the right of possession of the private property upon which the mobile living unit is parked received no direct or indirect payment, gratuity or remuneration of any kind from the owner of or occupant of the mobile living unit for allowing the same to be parked upon said private property,
  3. The invited mobile living unit (the guest) is not parked on the same private property for more than seven days in any twelve-month period,
  4. The occupants of the mobile living unit do not discharge any litter, sewage or wastewater, effluent, garbage or other matter out of or from the mobile living unit while so parked except into public or private facilities intended for the disposal of such material, and
  5. The mobile living unit is completely self-contained so far as utilities are concerned including disposal of wastewater and sewage.

### **18.57.060 No Prohibition of Storage**

Nothing in this chapter shall be deemed to prohibit an owner or occupants of a mobile living unit from parking the same upon property owned by him or her of which he or she has the right of possession as long as the mobile living unit is not used for living or sleeping purposes or in violation of any other provisions of this chapter.

(Ord. 540 § 1(part), 1986)

### **18.57.070 Punishment for Violation**

Violation of any of the provisions of this chapter shall constitute an infraction

### **18.57.080 Declaration of Public Nuisance**

Any occupancy or use of a mobile living unit and the mobile living unit itself, parked or occupied in violation of the provisions of this chapter shall be and the same is declared unlawful and a public nuisance. The City may initiate any necessary proceeding for the abatement, removal and prohibition of use thereof in the manner provided by law and may take all steps available to it to accomplish such ends, and may apply to a court of competent jurisdiction for granting such relief that will remove and abate that mobile living unit upon a site or place or in a manner



contrary to the provisions of this chapter. The remedies prescribed in this chapter are cumulative and nonexclusive.

(Ord. 540 § 1(part), 1986)

## **18.58 Pets and Poultry in Residential Districts**

### **18.58.010 Purpose**

The purpose of this ordinance is to allow for the keeping of animals in residential neighborhoods for private use and enjoyment. Pets and animals may be kept in residential districts as defined in this ordinance.

### **18.58.020 Applicability**

The ordinance applies to pets and poultry that may be reasonably accommodated in a residential neighborhood under the stipulations of this ordinance. It does not apply to the commercial animal husbandry and sale.

### **18.58.030 Definitions**

#### **Pets**

Animals kept for interest or companionship rather than for food or for the production of food products.

#### **Dangerous pets**

Animals that under ordinary circumstances would pose a menace or public nuisance if not confined to a cage or pen.

#### **Poultry**

Domesticated fowl (chickens, guinea fowl, pea hens, etc.) which are not to exceed 10 pounds at maturity.

### **18.58.040 Pets in Residential Districts**

- A. Pets may be kept in the RL, RM, RH and RMU districts.
- B. No dangerous pets may be kept in residential districts unless such animals are kept securely locked in pens, cages, or other positive restraints.
- C. All premises where pets are allowed must be kept in a clean and sanitary condition.
- D. Numbers of adult pets are to be limited to those shown in the following table. Professional breeding stock may be kept in excess of these numbers, subject to a CUP and in compliance with County Code, Chapter 4, Animal and Fowl, and Government Code section 25800-25803.

<b>Animal</b>	<b>Number of Adults Permitted</b>
Cats	3
Dogs	3
Rabbits	3
Rodents (small caged animals)	varies based on adequate space
Birds	Use by special review
Reptiles, amphibians or other exotic pets	Use by special review
Poultry	See Section 18.58.050



- E. Manure shall be removed in a regular and reasonable manner or otherwise composted or spread in such a manner as to protect surface and groundwater, minimize the breeding of flies, and to control odors. Manure shall not be buried.

### **18.58.050 Poultry in Residential Districts**

- A. Poultry are permitted in the RL district only, and then only subject to the restrictions of this ordinance.
- B. Poultry shall consist of hens only. Roosters are not permitted in any residential district.
- C. Poultry are to be limited to a maximum of three (3) adults on a single residential property.
- D. Poultry shall be confined to an enclosed cage, coop, or pen. The boundaries of poultry enclosures must have adequate space depending on species.
- E. Poultry shall not be slaughtered on any residential property.
- F. All poultry shall be registered with Solano County Animal Licensing.

## **18.59 Prohibited Businesses**

### **18.59.010 Medical Marijuana Regulations Purpose**

The purpose of this chapter is to prohibit the establishment of marijuana and medical marijuana dispensaries, cultivation of marijuana, and mobile delivery or distribution of marijuana, as defined herein, in any zone located within the city.

### **18.59.020 Definitions.**

- A. “Marijuana” means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term “marijuana” shall also include “medical marijuana” as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California, or authorized in strict compliance with the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).
- B. “Marijuana Cultivation” means the growing, planting, harvesting, drying, curing, grading, trimming or processing of marijuana or any part thereof.
- C. “Marijuana Processing” means any method used to prepare marijuana or its byproducts for commercial retail and/ or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.
- D. “Marijuana Dispensary” means any for-profit or not-for-profit facility or location, whether permanent or temporary, where the owner(s) or operator(s) intends to or does possess and distribute marijuana, or allows others to possess and distribute marijuana, to more than one person, such as a qualified patient, primary caregiver or a person with an identification card issued in accordance with California Health and Safety Code Sections 11362.5 to 11362.83. A “medical marijuana dispensary” includes a “collective” or “cooperative” as described in Health and Safety Code Section 11362.775, and includes an establishment that delivers marijuana to offsite locations. A “medical marijuana dispensary” shall not include the following uses; provided, that the location of such uses is permitted by the Code and the uses comply with all applicable state laws including Health and Safety Code Section 11362.5 *et seq.*:



1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code;
  2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
  3. A facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
  4. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
  5. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; or
  6. A residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.
- E. “Mobile Marijuana Dispensary” means any business, office, store, facility, location, retail “storefront” or wholesale component of any establishment, cooperative, collective, club or entity of that nature that transports or delivers (as defined in Business & Professions Code § 193500(m) or any successor statute thereto), or arranges the transportation or delivery of marijuana and/or medical marijuana for any purpose.
- F. “Operation” means any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet or assist in the operation of a marijuana dispensary, fixed or mobile.
- G. “Person” means any person, firm, corporation, association, club, society, or other organization. The term “person” shall include any owner, manager, proprietor, employee, volunteer or salesperson.
- H. “Primary caregiver” means the individual (or individuals) older than 18 years of age, designated by a qualified patient, who has consistently assumed responsibility for the housing, health, or safety of that qualified patient.
- I. “Qualified patient” means a seriously ill person who obtains a recommendation from a physician, licensed to practice medicine in the State of California, to use marijuana for personal medical purposes. In addition, persons currently under the care of a physician for certain medical conditions including, but not limited to, HIV/AIDS, cancer, glaucoma, epilepsy or other spasticity related illnesses, migraine, anorexia, severe nausea are presumed to be “qualified patients.”

### **18.59.030 Prohibition.**

- A. Marijuana Dispensaries. The establishment or operation of a medical marijuana dispensary, as defined in this chapter, is prohibited in all zones throughout the city. The delivery of marijuana within city limits by any means is further prohibited.
- B. Marijuana Cultivation. With the exception of personal individual cultivation for personal use by the cultivator of medicinal marijuana, as permitted by the Compassionate Use Act of 1996, marijuana cultivation by any person, including primary caregivers and qualified patients, collectives, cooperatives and dispensaries, is prohibited in all zones throughout the city.
- C. Mobile Marijuana Dispensaries. The establishment or operation of a mobile marijuana dispensary as defined in this chapter, shall be prohibited within city limits. No person shall locate, operate, own, suffer, allow to be operated or aid, abet, or assist in the operation of any mobile marijuana dispensary within the city.
1. No person shall deliver and/or dispense marijuana and/or medical marijuana to any location within the city from a mobile marijuana dispensary or any other vehicle or method, regardless of where the mobile marijuana dispensary or vehicle is located, or engage in any operation for this purpose.
  2. No person shall deliver and/or dispense any marijuana-infused product such as tinctures, baked goods or other consumable products, to any location within the city from a mobile marijuana



dispensary, or any other vehicle or method, regardless of where the mobile marijuana dispensary or vehicle is located, or engage in any operation for this purpose.

- D. Marijuana-Related Licenses and Permits. No permit or any other applicable license or entitlement for use, whether administrative or discretionary, including, but not limited to, the issuance of a business license, shall be approved or issued for the establishment or operation of a marijuana dispensary within the city limits, the establishment or operation of a mobile marijuana dispensary within the city limits, marijuana cultivation, marijuana processing or marijuana delivery, and no person shall otherwise establish or conduct such activities in the city, except as otherwise expressly required by federal or state law.

### **18.59.040 Use Or Activity Prohibited By State Or Federal Law.**

Nothing contained in this chapter shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.

### **18.59.050 Enforcement.**

- A. Public Nuisance. The violation of any provision in this Chapter shall be and is declared to be a public nuisance and contrary to the public interest and shall, in addition to any other remedy and, at the discretion of the city, create a cause of action for injunctive relief.
- B. Penalties. The following nonexclusive remedies may be used by the City as penalties for violations of this Chapter:
1. Criminal. Violation of the prohibition against the establishment or operation of a medical marijuana dispensary, fixed or mobile, as set forth at Section 18.47.030 of this chapter, or the causing or permitting another to violate said prohibition, is a misdemeanor.
  2. Civil. The violation of any provision of this chapter shall be and is hereby declared to be a nuisance and contrary to the public interest and shall, at the discretion of city, create a cause of action for injunctive relief as well as any other available civil remedies.
  3. Separate Offense for Each Day. Any person who violates any provision of this chapter is guilty of a separate offense for each day during any portion of which such person commits, continues, permits, or causes a violation of this chapter and shall be penalized accordingly.

## **18.60 Renewable Energy – Solar**

### **18.60.010 Purpose**

The purpose of this ordinance is to promote the installation and use of solar energy technologies so as to maximize performance and efficiency and minimize visual intrusions on the surrounding built and natural environment.

### **18.60.020 Applicability**

This ordinance applies to all zoning districts in the city except open space (OS). Solar technologies may be installed in a designated historic district subject to administrative review by the Development Services Director to ensure that the installation does not alter the character-defining features of historic resource values. Unless otherwise noted, the stipulations specified in the ordinance apply within all relevant zoning districts.

### **18.60.030 Definitions**

#### **Building Integrated Technology**



Building integrated technologies are those that are designed to be part of structural components. Building integrated solar technologies include solar roofing shingles and tiles, PV laminates that can be installed on metal roofing, and building integrated solar thermal systems.



### **Photovoltaic Cell**

Constructed of a silicon wafer, the PV cell is the smallest structural component of a photovoltaic module. A PV cell is designed to collect solar energy and transmit it as electricity.

### **Photovoltaic Panel**

A group of photovoltaic cells. Photovoltaic panels can be square, rectangular, triangular, or custom shapes.

### **Photovoltaic Array**

A group of linked photovoltaic panels.



### **Photovoltaic (PV) Systems**

Photovoltaic systems collect radiant solar energy by means of a variety of technologies, including crystalline silicon (within PV cells) and amorphous silicon (within flexible films). PV systems can be mounted on the ground, on buildings, and can be integrated into the building (see Building Integrated Technology above).

### **Solar Thermal System**

Solar thermal systems use solar energy to heat air or water for space heating or hot water use.

## **18.60.040 Maximize Efficiency of Roof-Mounted Solar Installations**

- A. To maximize the effective collection of solar energy, install solar panels or tanks for solar thermal installations in a south-facing location. On buildings where a south-facing location is unavailable, panels may be mounted to face in the single best available southerly facing direction on an arc between east and west.
- B. Based on the City's latitude, fixed-angle solar panels should be mounted at a 31-32 degree angle to horizontal



for greatest efficiency.

- C. Locate solar installations so as to minimize shading from nearby trees and buildings, and sections of the roof on which the solar panels are installed.

#### **18.60.050 Minimize Visibility of Roof-Mounted Solar Installations**

- A. Mount solar panels so as to minimize their visibility from the public right-of-way. Where suitable, the visibility of solar PV panels or solar thermal tanks may be reduced by installing them in one or more of the following locations:
  - 1. at or toward the rear of the building, away from the public street or walkway;
  - 2. on a flat roof;
  - 3. behind a roof parapet that can screen the panel; and
  - 4. on an accessory building.

These techniques can be combined to minimize the visibility of roof-mounted solar installations.

- B. Use building-integrated solar systems, where appropriate, to incorporate efficient solar systems, while also minimizing the appearance of solar installations.

#### **18.60.060 Panel Arrangement of Roof-Mounted Solar Installations**

- A. To minimize the visibility of panels and create an aesthetically pleasing appearance, organize the panels on the roof to create simple, regularly shaped groups. Avoid breaking the panels into multiple groups or sections, where possible.
- B. Match panel arrays to the lines, slope, and proportion of the roof. Use the panels to cover the roof face, where possible.
- C. Apply the panels where there are minimal or no obstructions from mechanical equipment or skylights, or have the panels cut into custom shapes (such as triangular panels).

#### **18.60.070 Screening, Color, and Glare Reduction of Roof-Mounted Solar Installations**

- A. Install system conduits and pipes in inconspicuous locations.
- B. Select a mounting frame color that is complementary to the roof and building colors.
- C. Avoid glare by selecting frames and panels with non-reflective surfaces.
- D. Install panels so that the angle of installation is oriented away from neighboring windows and highly visible areas.

#### **18.60.080 Mounting Equipment for Roof-Mounted Solar Installations**

- A. Solar panels and tanks for solar thermal systems must be mounted at a distance of no more than 10 inches from the roof surface.

#### **18.60.090 Solar Installations on Historic Buildings**

- A. Solar technologies may be installed on non-historic buildings in a historic district in accordance with Sections 18.48.40-18.48.80 of this ordinance, which seek to maximize the performance of solar installations while also minimizing the visibility of solar installations from the public right-of-way.
- B. Solar installations may be installed on historic buildings where they do not alter the character-



defining features of the building. Solar installations on historic buildings may include:

1. PV panels located on an area of a pitched roof, or on a flat roof, or behind a roof parapet, that is not visible from the public right-of-way and does not structurally alter the historic building, and/or
2. Use of building integrated solar technologies that are selected and installed in a manner consistent with the visual character of the historic building (for example, solar tiles on a building that historically included the use of tiles as a roofing material).

### **18.60.100 Ground-Mounted Solar Installations**

- A. Apply the same measures identified in 18.48.040 for high performance of ground-mounted solar panels.
- B. To create a visually uniform appearance, install solar panels in organized, regularly patterned arrays.
- C. Avoid the use of racks and minimize the visibility of mounting frames by installing ground-mounted solar panels close to the ground.
- D. Screen solar arrays from the public right-of-way with landscaping or fencing in a manner that does not shade the solar panels.

## **18.62 Renewable Energy – Small Wind Energy Systems**

### **18.62.010 Purpose**

The purpose of this ordinance is to provide for the regulation of safe and efficient small wind energy facilities intended to produce electricity for on-site consumption, and reduce visual and auditory intrusions.

### **18.62.020 Applicability**

This ordinance applies to all zones except OS, where the requirements of the ordinance for property size can be met. The wind energy systems may be ground-mounted (tower) or building integrated systems.

### **18.62.030 Definitions**

See Section 18.60.30 and 18.61.030 for other definitions.

#### **Building integrated wind systems**

Wind systems that are designed for installation on a building.

#### **Small wind energy system**

A small wind energy system means a wind energy conversion system including a wind turbine, a tower, and control or conversion electronics that:

- A. Per Government Code 65894, has a rated capacity of not more than 50 kilowatts;
- B. Is incidental to the primary use of the property; and
- C. Is intended to provide electricity primarily (but not necessarily solely) for on-site use.





#### **18.62.040 Requirements – Ground-Mounted Tower**

- A. Certification. The system shall use a wind turbine that has been approved by the Energy Commission as qualifying under its Emerging Renewables Program pursuant to Section 25744 of the Public Resources Code or has been certified by a national program recognized and approved by the commission.
- B. Aviation compliance. The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the California Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code).
- C. Property size. Ground-mounted tower systems shall not be installed on lots smaller than one acre in size.
- D. Tower height. The height of the tower may not exceed 80 feet on properties between one and five acres in size. Tower height may not exceed one hundred feet in height on properties over five acres in size. All tower heights shall not exceed the applicable limits established by the Federal Aviation Administration. An application shall include evidence that the proposed height of a tower does not exceed the height recommended by the manufacturer or distributor of the system.
- E. Aviation compliance. Small wind energy systems must comply with all applicable air traffic safety regulations.
- F. Lighting. No lighting is permitted, except that which is necessary to comply with federal, state, and local air traffic safety regulations.
- G. Setback. No part of the wind system structure, including guy wires, may extend closer than 1.1 times the height of the tower to the property line of the installation site in all zones except residential, where the system may not be closer than 1.5 times the height of the tower.
- H. Location. No ground-mounted wind energy system shall be installed in the front yard.
- I. Maximum number of wind energy systems. No more than 5 disperse wind energy systems may be installed on a lot, provided the minimum lot size has been met.
- J. Approved wind turbines. Permitted turbines shall have been certified under the Emerging Technologies Program of the California Energy Commission or other small wind certification program recognized by the American Wind Energy Association.
- K. Signs. No signage shall be affixed to the wind energy system except to warning and informational signage



affixed to the base of the tower.

- L. Fencing. The towers shall be secured by a wall, fence, or other appurtenance or structure within the first 12 feet to prevent climbing.
- M. The system shall not substantially obstruct views of parks, open space, and other scenic vistas of adjacent property owners.

#### **18.62.050 Requirements – Building Integrated Systems**

An application for installation of a building integrated wind system must include, at a minimum:

- A. Certification by a structural engineer that the proposed structure is adequate to support the proposed wind energy system, including wind load and vibration.
- B. Elevations of the building with the proposed system installed.
- C. Schematic details showing how the system will be anchored to the building.
- D. Specifications for the wind turbine, electrical system, and all related components.

#### **18.62.060 Use of Electricity Generated**

Electrical power is primarily for use on-site. Sale of excess energy to a utility company must be arranged prior to the approval of the conditional use permit.

#### **18.62.070 Noise – Ground-Mounted and Building Integrated Units**

Audible noise from a small wind energy facility shall not exceed 35 dBA. Decibel levels for the system shall not exceed the lesser of 60 decibels (dBA), or any existing maximum noise levels applied pursuant to the noise element of a General Plan for the applicable zoning classification in a jurisdiction or applicable noise regulations, as measured at the nearest property line, except during short-term events, such as utility outages and severe wind storms.

#### **18.62.080 Application and Administration**

- A. Notice of an application for installation of a small wind energy system shall be provided to property owners within 300 feet of the property on which the system is to be located, or the City may require the applicant to provide notice by placing a display advertisement of at least one-eighth of a page in at least one newspaper of general circulation.
- B. The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the current version of the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. A wet stamp, however, shall not be required if the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot.
- C. The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
- D. The applicant shall provide evidence that they have informed the electric utility service provider that serves the proposed site of the applicant's intent to install a customer-owned electricity generator.
- E. If the application to install a small wind energy system is for a site that is within 1,000 feet of special use airspace associated with Travis Air Force Base (AFB), Travis AFB shall be given the opportunity to provide written comments regarding the application and the City shall consider those comments before acting on the application.



### **18.62.090 Exclusions**

A small wind energy system shall not be allowed where otherwise prohibited by any of the following:

- A. A comprehensive land use plan and any implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.
- B. The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.
- C. The terms of an open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5).
- D. The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act (Division 10.2 (commencing with Section 10200) of the Public Resources Code).
- E. The terms of a contract entered into pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5).
- F. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

### **18.62.120 Removal**

The City may require that a small wind energy system be removed by the owner/operator if it remains inoperable for 12 consecutive months.

## **18.64 Sidewalk Cafés**

### **18.64.010 Purpose**

The purpose of this ordinance is to allow for the provision of outdoor café seating areas ancillary to established restaurants, café, coffee shops, and similar eating and drinking establishments.



### **18.64.020 Applicability**

Sidewalk cafés may be established within any designated commercial zone, including Commercial Mixed Use, and within the Residential Mixed Use zone, provided that all relevant stipulations of this ordinance can be met. The sidewalk café area must be located adjacent to the restaurant and may be located along a street, within a pedestrian mall or plaza, or alley.



### **18.64.30 Encroachment Permit**

A revocable sidewalk café encroachment permit must be obtained from the Public Works Department prior to construction. The permit application must include:

1. Name and address of applicant and the business with which the sidewalk café will be associated.
2. Description of the use.
3. Two (2) sets of plans and elevations with dimensions showing the proposed location of the sidewalk café area, including perimeter barrier, associated tables and chairs, and all above-grade improvements, including any shade structures, planters, or other fixtures. The pedestrian clear zone outside the perimeter barrier must be shown.
4. Plans shall include dimensions and description of Americans with Disabilities (ADA) compliance measures.
5. Owner consent (if owner not the applicant).
6. Evidence of the business' liability insurance.

### **18.64.040 Clear Zone**

A minimum five-foot pedestrian clear zone shall be maintained between the sidewalk café perimeter barrier and any fixed elements in the sidewalk, such as street trees, lighting, or planters.

### **18.64.050 Perimeter Barrier**

- A. The perimeter barrier shall consist of a physical barrier that separates the seating area from the pedestrian clear zone.
- B. The barrier shall be made of a durable material(s) that complements the restaurant design, such as metal, wood, bamboo, or planters.
- C. The height of the perimeter barrier shall be 3 feet minimum, 4 feet maximum. It shall not obstruct visibility of the street by patrons, or of the café seating area by pedestrians.
- D. The barrier shall not be adjacent to parking spaces where opening a vehicle

### **18.64.060 Sidewalk Café**

- A. Tables and chairs must be moveable, not anchored to the sidewalk.
- B. In addition to chairs, benches and tables, other permitted facilities may include busing stations, and a host/hostess station.
- C. Shade structures may be incorporated. These may be awnings projecting from the building, freestanding umbrellas, trellis or pergola, or other suitable form of shade structure. Shade structures shall not extend to within 3 feet of the edge of a roadway.
- D. Decorative/accent lighting may be incorporated into the shade structure. An electrical permit must be obtained for lighting fixtures. Power shall not be from publically owned source.
- E. Sidewalk cafés may not include storage, kitchen, or cooking areas.
- F. Heating and cooling devises may be provided, such as gas heaters and misters. Descriptions of the proposed devises and their locations must be included in the encroachment permit application.
- G. Furnishings may be left within the designated sidewalk café area on days when the restaurant is typically closed, and when not in use. During seasonal closures (e.g., winter) the furnishings must be removed.



### **18.64.070 Parking**

No additional parking is required with the application of this ordinance, if the total café seating does not exceed twenty-four (24) seats or less. For café seating of twenty-five (25) seats or more, parking shall be secured at the same ratio as the eating and drinking establishment, per Section 18.42, "Parking." Parking may be a combination of on-street and off-street parking. Shared parking arrangements are encouraged.

## **Article V Administration**

### **18.66 Performance Standards**

#### **18.66.010 Purpose**

This chapter establishes objective standards for the identification, review, and abatement or prevention of nuisances. The section is intended to ensure that industries and commercial establishments implement necessary control measures to protect the community from hazards and nuisances, and to protect industries from arbitrary exclusion. This section may be applied to any use in any zones which has the potential to cause the hazards and nuisances identified in this Zoning Ordinance.

#### **18.66.020 Dangerous or Objectionable Elements**

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, noise, vibration, smoke, fumes, gases, dust, odor, or other form of air pollution, heat, cold, dampness, radioactivity, electrical or other disturbances, glare, liquid or solid refuse or wastes, or other substance, condition or element (referred to in this chapter as "dangerous or objectionable elements"), in such a manner or in such amount as to violate the regulations of this chapter limiting dangerous and objectionable elements.

(revised)(Ord. 379 § 2500(A), 1974)

#### **18.66.030 Performance Standards Procedure**

Should the Development Services Director believe that a proposed use in any district is likely to create or emit dangerous or objectionable elements, he or she may invoke the performance standards procedures in this chapter during the development application process. Building permits and business licenses will be issued contingent on the determination by the Development Services Director that the effect of potential hazards and nuisances on the community have been addressed.

(revised) (Ord. 379 § 2500(B)(1), 1974)

#### **18.66.040 Plan and Supplemental Statement Required**

Whenever the performance standards procedure has been invoked, the applicant shall submit, as part of the development application process, a plan and supplemental statement of the proposed machinery, processes, applications, and products that may cause dangerous or objectionable elements and the techniques to be used in obviating the emission of dangerous or objectionable elements as defined in this chapter.

(Revised) (Ord. 379 § 2500(B)(3), 1974)

#### **18.66.050 Referral to Experts**

If the Development Services Director determines that a proposed use identified prior to or during the development plan process may cause the emission of dangerous or objectionable elements, he or she may refer the applicant to one or more expert consultants qualified to advise as to whether a proposed or existing



use would adversely affect surrounding areas or adjoining premises by the creation or emission of dangerous or objectionable elements. In the case of an existing use determined to be creating or emitting such elements, the operator of the use may be required to retain a consultant(s) to analyze and advise. Such consultant shall address his report to the Development Services Director and a copy to the applicant or operator at the same time.

(Ord. 540 § 1(part), 1986; Ord. 379 § 2500(B)(4), 1974)

### **18.66.060 Planning Commission Action**

Within 30 days after the Development Services Director has received the application provided for in Section 18.76.030, or the report provided for in Section 18.76.050, if a report is required, the Development Services Director shall decide whether the proposed use will conform to the requirements of this chapter, and, on such basis, shall authorize or refuse to authorize issuance of a building permit or require a modification of the proposed plan of construction or specifications, and proposed equipment or operation. Any building permit so authorized and issued shall be conditioned upon the applicant's completed buildings and installations, conforming in operation to the performance standards as stipulated in the building permit.

(Ord. 379 § 2500(B)(5), 1974)

### **18.66.070 Enforcement**

Whenever the performance standards procedure has been invoked and a building permit issued, the Development Services Director shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall notify the commission of the occurrence or existence of a probable violation thereof. The Development Services Director shall investigate the alleged violation, and may employ qualified experts as necessary to determine whether a violation has occurred and to determine its extent. If it is determined by the Development Services Director that a violation has occurred or exists, a copy of the findings shall be forwarded to the Planning Commission. The services of any qualified experts shall be financed by the violator if the violation is established; otherwise, the cost shall be borne by the City.

(revised)(Ord. 379 § 2500(C), 1974)

## **18.68 Nonconforming Uses**

### **18.68.010 Continuance--Land**

The lawful use of land existing on the effective date of the ordinance codified in this Title, although such use does not conform to the regulations specified by this Title for the district in which such use is located, may be continued, provided that no such use shall be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of the ordinance codified in this Title; and that if any such use ceases, as provided in this chapter, the subsequent use of such land shall be in conformity to the regulations specified by this Title for the district in which such land is located.

(Ord. 379 § 2900(A), 1974)

### **18.68.020 Continuance--Building**

The lawful use of a building existing at the time of adoption of the ordinance codified in this Title may be continued, although such building and/or use does not conform to the regulations specified for the district in which such building is located.

(Ord. 379 § 2900(B), 1974)



**18.68.030 Required Use Permits**

Any use for which a use permit is required and may be granted by the terms of this Title shall be considered a nonconforming use unless and until a use permit is obtained in accordance with Section 18.73.

(Ord. 379 § 2900(C), 1974)

**18.68.040 Damage or Destruction**

If at any time any building in existence on the effective date of the ordinance codified in this Title does not conform to the regulations, including parking regulations, for the district in which it is located, and is damaged or destroyed by fire, explosion, act of God or act of the public enemy, to the extent of more than sixty percent of the actual value thereof according to the fair market value placed thereon by the county assessor for the fiscal year during which such destruction occurs, the land and building shall be subject to all the regulations specified by this Title for the district in which such land and buildings are located.

(Ord. 379 § 2900(D), 1974)

**18.68.050 Discontinuance**

If the actual operation of a nonconforming use of a building ceases for a continuous period of six months, unless the legal owner can establish valid proof to the contrary, such cessation of the nonconforming use shall be considered abandonment. Without further action by the Planning Commission, the building and the land on which the building is located shall be subject to all the regulations specified by this Title for the district in which such land and building are located.

(Ord. 379 § 2900(E), 1974)

**18.68.060 Maintenance and Repairs**

- A. Ordinary maintenance and repairs may be made to any nonconforming building, provided no structural alterations or additions are made and provided that such work does not exceed 25 percent of actual value in any one-year period.
- B. Subsection A of this section shall not be applicable to any structure and parcel of land contained in any official target area or amendment thereto adopted as a part of the Development Services Block Grant Housing Program for which funds from the program will be loaned, granted, or otherwise used to maintain, repair or reconstruct such residential structure.

(Ord. 448 § 1, 1981; Ord. 379 § 2900(F), 1974)

**18.68.070 Buildings under Construction on Effective Date**

- A. Nothing contained in this Title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date of the ordinance codified in this Title. "Actual construction" means the actual placing of construction materials in their permanent position, fastened in a permanent manner; actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases, "actual construction" work shall be diligently carried on until the completion of the building or structure involved.
- B. The foregoing provisions shall also apply to nonconforming uses in districts extended and in new districts created after the effective date of the ordinance codified in this Title.

(Ord. 379 § 2900(G), 1974)



## **18.70 Development Agreements**

### **18.70.010 Purpose**

Government Code Sections 65864 through 65869.5 authorize the City to enter into binding development agreements with any person having a legal or equitable interest in real property for the development of such property and further authorize the City to establish procedures and requirements for consideration of development agreements upon application by, or on behalf of, the property owner or other person having a legal or equitable interest in the property. Therefore, when such agreements are deemed appropriate by the City to ensure orderly growth and development of the city, expand or extend specified public utilities, services, and facilities, enhance or protect existing amenities or provide new amenities for the benefit of the community; provide a furtherance of the goals and objectives of the General Plan; or otherwise protect the public health, safety and welfare of the community, such agreements may be considered by the City under the regulations, procedures and requirements set forth in this chapter.

(Ord. 464 § 1(part), 1983; Ord. 379 § 1900(A), 1974)

### **18.70.020 Fees**

The City Council shall by separate resolution fix a schedule of fees and charges for the filing and processing of applications and documents required to be filed under these regulations, procedures, and requirements.

(Ord. 464 § 1(part), 1983; Ord. 379 § 1900(C), 1974)

### **18.70.030 Qualification of Applicants**

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has a legal or equitable interest in the real property which is the subject of the development agreement. The Development Services Director may require an applicant to submit proof of his interest in the real property and/or the authority and purported agent to act on behalf of an applicant. Before processing an application, the Development Services Director shall obtain the opinion of the City Attorney as to the sufficiency of any applicant's interest in the real property and the applicant's qualifications to enter into the agreement.

(Ord. 464 § 1(part), 1983; Ord. 379 § 1900(D), 1974)

### **18.70.040 Forms and Required Information Generally**

- A. The Development Services Director shall prescribe the form for each application, notice and documents provided for or required under these regulations, procedures and requirements for the preparation and implementation of development agreements.
- B. The Development Services Director may require an applicant to submit such information and supporting data as the Development Services Director reasonably considers necessary to process the application.

(Ord. 464 § 1(part), 1983; Ord. 379 § 1900(B), 1974)

### **18.70.050 Preliminary Review**

The City encourages the use of a preliminary review of development agreements to enable the applicant ample opportunity to formulate a complete formal application addressing the issues and concerns of the City. There are no formal procedural requirements for a preliminary review. A preliminary review of draft agreements, development plans, and objectives, as well as other pertinent information may be requested by an applicant or authorized agent of an applicant. When such a request is made, the Development Services Director shall distribute any information submitted by the applicant to the City staff and shall arrange meetings as deemed



appropriate by the Development Services Director in his absolute discretion.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1900(F), 1974)

### **18.70.060 Form of Agreement**

Each application shall be accompanied by a form of development agreement proposed by the applicant. This requirement may be satisfied by use of a standard City form of development agreement. Specific proposals for modifications of or additions to the standard form may be proposed by the applicant. The agreement will be approved by the City at its sole discretion.

(Ord. 464 § 1 (part), 1983: Ord. 379 § 1900(E)(part), 1974)

### **18.70.070 Application-- General Contents**

An application shall contain, but not be limited to, the following information:

- A. A description of all real property subject to the agreement;
- B. The term of the agreement;
- C. Identification of parties to the agreement;
- D. Conditions precedent to change of parties to the agreement;
- E. A development plan;
- F. Development regulations and uses, including but not limited to, the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings;
- G. A development program including timing, permits, and other authorizations and procedures;
- H. Provisions for reservations or dedications of land for public purposes;
- I. Conflicts with other laws and ordinances;
- J. Defaults, remedies, and termination procedures;
- K. Cooperative agreement in the event of legal challenge;
- L. Reimbursement of City costs;
- M. Performance recitals;
- N. Waivers and amendments;
- O. Severability.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1900(E)(1), 1974)

### **18.70.080 Application--New development**

In the case of a new development, not previously authorized, the applicant shall obtain any or all of the following documents which are required by applicable law and the agreement shall include such references, terms, conditions, covenants, and standards as may be set forth in such documents:

- A. Approved/certified environmental document;
- B. Approved annexation documents;
- C. Approved zoning or rezoning;
- D. Approved planned unit development permit;



- E. Approved land use permit;
- F. Approved tentative subdivision map(s);
- G. Approved final subdivision map(s);
- H. Approved design review or site plan permits;
- I. Approved utility easements, right-of-way dedications, and/or other reservation or dedications for public purposes;
- J. Any other specific authorization deemed by the City to be of necessity a part of the development agreement.

(Ord. 464 § 1(part), 1983; Ord. 379 § 1900(E)(2)(a), 1974)

### **18.70.090 Application--Existing development**

Where an existing development has been authorized by the City prior to the enactment of the ordinance from which this chapter derives and the development has not been commenced or is substantially incomplete, the agreement shall be applicable to only those portions of the development for which a valid building permit has not been issued. The contents shall include any amendments to the approvals listed in Section 18.70.080, and may contain any new authorizations or conditions deemed appropriate by the City to carry out the intent and purposes of this chapter and of the agreement.

Where any authorization under Section 18.70.080 is required by ordinance or by the plan of a new development and which authorizations have not previously been required of an existing development subject to this section, such requirements may be imposed only by the mutual consent of all parties to the agreement.

(Ord. 464 § 1(part), 1983; Ord. 379 § 1900(E)(2)(b), 1974)

### **18.70.100 Application--Review**

- A. Upon formal application by an applicant, the Development Services Director shall review the application and attachments in accordance with this Title and any other applicable ordinance.
- B. Upon acceptance for filing by the Development Services Director, copies of agreements, concurrent applications, plans and drawings shall be distributed to the City departments, public agencies, and responsible agencies as required by this Title and any other applicable ordinance.
- C. Such departments and agencies shall have not longer than forty-five days to respond to the application in writing; provided, however, that:
  - 1. In the event an environmental impact report (EIR) or combined EIR and environmental impact statement (EIS) is required, the responses to the application shall be received by the Development Services Director no later than thirty (30) days after certification and adoption of the Final EIR or EIR/EIS.
  - 2. In the event a division of land subject to the state Subdivision Map Act and Division I of Title 17 of this Code of Ordinances is required, the responses to the application shall be received by the Development Services Director, as required by state law.
- D. After receipt by the Development Services Director of all written responses to the application and prior to giving notice of public hearing, the Development Services Director shall prepare a report to the City Planning Commission which shall state whether or not the proposed agreement, or any amended form of the proposed agreement, is consistent with the City General Plan, any applicable specific plan, previous authorizations, if any, and any applicable ordinances and codes.

(Ord. 464 § 1(part), 1983; Ord. 379 § 1900(G), 1974)



### **18.70.110 Hearing--Notice**

The Development Services Director shall give notice of intention to consider adoption of a development agreement and of any other public hearing required by law or these regulations. The requirements for form and time of notice of intention to consider adoption of development agreement are as follows:

- A. Form of Notice. The form of the notice of intention to consider adoption of development agreement shall contain:
  - 1. The date, time, and place of the hearing;
  - 2. A general explanation of the matter to be considered, including but not limited to a general description of the real property affected; and
  - 3. Any other information required by specific provision of these regulations or which the Development Services Director considers necessary or desirable.
- B. Time and Manner of Notice. Notice shall be given by Development Services Director as required by the provisions of Government Code Sections 65090-65096. If combined hearings are to be held, separate notices for each such hearing must be given by the Development Services Director.
- C. Failure to Receive Notice. The failure of any person who is entitled to be given notice by applicable law and/or these regulations to actually receive notice, if notice has been properly given, shall not affect the authority of the City to enter into a development agreement and no such development agreement shall be invalid by reason of such failure to receive notice.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1900(H), 1974)

### **18.70.120 Hearing--Procedure**

The public hearing shall be conducted in accordance with the procedural standards set forth in Government Code Section 65804 for the conduct of zoning hearings. Such hearings may be continued from time to time as deemed necessary. Each person interested in the matter shall be given an opportunity to be heard. The applicant has the burden of proof at the public hearing on the proposed development agreement.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1900(I), 1974)

### **18.70.130 Hearing--Combined**

Where it is deemed appropriate by the Development Services Director and does not conflict with the Government Code or City ordinance, a combined hearing or hearings may be held by the Planning Commission to avoid duplication of hearing requirements. The Planning Commission shall take action on each application and make separate findings by separate resolution or minute action.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1900(J), 1974)

### **18.70.140 Procedural Irregularities**

No action, inaction, or recommendation regarding the proposed development agreement shall be void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect, or omission as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatsoever unless in an examination of the entire circumstances, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed.



There shall not be a presumption that an error is prejudicial or that injury was done. (Ord. 464 § (part), 1983: Ord. 379 § 1900(K), 1974)

### **18.70.150 Planning Commission Recommendation**

- A. After the hearing by the Planning Commission, the commission shall make its recommendation concerning the agreement by resolution to the City Council. The resolution shall include the Planning Commission's determination that the proposed development agreement:
1. Is consistent with the objectives, policies, general land uses, and programs set forth in the General Plan and any applicable specific plan;
  2. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
  3. Is in conformity with public convenience, general welfare and good land use practice;
  4. Will not be detrimental to the public health, safety and general welfare;
  5. Will not adversely affect the orderly development of property or the preservation of property values.
- B. The resolution shall include statements specifying reasons for the recommendation.  
(Ord. 464 § 1(part), 1983: Ord. 379 § 1900(L), 1974)

### **18.70.160 City Council Consideration**

- A. The City Council shall give notice of a public hearing or hearings in the time and manner set forth in Section 18.70.110 and the City Council shall hold such hearings as are required by the Government Code, this Title, and any other applicable ordinance.
- B. Upon completion of the public hearing by the City Council, the City Council may accept, modify, or disapprove the recommendation of the Planning Commission; or may request more information from the applicant or City staff before making a final determination.
- C. The City Council shall not approve the development agreement unless it finds that the provisions of the agreement are consistent with the General Plan and any applicable specific plan.
- D. Approval of a development agreement by the City Council shall be by ordinance. The ordinance shall set forth the effective date of the agreement; provided, that the effective date shall be expressly conditioned upon all parties to the agreement certifying to their acceptance to all of the terms and conditions of the agreement by signature thereto prior to or upon the effective date. Failure of any of the parties to this agreement to so certify to the terms and conditions prior to the effective date shall automatically void the agreement.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1900(M), 1974)

### **18.70.170 Amendment or Cancellation by Consent**

- A. Initiation. Either party may propose to amend or to cancel, in whole or in part, a development agreement previously entered into.
- B. Procedure. The procedure for amendment or cancellation, in whole or in part, of a development agreement shall be the same procedure set forth in Sections 18.70.020 through 18.70.160; however, where the City initiates the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to all other parties to the agreement of its intention to initiate such proceedings at least thirty days in advance of consideration of the amendment or



cancellation required by public hearing.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1900(N), 1974)

### **18.70.180 Recordation**

- A. Within ten days after the City enters into the development agreement, the City shall record the agreement with the county recorder.
- B. If the parties to the agreement, or their successors in interest, amend or cancel the agreement as provided in Government Code 65868, or if the City terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the county recorder.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1900 (O), 1974)

### **18.70.190 Periodic Review--Initiation--Notice**

- A. The City shall review the development agreement every twelve months from the date the agreement is entered into.
  - 1. The time for review may be shortened either by agreement between the parties or by:
    - a. Recommendation of the Development Services Director; or
    - b. Affirmative vote of at least three members of the Planning Commission; or
    - c. Affirmative vote of at least three members of the City Council.
  - 2. In no event shall the review period exceed a period of 12 months.
- B. The Development Services Director shall initiate the review proceedings by giving notice to all parties to the agreement that the City intends to undertake a periodic review of the development agreement, and shall give such notice at least 30 days in advance of the date of such review by the City.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1900(P)(1, 2), 1974)

### **18.70.200 Periodic Review--Hearing**

- A. If directed by the City Council, the Planning Commission shall hear the matter regarding review of the development agreement.
- B. The City Council or Planning Commission shall conduct a public hearing. The property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

(Ord. 540 § 2(part), 1986; Ord. 464 § 1(part), 1983: Ord. 379 § 1900(P)(3, 4, 5), 1974)

### **18.70.210 Periodic Review--Determination**

- A. If the Development Services Director, City Council, or Planning Commission finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for the period shall be concluded.
- B. If the Development Services Director, City Council, or Planning Commission finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the City Council or Planning Commission may commence proceedings to amend or cancel the agreement.
- C. If the Planning Commission is the reviewing body, the property owner may appeal the determination of the



Planning Commission to the City Council in accordance with Chapter 18.84, Appeals.

(Ord. 540 § 1(part), 1986: Ord. 464 § 1(part), 1983: Ord. 379 § 1900(P)(6), 1974)

### **18.70.220 Periodic Review--Amendment or cancellation**

- A. Notice of Proceedings. If, upon a finding under Section 18.70.210(B), the City determines to proceed to amend or cancel the agreement, the City, through the Development Services Director, shall give notice to the property owner of its intention to amend or cancel. The notice shall contain:
1. The date, time, and place of the hearing;
  2. A statement as to whether or not the City proposes to cancel or to amend the development agreement;
  3. Other information, which the City considers necessary to inform the property owner of the nature of the proceeding.
- B. Hearing. At the date, time, and place set for the hearing on amendment or cancellation, the property owner shall be given an opportunity to be heard. The City Council may refer the matter back to the Planning Commission or City staff for further proceedings or for report and recommendation. The City Council may impose such conditions as it considers necessary to protect the interests of the City. The decision shall be made by amendment or repeal of the agreement ordinance. The decision of the City Council is final.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1900(Q), 1974)

## **18.72 Planned Unit Development Permit**

### **18.72.010 Purpose**

The planned unit development (PUD) permit is designed and intended to provide for the orderly development of land in conformance with the comprehensive scheme contemplated by the land use element and other elements of the General Plan of the City and Specific Plan, where applicable. The permit would allow a flexible design approach to the establishment of a community environment equal to or better than that resulting from the application of the minimum standards of this Title. The permit is designed and intended to accommodate various types of development, such as neighborhood and district shopping centers, professional and administrative office areas, multi-family housing developments, single-family residential developments, commercial service centers, and light industrial parks, or any other use or combination of uses which can be made appropriately a part of a planned development.

(Ord. 464 § 1 (part), 1983: Ord. 379 § 1950(A), 1974)

### **18.72.020 Where Permitted**

A PUD permits may be issued to property in any zone in accordance with this chapter. (Ord. 464 § 1(part), 1983: Ord. 379 § 1950(B), 1974)

### **18.72.030 Application**

- A. The approval of a PUD permit under the provisions of this chapter for any property shall be accomplished only following application of the property owner or his/her authorized agent, or by initiation of the Planning Commission or by direction of the City Council for the Planning Commission to initiate such permit process in accordance with the procedures established in this chapter.
- B. To apply for a PUD permit, the applicant shall file with the Development Services Director an application



for a PUD permit, together with a preliminary development plan as described in Section 18.72.040. Such application shall be processed in the manner prescribed by Section 18.73 for conditional use permits and this chapter.

- C. Once the PUD permit is filed, the Development Services Director will set up a preliminary meeting with the applicant to discuss PUD consistency with underlying General Plan land use, zoning districts, and any specific plan or applicable ordinances and codes.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(C), 1974)

### **18.72.040 Preliminary Development Plan**

- A. An application for a PUD permit shall be accompanied by a preliminary development plan, drawn to scale, together with supporting data, and which shall include at least the following:

1. The boundaries of the property, together with the names, locations, and width of surrounding streets, existing easements, and the present use of adjacent properties;
2. A site plan depicting the location, elevation, and dimensions of all existing and proposed structures, parking areas, and other proposed uses on the subject property supplemented by a narrative description of all improvements proposed to be installed and the types of uses on each portion of the property;
3. A landscape plan, denoting the major landscape elements and concepts;
4. Schematic drawings, elevations and rendering depicting the architectural design of buildings and structures proposed to be constructed and written development standards which detail exterior construction materials and design;
5. Other data requested by the Development Services Director relative to those requirements set forth in Section 18.72.040 which may be applicable to the proposed development or any previously approved application;
6. A schedule of time for construction for various portions of the development if the construction is proposed to occur in stages;
7. A completed and approved environmental document;
8. When applicable, supporting documents for a development agreement as required by Section 18.70 if such agreement is to be considered separately from the permit.

- B. The preliminary development plan and all supplemental data thereto shall be filed as a permanent record with the Development Services Director.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(D), 1974)

### **18.72.050 Completeness of Application**

Within thirty days of filing a PUD permit application, the director shall determine the completeness of the application. Where it is found to be an incomplete application, the director shall notify the applicant in writing, specifying what information, maps or other data would make it a complete application.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(E)(1), 1974)

### **18.72.060 Administrative Review**

- A. Upon acceptance, the Development Services Director shall transmit copies of the application to all departments and responsible permitting agencies, if necessary, for comment.



- B. Upon completion of review and comment, the director shall set the matter for public hearing as prescribed in Title 7 of the Government Code, Section 65905.

(Ord. 464 § 1 (part), 1983: Ord. 379 § 1950(E)(2), 1974)

### **18.72.070 Planning Commission Hearing**

The Planning Commission shall hold at least one public hearing on the matter. Within 90 days of the close of the public hearing, the Planning Commission shall make such findings as are required by law and recommend to the City Council that the permit be approved, approved subject to specific written conditions, or the Planning Commission may deny the application for cause. Such action shall be by resolution.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(E)(3), 1974)

### **18.72.080 City Council Hearing--Approval or Denial**

Where the Planning Commission has recommended approval, with or without conditions, the director shall transmit the record of the Planning Commission action to the City Clerk for the purpose of setting a public hearing before the City Council. The hearing shall be set in the manner prescribed by Title 7, Section 65905 of the Government Code. The City Council shall hold at least one public hearing on the matter and shall render its decision to approve, approve subject to conditions, or deny the application for cause, within the time limits prescribed by Title 7, Section 65950 or Section 65952.1 of the Government Code. The City Council's action shall be by resolution with such findings as are required by law.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(E)(4), 1974)\*

\*Editor's Note: Ord. 464 added two subdivisions numbered "4" to subsection E of § 1950 of Ord. 379.

### **18.72.090 Appeals**

Appeals shall be handled in the manner prescribed in Section 18.76, "Site Plan and Architectural Review" Approval.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(E)(4), 1974)\*

### **18.72.100 Precise Development Plan--Contents**

- A. The precise development plan shall consist of a map or maps, together with supplemental descriptive data, which shall show the location of all buildings and structures to be constructed upon the property and such other information as may be needed to fully describe and locate all features of the proposed development. The precise development plan shall substantially conform to and comply with the provisions of the preliminary development plan as approved and adopted by the Planning Commission.
- B. Where phased development is to occur, the precise development plan may be filed in separate units or stages. However, the City will require information on all phases for the purposes of environmental review.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(F)(part), 1974)

### **18.72.110 Precise Development Plan--Review**

Unless otherwise specified by the resolution of approval for the preliminary development plan, the precise development plan shall be reviewed for consistency with the preliminary development plan and completeness of its contents by the Development Services Director. The director shall also refer such submittal to any statutorily responsible City agency, Planning Commission or the City Council if such precise development plan is required to receive further approval. Where it is determined by the Development Services Director that a precise development plan is consistent with the approved preliminary development plan, the director shall so certify in writing and within thirty days of that determination, send such certification to the



applicant, any affected agency, and City department necessary.

(Ord. 464 § 1(part), 1983; Ord. 379 § 1950(F)(part), 1974)

### **18.72.120 Precise Development Plan--Report--Findings**

Where statutory or City Council requirements place precise development plan approval or parts thereof in the jurisdiction of the Planning Commission or City Council, the director shall make a report to the approving body as to the consistency of the precise development plan to the preliminary development plan. The action of the approving body shall constitute the City's findings regarding consistency.

(Ord. 464 § 1(part), 1983; Ord. 379 § 1950(F)(part), 1974)

### **18.72.130 Precise Development Plan--Compliance**

The precise development plan and all supplemental data, thereto, shall be filed as a permanent record with the Development Services Director. After the effective date of the permit no grading shall be commenced nor shall any building or structure be erected, moved, altered, enlarged or rebuilt on such property except in compliance with the precise development plan as approved.

(Ord. 464 § 1(part), 1983; Ord. 379 § 1950(F)(part), 1974)

### **18.72.140 Limitations and Restrictions**

The Planning Commission may adopt as part of the permit and the City Council may adopt as part of any development plan agreement, as specified in Section 18.70, requirements, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in this Zoning Ordinance or, in the event of a development agreement, conditions more or less restrictive than specified in other regulations of the City. Such requirements, regulations, limitations and restrictions may include and relate to the following:

- A. The number of residential dwelling units per acre, subject to the land use and housing elements of the General Plan;
- B. Percentage of coverage of land by buildings and structures;
- C. Height and bulk limitations, arrangements, and spacing of buildings and other improvements;
- D. Traffic control and arrangement, design and dimensions of streets, alleys, pedestrian ways, parking, and loading areas;
- E. Screening of uses from each other and from adjacent areas, including use of fencing, walls and landscaping for those purposes;
- F. Establishment and continuous maintenance of open space and other areas provided for use in common by deed, easement, or other form of agreement;
- G. Architectural design and color of buildings and structures, including signs;
- H. Planting and maintenance of trees, shrubs, plants, and lawns;
- I. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibrations, glare, or radiation that would have an adverse effect on the present or potential development of various portions of the property and surrounding properties;
- J. Schedule of time for construction of the proposed buildings and structures, or any stage of development thereof;
- K. Location, design, and installation of renewable energy generation facilities, utilities, public facilities, and



easements.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(G), 1974)

### **18.72.150 Subdivisions**

Where the PUD permit is used to impose special provisions regarding the design and development of a residential subdivision the tentative subdivision map as described in Division I of Title 17 of the Code of Ordinances shall constitute a part of the applicant's preliminary development plan and the final subdivision map as described in Division I of Title 17 shall constitute a part of the precise development plan.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(H), 1974)

### **18.72.160 Changes in Development Plans**

Following adoption of the preliminary development plan or precise development plan, as the case may be, the plan shall not be changed, amended, or altered in any manner except as set forth in this section. Any substantial change or alteration in the actual physical characteristics of the plan, its configuration, or uses shall amount to a new permit and shall only be accomplished, pursuant to a new application. Any other minor changes or alterations may be approved administratively, either with or without public noticing, as determined by the Development Services Director.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(I), 1974)

### **18.72.170 Termination**

- A. Any permit issued under the provisions of this chapter shall automatically terminate and the affected property shall automatically revert to its prior status at the end of two years following the effective date of the permit or amendment if a precise development plan has not been filed and approved in accordance with the preliminary development plan. The Planning Commission may extend the term of a preliminary plan upon a showing of good cause by the applicant.
- B. Any development agreement adopted under the provisions of Chapter 18.70 which is terminated for any reason shall automatically terminate a permit and the affected property shall automatically revert to its prior status. Such revision shall also occur one year after approval of the precise development plan if the construction specified in the precise development plan has not been substantially commenced. The City Council may extend the time to commence construction upon a showing of good cause by the applicant.

(Ord. 464 § 1(part), 1983: Ord. 379 § 1950(J), 1974)

## **18.73 Use Permits**

This section of the Zoning Ordinance applies to conditional use permits and temporary use permits.

### **18.73.010 Purpose**

- A. The purpose of the conditional use permit is to ensure the proper integration of uses, which because of their special nature and/or potential for becoming a nuisance may be suitable only in certain locations or zoning districts and then only when such uses can be controlled or designed in a particular manner. Conditional uses often involve such factors as noise, dust, dirt, litter, fumes, odors, vibrations, or pedestrian or traffic congestion and/or safety, and other potential problems or hazards of various kinds.

(Ord. 645 § 1, 1998: Ord. 379 § 2200(A), 1974)

### **18.73.020 Intent of Conditional Use Permits**

Uses set forth in this Zoning Ordinance as conditional uses, including all matters relating to their



establishment, operation, and maintenance are determined to be of such nature and character as to preclude listing them as permitted uses in any district without special review. The special review shall be for the purpose of determining whether each proposed conditional use is, and will continue to be compatible with surrounding existing and planned uses and whether the conditional use will conform in all respects to the requirements under this Code, and for the further purpose of establishing such special conditions as may be necessary to ensure the harmonious integration and continued compatibility of the use in its immediate neighborhood and within the surrounding area.

(Ord. 645 § 2, 1998)

### **18.73.030 Scope**

Use permit, revocable, conditional, or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this Title. Granting of a use permit does not exempt the applicant from complying with applicable requirements of building codes and other ordinances.

(Ord. 379 § 2200(B), 1974)

### **18.73.040 Application**

Application for use permit shall be made in writing on a form prescribed by the Development Services Director and shall be accompanied by plans and elevations, site plans and/or data necessary to show that conditions set forth in Sections 18.73.060 through 18.73.540 are fulfilled as required by the Development Services Director. Such application shall be accompanied by a fee as provided by resolution of the City Council.

(Ord. 426 § 4, 1978; Ord. 379 § 2200(C), 1974)

### **18.73.050 Public Notice and Hearing**

Public hearings before the Planning Commission shall provide public notice of the use permit application in question at least 10 calendar days in advance of the Planning Commission meeting.

(Ord. 645 § 3, 1998; Ord. 379 § 2200(D), 1974)

### **18.73.060 Use Permits for Uses Not Otherwise Provided for**

The City Council is aware that from time to time persons in possession of property desire to use property for purposes which are not specifically provided for in this Zoning Ordinance. In order to carry out the intent of this chapter and to promote the general welfare of the community, the City Council authorizes the granting authority to grant use permits for uses which are not provided for in the Zoning Ordinance subject to the following:

- A. A finding by the granting authority that the use is substantially similar in characteristics, intensity and compatibility to a use or uses within the zoning classification applicable to the property,
- B. A finding by the granting authority that the use would be appropriate in the zoning classification applicable to the property as permitted or conditional use. Each such use shall conform to all regulations and conditions of approval applicable to similar described uses specified in the provisions of the applicable zone, as well as the standards and provisions applicable to the similar uses in this Zoning Ordinance.

(Ord. 645 § 4, 1998)

### **18.73.070 Grant-Conditions**

The granting authority may grant a use permit upon the finding that the requirements set forth in Sections 18.73.060 through 18.73.070 are fulfilled, provided the commission may stipulate additional conditions and guarantees that such conditions will be complied with when, in the public interest, such additional conditions and guarantees may



be deemed to be necessary.

(Ord. 379 § 2200(E), 1974)

### **18.73.080 Findings Required to Grant--General**

In granting a use permit, the Planning Commission shall find the following general conditions to be fulfilled:

- A. That the establishment, maintenance or operation of a use or building applied for are in conformity to the General Plan for the City with regard to circulation, population densities and distribution, design, and/or other aspects of the General Plan considered by the Development Services Director to be pertinent;
- B. That adequate utilities, access roads, pedestrian and bicycle access, drainage, parking, and/or other necessary facilities have been or are being provided;
- C. That the applicant exhibits proof that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city, provided that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.
- D. That the proposed use conforms with all relevant federal, state, and local laws and regulations.

(Ord. 379 § 2200(F), 1974)

### **18.73.090 Revocation through Noncompliance, Lapse in Use**

Under the following circumstances a use permit may be revoked, modified, or extended by the Planning Commission:

- A. In the case where the conditions of a use permit have not been or are not being complied with,
- B. In the case where the use permit has been exercised and that use has ceased or been discontinued for a consecutive period of twelve months.
- C. Prior to consideration by the Planning Commission, the item shall be set for public hearing in the manner prescribed by law.

(Ord. 645 § 5, 1998; Ord. 379 § 2200(H)(1), 1974)

### **18.73.110 Appeal**

Appeal from the action of the Development Services Director and/or Planning Commission may be made according to Chapter 18.84, Appeals.

(Ord. 379 § 2200(I), 1974)

### **18.73.120 Temporary Use Permits**

A temporary use permit authorizing certain temporary use classifications shall be subject to the following provisions:

- A. **Application and Fee.** A completed application form and the required fee shall be submitted to the Development Services Director. The Development Services Director may request any other plans and materials necessary to assess the potential impacts of the proposed temporary use.
- B. **Duties of the Community Development Director.** The Development Services Director shall approve,



approve with conditions or deny an application within five working days of submittal of a complete application. No notice or public hearing shall be required.

- C. **Required Findings.** The application shall be approved as submitted or in modified form if the Development Services Director finds:
1. That the proposed temporary use will be located, operated, and maintained in a manner consistent with the policies of the General Plan and the provisions of this Title; and
  2. That approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
- D. **Conditions of Approval.** In approving a temporary use permit, the Development Services Director may impose reasonable conditions necessary to:
1. Achieve the general purposes of this Title and the specific purposes of the zoning district in which the temporary use will be located;
  2. Protect the public health, safety, and general welfare; and
  3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.
- E. **Effective Date-Duration-Appeals.** An approved temporary use permit shall be effective on the date of its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 18.84, Appeals of this Title. The permit shall be valid for a specified time period not to exceed 45 days. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Development Services Director effective immediately upon verbal or written notice for violation of the terms of the permit or the conditions specified in this section. The Development Services Director may approve changes in a temporary use permit. The total time allowed for all such uses shall not exceed 45 days unless an extension is granted by the Planning Commission.

(Ord. 549 § 1 (Exbt. A(part)), 1987)

## 18.74 Zoning Occupancy Certificates

### 18.74.010 Required

Zoning occupancy certificates shall be required for the use of vacant land, for a change in the character of the use of land or for the occupancy or change of occupancy of any building, within any district established by this Title, except that residential buildings or the use of land for agriculture shall not require a zoning occupancy certificate.

(Ord. 379 § 2000(A), 1974)

### 18.74.020 Application

Application for a zoning occupancy certificate shall be made in writing on a form prescribed by the Development Services Director and shall contain such information necessary to determine compliance with this Title and other City ordinances.

(Ord. 379 § 2000(B), 1974)

### 18.74.030 Issuance after Inspection

The zoning occupancy certificate shall be issued after an inspection of the buildings has been made and the



proposed use of the building is in conformance with this Title and/or other applicable ordinances of the City.

(Ord. 379 § 2000(C), 1974)

#### **18.74.040 Revocation**

In any case where the conditions of granting of a zoning occupancy certificate have not, or are not in compliance, the Development Services Director shall give notice to the permittee of intention to revoke such zoning occupancy certificate. Such revocation shall be subject to confirmation by the Planning Commission.

(Ord. 379 § 2000(D)(1), 1974)

#### **18.74.050 Disuse**

In any case where a zoning occupancy certificate is not used within six months after the date of the granting thereof, then without further action by the Development Services Director or Planning Commission, the zoning occupancy certificate shall be null and void.

(Ord. 379 § 2000(D)(2), 1974)

#### **18.74.060 Appeal**

Appeal from the action of the Development Services Director and/or Planning Commission may be made according to the provisions of Chapter 18.84, Appeals.

(Ord. 379 § 2000(E), 1974)

### **18.76 Site Plan and Architectural Review**

#### **18.76.010 Site Plan Review by Planning Commission Required**

Site plan and architectural review and approval by the Planning Commission shall be required for the following:

- A. For any use for which a conditional use permit is required, as indicated in the allowed use tables in Sections 18.08.060, 18.20.070, and 18.28.070;
- B. Is considered a “major site plan,” as defined in Section 18.76.050, below; and
- C. For any proposed construction in the P, OS, or PQP districts.

#### **18.76.020 Administrative Site Plan Review Required**

Site plan and architectural review and approval by the Development Services Director shall be required for the following:

- A. For any use for which administrative review is permitted by the allowed use tables in Sections 18.08.060, 18.20.070, and 18.28.070;
- B. For any addition to an existing single-family residence;
- C. Reconstruction or alteration of existing buildings, except for the addition or maintenance of landscaping, where the alteration affects the exterior appearance of the building or circulation to the site;
- D. Projects involving a change or intensification of land use, such as the conversion of an existing building to a restaurant, or the conversion of a residential structure to an office or commercial use, except where permitted in the DWSP;
- E. Any project in the APS, RM, RH, RMU or commercial zoning districts, not considered a “major site,” as defined



in Section 18.76.050, below.

### **18.76.030 Application**

Projects, subject to site plan and architectural review, shall be required to submit an application for site plan and architectural review to the Planning Department, prior to the submittal of an application for an issuance of a building permit. Applications for site plan and architectural review approval shall show:

- A. Siting of structures so as to preserve light and air on adjoining properties;
- B. Provision for protection of other properties so that proposed use shall not constitute a nuisance;
- C. Design and location of parking facilities;
- D. Control of ingress and egress so as to minimize traffic hazards, protect the general safety, and ensure safety of pedestrians and bicyclists;
- E. Landscaping of yard and setback areas;
- F. Elevations, design, height, and intended use of proposed buildings and other structures;
- G. The number, size, location, and design of existing and proposed signs; and
- H. The exterior lighting plan, indicating the size, orientation, location, height, and appearance of fixtures.

(Ord. 540 § 1(part), 1986; Ord. 379 § 2100(B), 1974)

### **18.76.040 Criteria for Review**

Projects shall be reviewed for compliance with the allowed list of activities and all applicable development standards of this Zoning Ordinance and relevant City standards.

The City Council is empowered to adopt, by resolution, specific development guidelines and criteria for site planning and architecture. These guidelines shall be used by the Development Services Director and Planning Commission, where relevant, to review all development projects for which the site plan and architectural review process specified by this chapter are required. These guidelines and criteria may be amended from time to time by a resolution of the City Council, after consideration and recommendation by the Planning Commission.

(Ord. 552 § 5, 1988; Ord. 540 § 1(part), 1986)

### **18.76.050 Reviewing Authority**

Planning Commission approval is required for major site plan and architectural review projects. The commission may establish criteria to delegate some approvals to the Development Services Director. Major site plans refer to plans that propose more than 100 attached or detached single-family dwelling units, more than 160 multi-family dwelling units, or 50,000 square feet of gross floor area in a non-residential land use, or a combination of residential and non-residential land uses of more than 80,000 square feet of gross floor area. (Ord. 644 § 8, 1998)

The Development Services Director has review and approval authority for projects, as defined in Section 18.76.020. The Development Services Director shall review all applicable information and within 30 days of receiving all required application materials, make a determination whether the proposed project meets all the standards required by this Title and relevant City standards. The decision of the Planning Director may be appealed to the Planning Commission, pursuant to Chapter 18.84.



## **18.78 Architectural Review Board**

(Ord.596§2(part), 1991:Ord.549§1(Exbt. A(part)), 1987:Ord.492§6(part), 1983:Ord.379§2150(B), 1974)

### **18.78.010 Purpose**

The purpose of this chapter is to implement the Waterfront District Specific Plan in accordance with the General Plan; to recognize the interdependence of land values, preservation of historic structures and aesthetics and to provide a method by which the following goals can be achieved:

- A. To promote important aesthetic values of the community provided in the built environment;
- B. To assist in the development of architectural standards and guidelines for residential, office, commercial, retail, business and industrial structures;
- C. To preserve and protect historic structures;
- D. To assure that the community's cultural heritage, as reflected in the built environment is not lost;
- E. To enhance property values in the Waterfront District Specific Plan (DWSP) area.

(Ord.596§2(part), 1991:Ord.549§1(Exbt. A(part)), 1987:Ord.492§6(part), 1983:Ord.379§2150(C), 1974)

### **18.78.015 Establishment of Design Review Process**

The Planning Commission shall serve as the Architectural Review Board (ARB) and be responsible to assure that the purposes and provisions of this chapter are implemented.

(Ord. 644 § 9, 1998: Ord. 596 § 2(part), 1991: Ord. 549 § 1(Exbt. A(part)), 1987)

### **18.78.020 Responsibilities of the Architectural Review Board**

- A. It shall be the responsibility of the ARB to review applications for alterations, construction, improvements, demolitions, removal of improvements and signs within the DWSP, as specified by Chapter 18.26. The ARB shall have the authority to approve, modify, or disapprove such applications, except where further action must be taken by the City Council, in which cases, the action of the ARB shall be advisory. The ARB may authorize administrative approval of applications for signs or other minor actions that may be delegated to the Development Services Director.
- B. It shall be the responsibility of the ARB to update the survey and inventory of historic properties, which comprise the City's local register of historic structures and sites. The ARB shall review the local register annually, make recommendations for the addition or deletion of structures or sites, and submit these recommendations to the City Council for certification. In selecting properties for nomination to the local register, the ARB shall consider:
  1. Architectural significance and style; and
  2. Historic significance, including age of structure, site, or original owners. (Ord.644§11, 1998:Ord.596§

2(part), 1991:Ord.541§1(Exbt. A(part)), 1987)

### **18.78.030 Establishment of Local Register of Historic Properties**

- A. Local Register of Suisun City Historic Properties is established. It is the intent of this section that all structures certified for listing on the Local Register may be eligible under the definition of "qualified historic building" for applicability of the state historic building code standards, as administered by the chief building official.



It is further the intent of this section that the certified Local Register structures and their significant architectural features be preserved and that any additions, alterations, new construction, or improvements be undertaken in accordance with the design criteria established by the Waterfront District Specific Plan.

(Ord. 596 § 2(part), 1991: Ord. 549 § 1(Exbt. A(part)), 1987)

## **18.80 Variances**

### **18.80.010 Authority to Grant**

The Development Services Director shall have the power to grant variances from the terms of this Title subject to appeal to the Planning Commission by any person or persons affected by the variance, except that in no case shall a variance be granted by the Development Services Director to allow a use of land or buildings that is prohibited in the zoning district in which the subject property is located.

(Ord. 379 § 2300(A), 1974)

### **18.80.020 Findings**

Variances from the terms of this Title may be granted only when the following conditions are found:

- A. Because of special circumstances applicable to the specific property in question, including size, shape, topography, location or surroundings, the strict application of this Title would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- B. The variance granted shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district within which the subject property is situated.

(Ord. 379 § 2300(B), 1974)

### **18.80.030 Application**

Applications for variances shall be filed with the Development Services Director upon such forms and accompanied by such data as may be prescribed by the Development Services Director so as to assure the fullest practicable presentation of the facts for the permanent record. Each such application for variance shall be accompanied by a fee set by resolution of the City Council.

(Ord. 426 § 6, 1978: Ord. 379 § 2300(C), 1974)

### **18.80.040 Public Notice**

At least ten (10) days prior to the granting of any variance permit, notice of the proposed variance shall be given by a newspaper of general circulation in the city or by posting in three (3) public places designated for posting in the city, or by posting on the property for which variance is sought. Notices shall also be provided to all property owners within three hundred (300) feet of the property that is subject to the application.

(Ord. 549 § 1(Exbt. A(part)), 1987: Ord. 379 § 2300(D), 1974)

### **18.80.050 Public Hearing**

- A. No public hearing need be held on variance permit applications provided that the Planning Commission shall hold a public hearing when the Development Services Director, as a result of public notice, deems such hearing is advisable in the public interest.
- B. Should a public hearing before the Planning Commission be scheduled, an additional public notice of



the variance permit application in question shall be given in the same manner as prescribed in Section 18.80.040 at least 10 working days in advance of a regular meeting of the Planning Commission. (Ord. 379 § 2300(E), 1974)

### **18.80.060 Grant or Denial**

The Development Services Director shall grant a variance permit in accordance with any instruction of the Planning Commission and provided the conditions set forth in Section 18.80.020 are satisfied. The applicant shall be forthwith notified of the action being taken.

(Ord. 379 § 2300(F), 1974)

### **18.80.070 Appeal**

Appeal from the action of the Development Services Director and/or Planning Commission may be made according to the provisions of Chapter 18.84, Appeals.

(Ord. 379 § 2300(H), 1974)

### **18.80.080 Expiration by Disuse**

In any case where a granted variance has not been exercised within six months after the date of granting thereof, then without further action by the Development Services Director or Planning Commission, the variance shall be null and void.

(Ord. 379 § 2300(G), 1974)

## **18.82 Amendments**

### **18.82.010 Procedure**

This Title may be amended whenever the public necessity and convenience and the general welfare require such amendment by following the procedure described in this chapter.

(Ord. 379 § 3300(part), 1974)

### **18.82.020 Initiation**

An amendment may be initiated by any one of the following:

- A. Verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the Planning Commission and shall be accompanied by a fee set by resolution of the City Council, of which no part shall be returnable to the petitioner; or
- B. Resolution of intention by the City Council; or
- C. Resolution of intention by the Planning Commission. (Ord. 426 § 9, 1978; Ord. 379 § 3300(A), 1974)

### **18.82.030 Public Hearing before Planning Commission**

- A. The Planning Commission shall hold at least one public hearing on any proposed amendment.
- B. In case the proposed amendment consists of a change to the text of this Title, the Planning Commission shall give notice thereof by posting the notice of public hearing in the newspaper of general circulation of the city or in three public places designated for posting within the city at least 10 days prior to the public hearing.



- C. In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district to any other district, the Planning Commission shall give notice of the time and place of such hearing and of the purpose thereof by mailing first class, in the United States Mail, a written notice of the hearing, not less than five (5) days prior to such hearing, to the owners of all property involved and also to the owner in care of each street address inside the city limits within 300 feet of the outer boundary of the proposed amendment, and by posting the notice in at least three places on the property. Any failure to receive such postal card notices, as provided in this subsection, shall not invalidate any proceedings for amendment of this Title.

(Ord. 379 § 3300(B)(1), (2), (3), 1974)

### **18.82.040 Planning Commission Report**

Following the hearing provided for in Section 18.82.030, the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the City Council an attested copy of such report within 90 days after the notice of the hearing; provided, that such time limit may be extended upon mutual agreement of the parties having an interest in the proceedings. Failure of the Planning Commission to so report within 90 days without the aforesaid agreement shall be deemed to be recommendation of approval of the proposed amendment by the Planning Commission.

(Ord. 379 § 3300(B)(4), 1974)

### **18.82.050 City Council Hearing and Action**

- A. Upon receipt of the report provided in Section 18.82.040 from the Planning Commission, or upon the expiration of the 90 days as provided in Section 18.82.040, the City Council shall set the matter for public hearing and shall give notice thereof by one publication in a newspaper of general circulation within the city or posting in the three public places designated for posting within the city at least ten days prior to such hearing.
- B. After conclusion of the hearing, the City Council may adopt or reject the proposed amendment as the Council may deem advisable, but provided that any proposed change shall be referred back to the Planning Commission for study and report before adoption by the Council. The report shall be due within 35 days after being received by the Planning Commission.

(Ord. 379 § 3300(B)(5)(part), 1974)

### **18.82.060 Withdrawal--Abandonment**

Upon the consent of the Planning Commission, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The City Council or the Planning Commission, as the case may be, may, by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration, and provided that any hearing of which public notice has been given shall be held.

(Ord. 379 § 3300(B)(5)(part), 1974)

## **18.84 Appeals**

### **18.84.010 Planning Commission Jurisdiction**

The Planning Commission shall have power to hear and decide appeals when it is alleged by the appellant that there is error in any order, requirement, permit, decision, or determination made by an administrative official in the administration or enforcement of this Title.



(Ord. 379 § 3200(A), 1974)

#### **18.84.020 Filing--Hearing Scheduling**

Any person, firm, or corporation aggrieved or affected by any determination in the administration of this Title may, within 10 days, file an appeal in writing with the Planning Commission. Filing of an appeal shall stay all proceedings on furtherance of the action appealed from until the determination of the appeal.

Upon receipt of such appeal by the Commission, the Commission shall set a date for a public hearing not less than 35 days thereafter. Notices of such hearing shall be posted on the property involved at least five days prior to such hearing.

(Ord. 379 § 3200(B), 1974)

#### **18.84.030 Transmission of Record**

The Development Services Director shall transmit to the commission copies of all papers constituting the record of action appealed from, including a written statement setting forth the reasons for his decision.

(Ord. 379 § 3200(C), 1974)

#### **18.84.040 Planning Commission Decision**

Upon hearing the appeal, the Planning Commission shall find that the decision appealed from shall be affirmed, changed, or modified. Notice of the Commission's decision shall be mailed forthwith to the original applicant, the person making the appeal, and to any other person who has filed a written request with the commission.

(Ord. 379 § 3200(D)(part), 1974)

#### **18.84.050 Appeal to City Council**

In case an applicant or any interested party is not satisfied with the decision of the Planning Commission, he or she may appeal in writing to the City Council within 10 days. A copy of the appeal shall be submitted to the Planning Commission. The City Council shall consider the appeal and render its decision within 60 days after receipt of the appeal.

(Ord. 549 § 1(Exbt. A(part)), 1987; Ord. 529 § 3, 1986; Ord. 379 § 3200(D)(part), 1974)

#### **18.84.060 Calls for Review**

A call for review may be filed by two members of the City Council with the Development Services Director within 10 days of the Commission's decision. No fee shall be required. The City Council shall consider the item called for review and render its decision within 60 days after the filing of the request for review with the Development Services Director.

(Ord. 552 § 1(part), 1988; Ord. 426 § 7, 1978; Ord. 379 § 3200(D)(part), 1974)

#### **18.84.070 Effect on Decisions**

Decisions that are appealed or called up for review shall not become effective until the appeal or review is resolved.

(Ord. 552 § 1(part), 1988)



## **18.86 Administration and Enforcement**

### **18.86.010 Zoning Administrator--Designation**

The Development Services Director shall be a qualified member of the planning staff, designated by the Planning Commission, who shall normally be available to the general public during regular office hours.

(Ord. 379 § 3100(A), 1974)

### **18.86.020 Zoning Administrator--Administration**

The Development Services Director shall administer this Title in accordance with the provisions of this Title and the instructions of the Planning Commission.

(Ord. 379 § 3100(B), 1974)

### **18.86.030 Enforcement Duty**

It is the duty of the Development Services Director and the Planning Commission to enforce the provisions of this Title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. It is the duty of the City Manager and all officers of the City, charged in this Title or otherwise charged by law with the enforcement of this Title, to enforce this Title and all its provisions.

(Ord. 549 § 1(Exbt. A(part)), 1987; Ord. 379 § 3400(A), 1974)

### **18.86.040 Permit and License Conformance**

All departments, officials and public employees of the City who are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Title, and shall issue no such permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this Title; and any such permits or licenses, if issued in conflict with the provisions of this Title, shall be null and void.

(Ord. 379 § 3400, 1974)

### **18.86.050 Abatement of Violations**

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Title is unlawful and a public nuisance. The City Attorney shall, upon order of the City Manager, immediately commence action or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law, and shall take such other steps, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any persons, firm or corporation from setting up, erecting, building, maintaining, or using any such building or structure, or using any property contrary to the provisions of this Title.

(Ord. 549 § 1(Exbt. A(part)), 1987; Ord. 379 § 3400(C), 1974)

### **18.86.060 Remedies Cumulative**

The remedies provided for in this chapter shall be cumulative and not exclusive. (Ord.

379 § 3400(D), 1974)

### **18.86.070 Violation--Infraction**

A violation of any provision of this Title shall be prosecuted as an infraction punishable by fines as authorized by Government Code Section 36900. Said fine is not to exceed fifty dollars (\$50) for a first conviction; one hundred



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dollars (\$100) for a second conviction within one year; and two hundred fifty dollars (\$250) for a third or subsequent conviction within one year. Upon conviction, each day on which any violation of this Title is committed or permitted, may be considered a separate offense, punishable as specified by this section.

(Ord. 549 § 1(Exbt. A (part)), 1987; Ord. 379 § 3400(B), 1974)



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