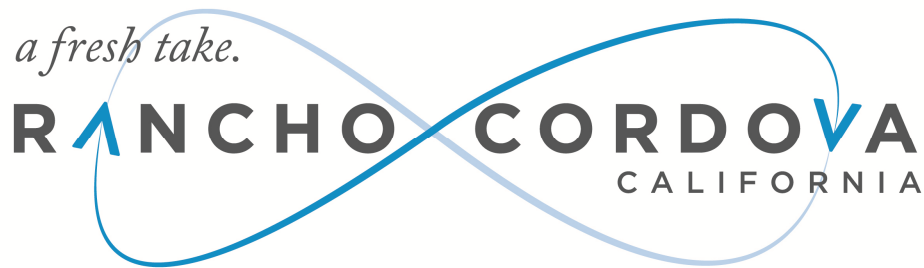


CITY OF RANCHO CORDOVA



CONCURRENT MEETING CITY COUNCIL/SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY (CRA)/RANCHO CORDOVA FINANCING CORPORATION (RCFC)

City Hall
2729 Prospect Park Drive, Rancho Cordova

Tuesday, November 29, 2016

5:30 PM – Special Meeting
American River Community Room North

AGENDA

1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

Council Members Budge, McGarvey, Skoglund, Terry and Mayor Sander.

2. PUBLIC COMMENT

At a special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any item not on the agenda.

3. SPECIAL MEETING ITEM

3.1 **Subject:** City of Rancho Cordova Draft Zoning Code Amendments.

Recommendation: Provide preliminary direction to staff on proposed amendments to Rancho Cordova Municipal Code (RCMC) Title 23 Zoning Code and corresponding beekeeping regulations for Title 8 Animals.

Result of Recommended Action: No formal action is requested of Council at this time. Council direction will allow staff to prepare any necessary or desired changes to the Draft Zoning Code Amendments prior to public hearing.

Staff Report: Aaron Busch, Community Development Director and Pam Johns, Special Project Planner.

Advances Goals: 1, 2, 6.

4. ADJOURNMENT

ADDITIONAL INFORMATION

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 851-8720 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, MMC, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the Tuesday, November 29, 2016 Special Meeting of the Rancho Cordova City Council/Successor Agency to the CRA/RCFC was posted and available for review on Wednesday, November 23, 2016 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city website at www.cityofranhocordova.org.

Signed Wednesday, November 23, 2016 at Rancho Cordova, California.


Mindy Cuppy, MMC, City Clerk

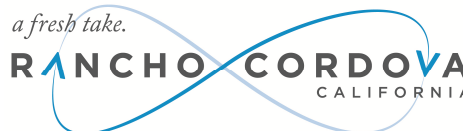
MEMORANDUM

DATE: November 29, 2016

TO: Honorable Mayor and Council Members

FROM: Aaron Busch, Community Development Director and Pam Johns, Special Projects Planner

SUBJECT: DISCUSS DRAFT ZONING CODE AMENDMENTS (TEXT ONLY)



RECOMMENDED ACTION

Provide preliminary direction to staff on proposed amendments to Rancho Cordova Municipal Code (RCMC) Title 23 Zoning Code and corresponding beekeeping regulations for Title 8 Animals.

RESULT OF RECOMMENDED ACTION

No formal action is requested of Council at this time. Council direction will allow staff to prepare any necessary or desired changes to the Draft Zoning Code Amendments prior to public hearing.

BACKGROUND

In 2006, the City's first Zoning Code was adopted to replace the Sacramento County Code for local land use and development regulations. Since that time, there have been more than a dozen focused amendments to the Zoning Code as a result of legislative updates, to address specific issues/topics, and as a result of applicant requests. These amendments included, but were not limited to updated housing regulations and standards, creation of form based zoning provisions, adoption of new permits/entitlements or thresholds thereof, special use regulations (cardroom, check cashing, thrift store, hookah bars, medical marijuana dispensaries), and changes to reflect master plans or area planning efforts.

The current request includes both minor clean ups and more substantive amendments compiled over the last two to three years for the following purposes:

- To ensure compliance with state and federal laws,
- To clarify ambiguities,
- To codify interpretations,
- To streamline procedures,
- To address local issues and concerns,

- To make sure that zoning is not an obstacle to economic development, and
- To make the document more user-friendly.

Proposed amendments are text changes only and do not propose any changes to the Zoning Map.

As previously directed by City Council, staff has been working with a Council Subcommittee on the identification, discussion, and initial direction on key issues for the update. Additionally, many of the City's Departments have been involved in the identification of issues, discussion of potential solutions, and review of draft changes. Input has been incorporated into the draft Zoning Code Update and proposed changes are shown in track changes. The Draft Zoning Code has been posted on the City's website, shared with stakeholder groups and interested parties.

ANALYSIS AND POLICY CONSIDERATIONS

This project is a City-initiated amendment to Rancho Cordova Municipal Code (RCMC) Title 23 Zoning Code. The Public Draft Zoning Code dated November 14, 2016 includes updates to Articles 1 (Administration), 3 (Zoning Districts, Allowable Uses, and General Development Standards), 5 (Form-Based Zoning Provisions), 7 (Site Planning and Development Standards), 9 (Specific Use Provisions), and 11 (Definitions). In addition, a new Chapter is proposed in the Rancho Cordova Municipal Code Title 8 Animals that includes Beekeeping within the City of Rancho Cordova, which includes corresponding provisions (e.g., definitions and allowed use regulations) in Title 23. The Draft Zoning Code is organized by Article and only includes chapters with proposed revisions.

Staff has prepared a detailed summary of significant changes between the existing and proposed Zoning Code (**Attachment 1**). This is intended to highlight changes and simplify review. In addition, staff has also attached a summary of the comments on the Draft Zoning Code Update provided by other City Departments which is included as **Attachment 2**.

Below is a brief overview of the changes to each Article within the Zoning Code, along with a few questions raised by the Council Subcommittee or staff for discussion and direction. Staff will present additional information on each of the questions at the work session.

Articles 1 (Administration)

Draft amendments to Article 1 modified the description of land use permit and approval types to Non-discretionary, Limited Discretion, and Discretionary (Quasi-Judicial and Legislative) to make it easier for users to understand the level of discretion involved in decisions, decision making authority, and opportunity for appeal. Proposed changes consolidated the Administrative Use Permit and Limited Use Permit and codified the referral and call up process to City Council. Permit processing procedures have been updated and clarified to reflect best practices and Design Review thresholds have been updated.

Article 3 (Zoning Districts, Allowable Uses, and General Development Standards)

Proposed amendments to Article 3 include the addition of new use classifications (e.g., urban agriculture, community gardens, beekeeping, consignment store, brewery, winery, and distillery) and corresponding allowed use regulations for each of the City's Zoning Districts. Draft changes also involve clarification notes regarding certain allowed uses and reference to the Administrative Use Permit, rather than Limited Use Permit requirement.

Specific Questions/Issues for Council Consideration:

1. *Should the City restrict convenience store hours of operation?*
2. *Are there any concerns with the revisions to brewery and artisanal definitions?*
3. *Are the changes to Administrative Use Permits requirements appropriate and should the City consider any modifications to the associated fees?*

Article 5 (Form-Based Zoning Provisions)

Generally, proposed amendments reorganized and removed complicated concepts, procedures, and language. Article 5 was reorganized to be more user friendly by removing the regulating plan, special transit area requirements, and surface parking screening options throughout. For the Village Center, Local Town Center, and Regional Town Center, staff is recommending that the example design considerations be moved to a separate implementation manual as helpful user tool, rather than mandate. Finally, standards were re-organized into user friendly tables and diagrams. Because of the magnitude of reorganization and deletion of sections, this chapter is not shown in track changes. See detailed summary memo for additional information about the changes to Article 5.

Article 7 (Site Planning and Development Standards)

Proposed amendments to Article 7 include the removal of Chapter 23.707 as challenging to implement outside of a specific plan and repetitive of other property assembly and zoning options. Significant changes are proposed to the landscaping, parking, fencing and accessory structures chapters. In the landscaping chapter, draft changes clarify surface standards for residential landscaping, update shade canopy requirement, and require a tree pruning permit when 25% or more of a tree is pruned. For the parking chapter, proposed changes update off street parking requirements to reflect best practices, reduce maximum percentage of compact car spaces, update bicycle parking standards and off street parking standards for private residences. For fencing standards, clarified and reduced permitting requirements for non-required fences (up to 7 feet are allowed by right, over 7 feet require Minor Design Review). For accessory structures, reduced total square footage of all accessory structures on a single parcel, from 50% to 30% of the habitable floor area of the primary residential dwelling, and created proportional setback requirements based on the height of the accessory structure.

Specific Questions/Issues for Council Consideration:

4. *How does the City want to regulate front yard hardscape vs landscape (use of grass-crete)?*
5. *How does the City want to regulate semi-trucks in front yards?*
6. *Does the City want to regulate seasonal lighting (Christmas lights in July)?*

Article 9 (Specific Use Provisions)

Proposed amendments to Article 9 relocated all special use definitions to Article 11. New standards are proposed for accessory dwelling units for consistency with new State law, including the addition of the term “Junior Accessory Dwelling Units”. Draft changes amend temporary use regulations for portable storage containers as an exempt temporary use with specific limitations on placement and duration. New urban agriculture regulations are included with minor modifications directed by the Council Subcommittee. Added “Commercial Marijuana Uses” to clarify that Commercial uses are prohibited.

Article 11 (Definitions)

Proposed amendments added new land use descriptions for beekeeping, community garden, urban agriculture, consignment store and brewery, winery, and distillery. Definitions throughout the code were relocated to this Article and organized with specialized definitions together in chapters for condominium conversions definitions, housing incentives and density bonus definitions, sexually oriented business definitions, sign code definitions, and telecommunication facility definitions.

Title 8 Animals, Chapter 8.12 Beekeeping

Proposed amendments to Title 8 include the addition of a new chapter on beekeeping regulations with purpose, definitions, administrative use permit requirements, and criteria for approval. Criteria was modified slightly to reflect some best practices in the adopted Elk Grove ordinance and the draft Sacramento County ordinance. Staff has provided two alternative ordinances for the Council's consideration in which the standards for bee keeping are very similar in both alternatives. The primary difference between these two alternatives is the type of bee keeping permit required. The first alternative is a simpler process that follows the City's Zoning Certification process. The second alternative is a little more stringent and is similar to the City's Backyard Hen permitting requirements. As part of the discussion regarding this subject, staff will be seeking the Council's direction on which alternative (or other) is preferred. .

Specific Questions/Issues for Council Consideration:

7. How does the City want to regulate Bee Keeping?

In addition to the Draft Zoning Code Amendments, there are a few issues and legal considerations raised in recent months that will require additional and separate consideration. Those items for future consideration include:

1. Signs (new case law)
2. Marijuana rules (new laws)
3. Property maintenance matters (subject of separate update by Code Enforcement and Legal)
4. Zoning & General Plan map consistency
5. Tree preservation/protection (separate effort by Public Works)
6. Solar energy systems (new laws)
7. Overhead utility lines
8. Cold Weather shelters
9. Potential consolidation of multiple zoning districts for residential and commercial zones.

CONCLUSION

No formal action is needed at this time. However, if the City Council provides input or direction for additional changes or preferred solutions to the Draft Zoning Code Amendment, Staff will prepare modifications for public hearing. Depending upon level of changes directed, the Draft Zoning Code will be ready for hearing in January or February 2017.

ATTACHMENTS

1. Summary Memo of Significant Changes to the Zoning Code.
2. Summary of City Department comments provided on Draft Zoning Code.
3. Draft Zoning Code Amendments Dated November 14, 2016.
4. PowerPoint Presentation.

MEMO

To: Interested Parties

From: City of Rancho Cordova Planning Department

Date: November 14, 2016

Re: Summary of Significant Changes to the Zoning Code

This memo summarizes the significant changes between the existing zoning regulations and the Public Draft Zoning Code dated November 14, 2016. With the exception of Article 5, proposed changes are shown using track changes. This summary is organized by Article and only includes chapters with revisions. Given substantial renumbering of Chapters and Sections in Article 1 in particular, once approved, we'll need to check all cross references throughout the title to ensure internal consistency. Capitalization and nomenclature will be consistent with the existing Municipal Code and Code Publishing rules and standards.

ARTICLE 1 (ADMINISTRATION)

Chapter 23.101 Purpose and Authority

1. Added Section 23.101.045 Zoning code changes on pending applications.

Chapter 23.104 Approval Authority

2. Amended Section 23.104.030 Recommending and approval authority. Clarified approval types, identified level of public hearing required, and referenced section text for recommending, approval, and appeal bodies. Approval types were modified to Non-discretionary, Limited Discretion, and Discretionary (Quasi-Judicial and Legislative). Consolidated AUP and LUP to Administrative Use Permit.
3. Removed Section 23.104.030(B) Consolidated review. Redundant with other section of code.
4. Added Section 23.104.040 Referrals to city council. Process for Director to refer land use decisions to CC outlined.

Chapter 23.107 Interpretation of Code

5. Removed Section 23.107.020(E) Zoning boundaries. Redundant with other sections of code.
6. Section 23.107.030 Official interpretations. Clarified process to include a referral process to CC.

Chapter 23.110 Application Processing

7. Clarified Section 23.110.030 Initiation of application. Updated list of who can initiate applications.
8. Amended Section 23.110.040 Application requirements. Removed specific application content requirements from code and refer to application form in the department.
9. Added Subsection 23.110.040(B) Fees. Provided language regarding cost recovery and processing of applications that have not paid fees due.

10. Added Subsection 23.110.040(C) New Information. Transferred in from another section (determination of completeness).
11. Amended Subsection 23.110.060(B) Incomplete application. Added a requirement for an applicant to file a written request for an extension on the 6-month inactive incompleteness application timeline.
12. Amended Section 23.110.070 Extension. Changed maximum extension from 2 years to 3 years.
13. Removed Section 23.110.110 Staff evaluation and reports, Section 23.110.120 Conditions of approval (information transferred to individual process chapters), Section 23.110.130 Revocation of previously approved entitlements (consolidated to Chapter 23.173 Enforcement), and Section 23.110.150 Land use determinations (information transferred to new sections).
14. Added Section 23.110.110 Notice of pending director determination and opportunity to request hearing. Added due process on limited discretionary decisions by director. Public hearing only provided if requested. If not requested, decision rendered and standard notice of decision provided.
15. Added Section 23.110.120 Notice of public hearing. Updated common noticing procedures for all public hearings (Director and CC level). Added requirement to mail notices to occupants of property within 500 feet of subject site (not just owners) for consistency with neighborhood meeting notice. Added requirement to mail notice to neighborhood associations for consistency with neighborhood meeting notice and director notice of decision standards.
16. Added Section 23.110.130 Public hearing procedures. Updated common public hearing procedures for all hearings (Director and CC).
17. Added Section 23.110.140 Notice of decision. Outlined notice of decision requirements for Director Limited Discretion Decisions and Council Discretionary Decisions. Changed the timeframe from within 7 calendar days to within 3 business days for issuing a notice of decisions after date of decision. Added requirement to mail notices of decisions (director determinations) to occupants of property within 500 feet of subject site (not just owners) for consistency with neighborhood meeting notice.
18. Added Section 23.110.160 Appeals. Clarified appeal process.
19. Added Section 23.110.170 Council call-ups. Transferred in from Chapter 23.167 and clarified call-up process.
20. Added Section 23.110.180 Amendments. Established a 3 tier review process including thresholds (substantial conformance, minor amendment, major amendment).

Chapters 23.113 through 23.158

21. All permit process chapters have been updated to reflect the sections listed below with requested references:
 - 010 Purpose
 - 020 Applicability
 - 030 Application required
 - 040 Approval authority
 - 050 Public hearing notice and procedure
 - 060 Notice of decision

070 Approval findings
080 Conditions of approval
090 Appeals
100 Permit expiration
110 Amendments

Chapter 23.113 Zoning Certifications

22. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the Director (non-discretionary decision), no Notice of Decision required, no public hearing, not subject to appeal, zoning certifications expire after one year if not exercised, but may be extended or amended pursuant to procedures.

Chapter 23.116 Temporary Use Permits

23. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the Director (non-discretionary decision), decision issued in writing within 3 business days, no public hearing, not subject to appeal, temporary use permits expire after one year if not exercised, no extensions permitted, and amendment process applies.

Chapter 23.119 Unified Sign Program

24. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the Director (limited discretion decision), public hearing only if requested, notice of Decision issued per common procedure, may be appealed, unified sign programs expire after three years if not exercised, but may be extended, and amendment process applies.

Chapter 23.122 Similar Use Determinations

25. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the Director (limited discretion decision), public hearing only if requested, Notice of Decision issued per common procedure, may be appealed, similar use determinations do not expire, no amendments, new application required, and approved determinations are required to be added to code annually.

Chapter 23.125 Administrative and Limited Use Permits

26. Eliminated Limited Use Permit and changed corresponding allowed use regulations in Article 3 from LUP to AUP.
27. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the Director (limited discretion decision), public hearing only if requested, Notice of Decision issued per common procedure, may be appealed, expires in three years if not exercised, but may be extended or amended pursuant to procedures.

Chapter 23.128 Reasonable Accommodation

28. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the Director (limited discretion decision), public hearing only if requested, written determination is required within 45 days of the application being deemed complete, may be appealed, reasonable accommodations expire in three years if not exercised, but may

be extended, amendment process applies, condition required limiting reasonable accommodation to applicant, and does not run with land.

Chapter 23.131 Adjustment

29. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the Director (limited discretion decision), public hearing only if requested, Notice of Decision issued per common procedure, may be appealed, adjustments expire in three years but may be extended, and amendment process applies.
30. Amended Section 23.131.020 Applicability – (B)(4) added limit on total modification allowed, even when combined with other reduction methods (e.g. parking).
31. Clarified Section 23.131.075 Additional approval findings for increased land use density.

Chapter 23.134 Conditional Use Permit

32. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the City Council, public hearing required, Notice of Decision issued per common procedure, not subject to appeal, conditional use permits expire in three years but may be extended, and amendment process applies.
33. Amended Section 23.134.075 Additional approval findings for condominium conversion. Specific to this chapter and transferred in from Condominium Conversion Permit chapter.

Chapter 23.137 Condominium Conversion Permit

34. Chapter has been deleted. Condominium conversion permits now require a CUP, with specific findings (specified in Section 23.134.075).

Chapter 23.140 Minor Design Review

35. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the Director (limited discretion decision), public hearing only if requested, Notice of Decision issued per common procedure, may be appealed, minor design reviews expire in three years but may be extended, and amendment process applies.
36. Amended Section 23.140.020 Applicability has been expanded and clarified with thresholds for review. Coordinates with major design review thresholds.

Chapter 23.141 Major Design Review

37. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the City Council, public hearing required, Notice of Decision issued per common procedure, not subject to appeal, major design reviews expire in three years but may be extended, and amendment process applies.
38. Added Section 23.141.020 Applicability has been expanded and clarified with thresholds for review. Coordinates with minor design review thresholds.
39. Added Section 23.141.075 Additional approval findings for residential design review.

Chapter 23.143 Variance

40. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the City Council, public hearing required, Notice of Decision issued per common procedure, not subject to appeal, variances expire in three years but may be extended, and amendment process applies.
41. Clarified Section 23.143.075 Additional approval findings for off-street parking variances.

Chapter 23.146 Zoning Amendments

42. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the City Council, public hearing required, Notice of Decision issued per common procedure, not subject to appeal, zoning amendments do not expire, and no amendments (new application required).

Chapter 23.149 Special Planning Areas

43. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the City Council, public hearing required, Notice of Decision issued per common procedure, not subject to appeal, special planning areas do not expire, and amendment process applies.
44. Removed Section 23.149.035 Application contents required.

Chapter 23.152 Specific Plans

45. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the City Council, public hearing required, Notice of Decision issued per common procedure, not subject to appeal, specific plans do not expire, and amendment process applies.
46. Renamed Section 23.152.035 Application contents required – provisions consistent with state law.

Chapter 23.155 General Plan Amendments

47. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the City Council, public hearing required, Notice of Decision issued per common procedure, not subject to appeal, general plan amendments do not expire, and no amendments (new application required).

Chapter 23.158 Development Agreements

48. Updated Sections to reflect new standard organization for process chapters. In summary, approval authority is the City Council, public hearing required, Notice of Decision issued per common procedure, not subject to appeal, development agreements expire per the terms of the agreement and amendment process applies.

Chapter 23.164 Appeals

49. Information incorporated into Section 23.110.150 Appeals.

Chapter 23.167 Council call-ups

50. Information incorporated into Section 23.110.160 Council call-ups.

Chapter 23.170 Nonconforming Uses and Structures

51. Removed Section 23.170.020 Definitions – relocated to Article 11
52. Amended Section 23.170.070 Nonconforming use permit procedures. Section was updated to expand and clarify the permitting process for nonconforming use permits. NOTE: Subsection 23.170.070(B) may change depending on clarification of applicability (see comment in document).

Chapter 23.173 Enforcement

53. Amended Section 23.173.040 Property management and maintenance. Removed the intro language. Referenced new property maintenance chapters for abatement of weeds, refuse and abandoned materials as well as maintenance of privately owned property visible from the public right of way.
54. Amended Section 23.173.080 Permit revocation or modification. Clarified the permit revocation process. Permit revocation will go back before the original approving body for determination.
55. Amended Section 23.173.100 Recovery of costs and additional fees. Subsection (A) to allow recovery of costs for enforcement action where no permit is required and where a permit is required.

ARTICLE 3 (ZONING DISTRICTS, ALLOWABLE USES, AND GENERAL DEVELOPMENT STANDARDS)Chapter 23.307 Agricultural Zoning Districts

56. Amended Section 23.307.030 Allowed land uses and permit requirements. Revised Table 23.307-1 to include beekeeping with AUP and reference to new regulations in RCMC 8.12. Changed all previous “L” limited use permit to “AUP” administrative use permit. New definitions added to Article 11.

Chapter 23.310 Residential Zoning Districts

57. Amended 23.310.030 Allowed land uses and permit requirements. Revised Table 23.310-1 to include beekeeping with AUP and reference to new regulations in RCMC 8.12 and to include community gardens and urban agriculture with corresponding use restrictions as references as applicable. Changed all previous “L” limited use permit to “AUP” administrative use permit. New definitions added to Article 11.

Chapter 23.313 Mixed Use Zoning Districts

58. Amended 23.313.030 Allowed land uses and permit requirements. Revised Table 23.313-1 to include beekeeping, community gardens, urban agriculture, consignment store, brewery, winery, and distillery with corresponding use restrictions as references as applicable. Changed all previous “L” limited use permit to “AUP” administrative use permit. New definitions added to Article 11.

Chapter 23.316 General Commercial and Industrial Zoning Districts

59. Amended 23.316.030 Allowed land uses and permit requirements. Revised Table 23.316-1 to include beekeeping, urban agriculture, consignment store and brewery, winery, and distillery with corresponding use restrictions as references as applicable. In the GC district, revised multifamily dwellings from permitted to conditional use permit. In the M-2 district, revised hospitals from permitted to conditional use permit. Changed all previous “L” limited use permit to “AUP” administrative use permit. New definitions added to Article 11.

Chapter 23.328 Supplemental Information

60. Deleted chapter, per staff direction.

ARTICLE 5 (FORM BASED ZONING PROVISIONS)

61. Generally reorganized and removed complicated concepts, procedures, and language. Reorganized Article to be more user friendly

Chapter 23.501 Introduction to Form Based Provisions

62. Simplified and consolidated the chapter to remove several sections and clarify purpose
63. Regulating Plan. Omitted the regulating plan, special transit area requirements, surface parking screening options and removed references throughout.

Chapter 23.504 Village Center Zone Standards

64. Omitted discussion of regulating plan and example village center designs (examples moved to separate implantation manual as helpful user tool, rather than mandate). Re-organized the standards into user friendly tables and diagrams. Clarified purpose of vertical and horizontal mixed use.

Chapter 23.507 Local Town Center Zone Standards

65. Omitted discussion of regulating plan and example village center designs (examples moved to separate implantation manual as helpful user tool, rather than mandate). Re-organized the standards into user friendly tables and diagrams. Clarified purpose of vertical and horizontal mixed use.

Chapter 23.510 Regional Town Center Zone Standards

66. Omitted discussion of regulating plan and example village center designs (examples moved to separate implantation manual as helpful user tool, rather than mandate). Re-organized the standards into user friendly tables and diagrams. Clarified purpose of vertical and horizontal mixed use.

Chapter 23.513 Streetscape Type and Frontage Standards

67. Moved standards from the “Regulating Plan” chapter on frontage types and streetscape types here. Kept Street typology standards as is but provided imagery to illustrate concepts. Clarified that the two pathways are not included in the city’s street standards. Make corrections to where the FBC misrepresented the city’s street standards. Provided new and additional imagery to illustrate the frontage types.

ARTICLE 7 (SITE PLANNING AND DEVELOPMENT STANDARDS)Chapter 23.704 Yard Measurement and Projections

- 68. Relocated definitions to Article 11.
- 69. Updated Section 23.704.030.F 'setback' measurement to remove contradictions
- 70. Updated 'setback' definition to remove contradictions and moved definitions to Article 11

Chapter 23.707 Integrated Development

- 71. Removed Chapter 23.707 as challenging to implement outside of a specific plan and repetitive of other property assembly and zoning options.

Chapter 23.713 Condominium Conversion

- 72. Relocated definitions to Article 11.
- 73. Amended several sections to refer to requirements for approval of a conditional use permit, rather than a condominium conversion permit.

Chapter 23.716 Landscaping

- 74. Amended Section 23.716.060 Special landscape provisions. Clarified and simplified the previous surface standards for residential landscaping. Replaced corresponding Figure 23.716-2.
- 75. Amended Section 23.716.070.C.4 to removed inconsistency in shade canopy requirements.
- 76. Amended Section 23.716.110 Tree pruning. Added requirement for a tree pruning permit when 25% or more of a tree is pruned. Provide standards for tree pruning permit application.

Chapter 23.719 Parking & Loading

- 77. Relocated definitions to Article 11.
- 78. Clarified Section 23.719.020 Applicability. Clarified the change in occupancy requirement so that an increase of more than 10 percent in the required number of off-street parking spaces that the Planning Director or his/her designee shall review the parking requirements of the proposed use and must approve the parking plan.
- 79. Removed definitions to Article 11 (Section 23.719.050).
- 80. Updated Section 23.719.080 Vehicle parking requirements. Reviewed and revised parking for all uses based on best practices, with particular attention on automotive and office uses.
- 81. Revised Section 23.719.070.E Compact car spaces. To reduce maximum percentage of compact car spaces from 50% to 25%, per staff direction and best practices.
- 82. Revised Section 23.719.080 Reductions and exceptions to minimum parking requirements. Reduced reduction for special motor vehicles from 20% to 5%, per staff direction and best practices.
- 83. Revised Section 23.719.110 Bicycle parking requirements. Increased short-term bicycle parking requirement from 5% to 10% of required motor vehicles parking spaces, per staff direction and best practices.
- 84. Revised Section 23.719.130 Standards for off-street parking for private residences. Updated paving requirements to allow permeable/alternative paving types. Included examples of acceptable permeable paving materials.

Chapter 23.728 Outdoor Display, Sales, and Storage

85. Amended section 23.728.020 Permit requirements and exemptions. Resolved conflicts between this section and the cross referenced Section 23.922 Temporary Uses. Made corresponding updates/corrections to the referenced section in Article 9. Modified outdoor storage to be an allowed temporary use, same as outdoor display and sales.

Chapter 23.731 Fences, Walls, and Screening

86. Relocated definitions to Article 11
87. Amended Section 23.731.020 Permit required. Clarified and reduced permitting requirements for non-required fences from Administrative Use Permit to simple Zoning Certification. Residential fences greater than 6 feet in height, up to 7 feet are allowed by right with a Zoning Certification. Fences over 7 feet in height require Design Review (minor).
88. Amended Section 23.731.040 Height limits and locations. Updated allowable fence height to from 6 to 7 feet in the rear and side yard. Updated title of section to list exceptions and included exceptions for lots with topography.
89. Revised Section 23.731.060 Prohibited materials. Updated chain link fence listing to be prohibited entirely except as approved by the designated approving authority or as otherwise required.
90. Revised Section 23.731.080 Fence height and locations. Clarified when screening fencing is required (between non-residential and residential uses). Stipulated that openings in the wall or pedestrian connections may be required at the discretion of the designated Approving Authority.
91. Revised Section 23.731.050 and Table 23.731-1 Fence Locations and Maximum Height. Clarified and rearranged notes.
92. Revised Section 23.731.060 Height Measurement. Clarified and amended fence measurements when on top of retaining walls (maximum height of retaining wall 3 feet and maximum height for fence is 7 feet. Anything higher requires horizontal separation with landscaping between fence and retaining wall).
93. Revised Section 23.731.070 Special fencing and screening requirements. Amended subsection B for retaining walls to allow exceptions to the three foot height limit by the director up to a maximum eight feet to accommodate topographic change and variation.

Chapter 23.734 Residential Accessory Structures

94. Relocated definitions to Article 11.
95. Amended Section 23.734.030 Permit requirements and exceptions. Corrected reference from zoning clearance to zoning certification. Reduced the height exception for enclosed and solid roofed accessory structures from 9 feet to 8 feet.
96. Amended Section 23.734.050 Development standards. Reduced total square footage of all accessory structures on a single parcel, from 50% to 30% of the habitable floor area of the primary residential dwelling, per staff direction and best practices. Additionally, updated section so that it is consistent with current Code allowances (increased setback requirement of 5' for structures over 120 square feet). Finally, created proportional setback requirements based on the height of the accessory structure. Rearranged Table 23.734 notes.

97. Updated Figure 23.734-1: Development Standards for Accessory Structures to match revised setback requirements and rearranged notes to standards where appropriate.

Chapter 23.743 Signs

98. Relocated definitions to Article 11.
99. Amended Section 23.743.030 Permit requirements and exemptions for signs. Changed permit requirements for temporary signs from a temporary use permit to a temporary sign permit and updated references throughout the chapter.

ARTICLE 9 (SPECIFIC USE PROVISIONS)

Chapter 23.901 Residential Uses

100. Relocated definitions to Article 11 and renumbered.
101. Added new standards from State law for Accessory Dwelling units and new term “Junior Accessory Dwelling Units”.

Chapter 23.922 Temporary Uses

102. Amended Section 23.922.030 Temporary use regulations. Added portable storage containers as an exempt temporary use with specific limitations on placement and duration. Additionally, included outdoor storage as an allowed temporary use, and made sure that the section was consistent with Chapter 23.728 Outdoor Display, Sales, and Storage.

Chapter 23.904 Agricultural, Resource, And Open Space Uses

103. Added Section 23.904.030 Urban agriculture. Incorporated draft provisions for urban agriculture with minor modifications directed by the Council Committee.

Chapter 23.907 Utility, Transportation, and Communication Uses

104. Relocated definitions to Article 11 and renumbered.

Chapter 23.925 Medical Marijuana Dispensaries and Commercial Marijuana Uses

105. Added “Commercial Marijuana Uses” to clarify that Commercial uses are prohibited. Added to commercial use tables that the use is not allowed.

ARTICLE 11 (DEFINITIONS)

Chapter 23.1101 Land Use Descriptions

106. Updated select land use descriptions and added land use descriptions for beekeeping, community garden, urban agriculture, consignment store and brewery, winery, and distillery.

Chapter 23.1104 General Definitions

107. Amended Section 23.1104.010 Purpose. Included reference to specialized definitions provided in subsequent chapters.
108. Updated Section 23.1104.020 General definitions. Added general definitions from throughout the code and alphabetized.

Chapter 23.1106 Condominium Conversion Definitions

109. Added special definitions chapter for condominium conversions and relocated definitions from Article 9.

Chapter 23.1108 Housing Incentives and Density Bonus Definitions

110. Added special definitions chapter for housing incentives and density bonuses and relocated definitions from Article 7.

Chapter 23.1110 Sexually Oriented Business Definitions

111. Added special definitions chapter for sexually oriented businesses and relocated definitions from Article 9.

Chapter 23.1112 Sign Code Definitions

112. Added special definitions chapter for signs and relocated definitions from Article 7.

Chapter 23.1106 Telecommunication Facility Definitions

113. Added special definitions chapter for telecommunication facilities and relocated definitions from Article 9.

OTHER MUNICIPAL CODE SECTIONSChapter 8.12 Beekeeping

114. Added a new chapter for beekeeping with purpose, definitions, administrative use permit requirements, and criteria for approval. Criteria was modified slightly to reflect some best practices in the adopted Elk Grove ordinance and the draft Sacramento County ordinance.

APPROVED STATE BILLS

115. Included and Updated throughout the Zoning Code recent Approved State Bills to include definition and development standards for the following: "Accessory dwelling units" and "Junior accessory dwelling units"

Comments Received on Draft Zoning Code Update (Internal Review)
Dated November 18, 2016
Article 1

Page	Chapter #	Comment	From
6 & 7	23.104.030	Keep Quasi-Judicial in the table with Discretionary	City Council member (CC)
7	23.104-1	Unified Sign Ord needs to be Approved by CC	CC
11	23.110	Review Title (can it be kept as Application Processing)	CC
15	23.110.20.B.7	Posting of sign, think about buying signs (money)	Planning
21	23.110.180.B.1.a	Cap of 5,000 sqft for Multi-family does not work	Housing
25	23.116	What about TUP of City owned property? Charge for use?	Housing
41	23.131.020.B.2	Remove “prohibited sign” find another example. Clarify that adjustment is not for “signs” (Variance) is the other option.	Planning
41	23.131-1	Need Special consideration for special needs population and low-income in and near TOD	Housing
42	23.131.070	It seems unlikely to me that an adjustment for higher density would result in the creation of project amenities “ <i>that would not be available through strict adherence to code provisions.</i> ” I just want to make sure this is thought through in order not to preclude density adjustments on an unattainable finding. I understand how that should apply to design guideline adjustments, but perhaps density increases should be omitted from that required finding sentence.	Housing (Stefan)
56	23.141.070	How exactly are conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation defined? Do these include parking lots where people getting out of their cars have to walk through drive aisles, in between other cars and over planters to get to a building (i.e. every office building site in the City)? Does this include megablocks with no midblock crossing for pedestrians where pedestrians have to walk 1,000s of feet to cross an 80 ft wide street (like White Rock)?	Housing (Stefan)
56	23.141.075.D	How are pedestrian –friendly environments defined in this code? Does this definition include proximity to a range of uses via walking (i.e. ½ a mile or no more than a 1 mile) so that there are destinations to walk to?	Housing (Stefan)

57	23.141.110	More direction is needed to indicate what triggers the need for an amendment (esp MF projects). Is it up to the Director	Housing
73	23.158.036	Should discussion of implications of default be included (DA)	Housing
85	23.173.040.B	Confirm Chapter 6.52 (Abatement of weeds) and 6.54 (Maintenance of Privately owned property)	ISP

Article 3

Page	Chapter #	Comment	From
4	23.301-1	In Specific Plan we now see RD-40	Housing
4	23.301-1	Do we need a footnote somewhere that describes implication of HDR/RHNA as having a floor density within the density range. Perhaps explained in Residential District	Housing
15		Maybe Include a discussion of RHNA, minimal yield/floor or a discussion about RHNA	Housing
17	23.310	No beekeeping in higher densities. Should not be allowed	CE
25	23.313-1	Emergency shelters are required to be permitted in one zone	Housing
25	23.313-1	Confusion with definitions of Brewery and Artisanal	Economic
25	23.313-1	Consignment Store, should be P in OPMU	Economic
26	23.313-1	Beekeeping should not be allowed in public open space	CE
26	23.313-1	Aqua culture is a great industry but should not be allowed in these zones (mixed use) due to odor issues	CE
28	23.313-1	Furniture should be allowed in OPMU	Economic
28	23.313-1	Retail should be allowed in OPMU	Economic
27	23.313	Mixed Use Zoning (Artisanal should not be allowed in LTC and RTC	Planning/ Economic
29	23.313-1	Storage should not be allowed in OIMU	Economic
29	23.313-1	Bingo? Where does it fall?	Economic
29	23.313-1	SOB, do we have to allow it in LIBP?	Economic
35	23.316	Beekeeping in Industrial? Who will check on this?	CE
36	23.316	Recommend CUP for Ag Stands due to property	CE
	23.316	Bees should not be in RTC and VC	Planning
36	23.316	What about indoor gardening? What category?	Economic
37	23.316	Brewery, should it be P in GC?	Economic

37	23.316	Office, Business should be P in M-1. Same with Retail (Sunrise fronting bldg.)	Economic
37	23.316	Smokers lounges, hookah conflicts with page 39 (Smoke shop). Smoke shop and Tattoo parlor should be AUP in M-1	Economic
37	23.316.020.A	The definition of General Commercial here includes "...and some higher density residential uses." If multi-family is a conditional use, perhaps Transitional Housing should also be a conditional use?	Housing (Stefan)
47	23.325	Indoor fitness and Outdoor commercial should be AUP in Convention Overlay	Economic
51	23.325	Why is it not matching ½ mile as stated in SACOG and Cap & Trade funding. Possible roadblock to funding	Housing

Article 7

Page	Chapter #	Comment	From
9	23.704.030	Clarify that canopy is not temporary, I am assuming this is canopy covering an open patio	CE
17	23.710.030.D	Meets or exceeds the following	Housing
17	23.710.040.A.3	Should be, Needs very low and special needs seniors only	Housing
18	23.710.040.C.4	Does this include reduced parking for lower income senior housing?	
19	23.710.060	Should it be "Affordability" and not availability?	Housing
27	23.716.020	We have many sites that don't have landscape plans due to incorporation transfer. Can we require them to submit a landscape plan to be reviewed and approved? AS it is difficult to identify what tree and shrubs to replant	CE
29	23.716.020	This should apply to existing development (CPED)	CE
30	23.716.060	Look at legal non-conforming certificates due to the elimination of the 10% that included the sidewalks. It use to be 50% with sidewalk and now it is decreased to 40%. How will the drought affect this?	CE
36	23.716.100	How can we enforce this if there is no approved landscape plan?	CE
36	23.716.110	This will be very difficult to enforce. Determining 25% after the fact would be impossible	CE
36	23.716.110.6	This omitted statement is what we have been using for commercial owners to replace damaged sidewalk from tree roots	CE
39	Definition	We need a better definition for commercial vehicle	CE
	23.719.010	Increasing parking minimums is inconsistent with the wording of this section, particularly the "in an increasingly pedestrian, bicycle-friendly, and transit-	Housing Stefan

		oriented community” part. Increasing parking minimums also has the potential to decrease service levels on already congested streets as more people are induced to drive, therefore further impeding circulation, which is also inconsistent with this section, particularly the “provide for safe vehicular parking, circulation...” part	
45	23.719.080.B.1	With the exception of affordable senior projects for which total reduction may not exceed 50%	Housing
46	23.719	10% does not sound consistent (should be 30%-50%) and should be 0.5 miles for reduction	Housing
51	23.719	Is the bike parking requirement only for non-residential. If so, state. Also state “outside”	Housing
53	23.719.130	Hollywood strips should only be allowed as an approach due to ground water contamination and not parking	CE
53	23.719.130	Add 5 foot separation from property line for pavement as stated in the IS	CE
71	23.725.040	Code has been asked to enforce holiday lights	CE
80	23.731.	Code has been asked to not enforce trash screening	CE
106	23.743-1	Why monument sign only?	Economic
116	23.743.120	Isn't this covered by our regular sign code?	Economic

Article 9

Page	Chapter #	Comment	From
5	23.901.030.F.18	Needs to be defined “major auto repair” in residential area. Also needs to be noted as prohibited	CE
25	23.910.040.C.4	Remove or no permanent tables and chairs	Economic
37	23.922.030	Identify Residential vs non-residential	Planning
37	23.922.030	Is 60 days too much?	CC
38	23.922.030	Review Outdoor storage display, sales, (home depot type tent sales	CC/ Planning

Definitions

1. Work on Brewery “60,000”
2. Include RHNA
3. Public transit
4. Extremely low income as defined by H&SC 50106
5. Pg 44 how, % determined?
6. Work on Artisanal and specialty manufacture
7. Expand on Card rooms, include gambling, gaming devices, and Bingo
8. Work on Manufacture small and Manufacture minor

Items for further Discussion and Options:**Article 3**

Page	Chapter #	Comment	From
17	23.310	No beekeeping in higher densities. Should not be allowed	CE
25	23.313-1	Confusion with definitions of Brewery and Artisanal	Economic
26	23.313-1	Aqua culture is a great industry but should not be allowed in these zones (mixed use) due to odor issues	CE
27	23.313	Mixed Use Zoning (Artisanal should not be allowed in LTC and RTC	Planning/ Economic
29	23.313-1	Storage should not be allowed in OIMU	Economic
29	23.313-1	SOB, do we have to allow it in LIBP?	Economic
35	23.316	Beekeeping in Industrial? Who will check on this?	CE
36	23.316	Recommend CUP for Ag Stands due to property	CE
	23.316	Bees should not be in RTC and VC	Planning
37	23.316	Brewery, should it be P in GC?	Economic
37	23.316	Office, Business should be P in M-1. Same with Retail (Sunrise fronting bldg.)	Economic

Article 7

Page	Chapter #	Comment	From
30	23.716.060	Look at legal non-conforming certificates due to the elimination of the 10% that included the sidewalks. It use to be 50% with sidewalk and now it is decreased to 40%. How will the drought affect this?	CE
36	23.716.110	Requiring Tree Permit for trimming will be very difficult to enforce. Determining 25% after the fact would be impossible	CE
39	Definition	We need a better definition for commercial vehicle	CE
53	23.719.130	Hollywood strips should only be allowed as an approach due to ground water contamination and not parking	CE
53	23.719.130	Add 5 foot separation from property line for pavement as stated in the IS	CE
71	23.725.040	Code has been asked to enforce holiday lights	CE
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116	23.743.120	Isn't this covered by our regular sign code?	Economic

Article 9

Page	Chapter #	Comment	From
37	23.922.030	Identify Residential vs non-residential	Planning
37	23.922.030	Is 60 days too much?	CC
38	23.922.030	Review Outdoor storage display, sales, (home depot type tent sales	CC/ Planning

Bee Ordinance

Comments received from Code Enforcement are included in Article 3 Comments

8.12	Comment	From
	Standards need to be simplified	City Council member (CC)
	The hive location standard for the fencing needs to be revised and not complicated, may need to add a diagram	CC
	Prefer Option 1 (meet standards) over Option 2 (Bee permitting)	CC

Definitions that need to be discussed/reviewed:

1. Work on Brewery “60,000” Most jurisdictions define at “15,000”.
2. Work on Artisanal and specialty manufacture.
3. Expand on Card rooms; include gambling, gaming devices, and Bingo.
4. Work on Manufacture small and Manufacture minor.
5. Commercial vehicle.

RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 – ZONING CODE

Public Hearing Draft November 14, 2016

Overview

The Public Draft Zoning Code dated November 14, 2016 includes updates to Articles 1, 3, 5, 7, 9, and 11. With the exception of Article 5, all Articles proposed changes are shown using track changes. Blue font color with a strikethrough depicts old language and Red font with a underline depicts new language. This summary is organized by Article and only includes chapters with revisions. Given substantial renumbering of Chapters and Sections in Article 1 in particular, once approved, staff will check all cross references throughout the title to ensure internal consistency. Capitalization and nomenclature will be consistent with the existing Municipal Code and Code Publishing rules and standards.

RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 – ZONING CODE

Public Hearing Draft November 14, 2016

Article 1

Administration

Overview

This Article establishes administrative elements of the Zoning Code, as follows:

- Purpose and authority of the Code as the key implementation tool of the City of Rancho Cordova General Plan.
- Establishes which review body makes recommendations and final decisions to approve or deny a land use entitlement request.
- The procedures for land use entitlement applications.
- The list of planning entitlements required before a property can be used for a particular purpose.
- How to appeal decisions, hold public hearings, amend the Zoning Code, handle nonconforming land uses and structures, and enforce code provisions.
- Defines the type, size and character of development projects and determines which entitlement(s) is required and which procedure to follow.

Article I Contents

Chapter 23.101 – Purpose and Authority
Chapter 23.104 – Approval Authority
Chapter 23.107 – Interpretation of Code
Chapter 23.110 – Application Processing
Chapter 23.113 – Zoning Certification
Chapter 23.116 – Temporary Use Permits
Chapter 23.119 – Unified Sign Program
Chapter 23.122 – Similar Use Determinations
Chapter 23.125 – Administrative ~~and Limited~~ Use Permits
Chapter 23.128 – Reasonable Accommodation
Chapter 23.131 – Adjustment
Chapter 23.134 – Conditional Use Permit
~~Chapter 23.137 – Condominium Conversion Permit~~
Chapter 23.140 – Minor Design Review
Chapter 23.141 – Major Design Review
Chapter 23.143 – Variance
Chapter 23.146 – Zoning Amendments
Chapter 23.149 – Special Planning Areas
Chapter 23.152 – Specific Plans
Chapter 23.155 – General Plan Amendments
Chapter 23.158 – Development Agreements
~~Chapter 23.164 – Appeals~~
~~Chapter 23.167 – Council Call-ups~~
Chapter 23.170 – Nonconforming Uses and Structures
Chapter 23.173 – Enforcement

Article 1. Administration¹**Overview**

This article establishes administrative elements of the zoning code, as follows:

- Purpose and authority of the code as the key implementation tool of the city of Rancho Cordova General Plan.
- The procedures for land use entitlement applications.
- The list of planning entitlements required before a property can be used for a particular purpose.
- How to appeal decisions, hold public hearings, amend the zoning code, handle nonconforming land uses and structures, and enforce code provisions.
- Establishes which review body makes recommendations and final decisions to approve or deny a land use entitlement request.
- Defines the type, size, and character of development projects and determines which entitlement(s) is required and which procedure to follow.

¹ Code reviser's note: Ordinance 13-2013 Exhibit B sets out all of Article 1 without intending to amend the entire article. Only sections intended to be amended by the ordinance cite the ordinance in the section's legislative history.

Chapter 23.101

PURPOSE AND AUTHORITY

Sections:

- 23.101.010 Purpose of the zoning code.
- 23.101.020 Authority.
- 23.101.030 Applicability of regulations.
- 23.101.040 Actions subject to a land use permit.
- 23.101.045 Zoning code changes on pending applications.
- 23.101.050 Responsibility of administration.

23.101.010 Purpose of the zoning code.

The purpose of this zoning code is to set forth and coordinate city regulations governing the development and use of land in accordance with the city of Rancho Cordova General Plan. The zoning code is specifically intended to do the following:

- A. Serve as the principal tool for implementing the city's General Plan in a manner that protects the health, safety, and welfare of the citizens of Rancho Cordova.
- B. Facilitate prompt review of development proposals and provide for public information, review, and comment on development proposals that may have a significant impact on the community.
- C. Create a comprehensive and stable pattern of land uses to help ensure the provision of adequate water, sewerage, transportation, drainage, parks, open space, and other public facilities.
- D. Conserve and protect the city's natural resources and features such as creeks, significant trees such as heritage oaks, and historic and environmental resources.
- E. Create a complete multi-modal transportation network that promotes pedestrian-oriented development, safe and effective traffic circulation, and adequate facilities for all transportation modes (e.g., walking, bicycling, driving, and using transit).
- F. Require that permitted uses and development designs provide reasonable protection from fire, flood, landslide, erosion, or other manmade or natural hazards.
- G. Ensure compatibility between residential and nonresidential development and facilitate the development of compatible mixed-use developments. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.1.010)].

23.101.020 Authority.

This zoning code, hereafter referred to as "this code," is enacted based on the authority vested in the city of Rancho Cordova by the state of California, including but not limited to Article XI, Section 7 of the State Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the Subdivision Map Act (California Government Code Section 66410 et seq.); and the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.1.020)].

23.101.030 Applicability of regulations.

This code applies to all land uses, structures, subdivisions, and development ~~within~~ in the city of Rancho Cordova, as follows:

- A. New Land Uses or Structures and Changes to Land Uses or Structures. Compliance with the requirements of this zoning code is required for any person or public agency to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.

B. Issuance of Building Permits. The city may issue building or other construction permits only when:

1. The proposed land use and/or structures satisfy the requirements of subsection (A) of this section and all other applicable regulations; and
2. The director determines that the site was subdivided in compliance with the Rancho Cordova land division requirements.

C. Subdivisions. Any subdivision of land after the effective date of the ordinance codified in this code shall be consistent with minimum lot size requirements and all other requirements of this code.

D. Existing Uses and Structures. An existing land use or structure is lawful only when it was legally established and is operated and maintained in compliance with all applicable provisions of this code.

E. Minimum Requirements. The provisions of this code shall be the minimum to ensure the public health, safety, and welfare. For discretionary actions, city officials or bodies have the discretion to impose more stringent requirements than set forth in this code as may be necessary to promote orderly land use development and the purposes of this code.

F. Other Requirements. Nothing in this code eliminates the need for obtaining permits, approvals, or entitlements required by the county or any regional, state, or federal agency.

G. Severability. Invalidity or enforceability of one or more provisions of this code shall not affect any other provision of this code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.1.030)].

23.101.040 Actions subject to a land use permit.

Land use permits are required when a development, as defined by this code, is proposed unless exempted under a specific provision. When land use permits are required, the following shall apply:

A. No person shall initiate a qualifying development until a land use permit has been approved (including appeals).

B. The city shall not issue any other permit for the development until the land use permit has been approved (including appeals).

C. Concurrent review of building permit applications and other applications related to the land use permit are allowed under the following conditions:

1. Final approval of building and other permits is not allowed without land use permit approval; and
2. The applicant acknowledges the risk that a land use permit may be denied, the land use permit could change, and/or the outcome of the land use permit could alter other permit requirements.

D. A land use permit shall not be approved for the division, improvement, or use of land that has been divided or otherwise developed in violation of this code unless the violation is corrected prior to or concurrent with issuance of a land use permit.

E. All appeal periods or actions related to a land use permit must be completed prior to any action that requires the related land use permit to initiate and all relevant time periods shall be suspended until final action is taken. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.1.040)].

23.101.045 Zoning code changes on pending applications.

The enactment of this title or amendments to its requirements may have the effect of imposing different standards on new land uses, development, and/or structures than those that applied to existing land uses, development, and/or structures. Following the effective date of this title, or any amendments to this title, the following provisions shall apply:

A. Pending Applications. All land use permit applications that are pending before the city shall be processed according to the regulations in effect when the application was first submitted before the designated approval

authority. If final action on the application is delayed for more than 60 days from the date of the first hearing by the designated approval authority, the application shall be considered based upon the regulations in effect at the subsequent hearing.

B. Approved Projects Not yet under Construction. Any structure authorized by a limited or quasi-judicial permit or action for which construction has not begun as of the effective date of this title or any amendment may still be constructed in compliance with the approved permit, as long as construction is completed and the approved land use is established before the expiration of the permit or, where applicable, before the expiration of any approved time extension.

C. Projects under Construction. A structure that is under construction pursuant to a building permit as of the effective date of this title or any amendment may be completed and need not be changed to satisfy any new or different requirements of this title so long as construction is beyond the approval of the first building inspection on the effective date of this title or any amendment. Such a structure shall be deemed to be a lawfully existing building.

23.101.050 Responsibility of administration.

This zoning code shall be administered by the ~~city council~~ council and ~~planning director~~ director as well as other city staff and decision-making bodies as defined in this code. Chapter 23.104 (~~Approval Authority~~ RCMC) further defines the administrative responsibilities of each planning review body. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.1.050)].

Chapter 23.104

APPROVAL AUTHORITY

Sections:

- 23.104.010 Purpose.
- 23.104.020 Planning agency.
- 23.104.030 Recommending and approval authority.
- 23.104.040 Referrals to council.

23.104.010 Purpose.

The purpose of this chapter is to establish the administrative responsibilities of the zoning code and to identify the basic responsibilities of the officials and bodies charged with its administration. This chapter describes which review body makes the final decision on various types of planning and land use entitlement applications. The zoning code uses a combination of nondiscretionary and discretionary reviews to evaluate land use proposals for compliance with the use and development requirements of this code. The nondiscretionary reviews provide the certainty needed in most situations by providing clear and objective criteria. Discretionary reviews provide needed flexibility by allowing more subjective criteria and by providing for the modification of regulations in response to specific site conditions. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.2.010)].

23.104.020 Planning agency.

California Government Code Section 65100 requires each jurisdiction to establish a planning agency to carry out the ~~land use and~~ planning and land use functions of the jurisdiction. The functions of the planning agency are assigned as designated by this code. In the absence of an assignment, the ~~city council~~ council shall retain responsibility and authority to function as the planning agency. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.2.020)].

23.104.030 Recommending and approval authority.

~~The zoning code establishes which planning body recommends, makes final determinations, and hears appeals for each land use entitlement request.~~

A. Approval ~~Authority~~ Types. The zoning code establishes which planning body recommends, makes final determinations, and hears appeals for each planning and land use entitlement request. This approval authority is determined by the type of approval required for each planning and land use entitlement. The approval types are as follows: Table 23.104-1 lists the nature of the entitlement and the decision-making process determines whether or not a decision must be made by the council or whether the decision can be delegated down to an appointed decision-making body, or to staff:

1. Nondiscretionary Administrative. Decisions do not require ~~limited~~ interpretation or exercise of policy or legal judgment in evaluating approval criteria because the decision is made according to specific criteria where no discretion is involved. Permits may be issued over the counter by staff. The director is the approval authority for nondiscretionary actions. The action of the director is not subject to appeal.
2. Limited Discretion. Approval or denial is based on discretionary standards that regulate the physical characteristics of a use or structure. Decisions must be consistent with the adopted criteria. Notice of decision is required with opportunity to request public hearing. The action of the director may be appealed to the council, or a designee can make limited land use decisions where the evaluation and approval must be consistent with adopted criteria. Approval or denial is based on discretionary standards that regulate the physical characteristics of an outright use. These entitlement requests do not typically require a public hearing but rather a formal determination by the director (or designee).
3. Discretionary (Quasi Judicial). Decisions involve the application of discretionary approval standards to site-specific applications. The director makes recommendations to the council for final decisions with specific findings. A public hearing is required. Decisions of the council are not subject to appeal. These decisions can be made by the council or delegated to a different review body or to staff. The decisions are quasi-judicial in nature, meaning that they involve the application of discretionary approval standards to site-specific applications. A public hearing is required.

~~4. Discretionary (Legislative).~~ Decisions must be made by the city council. Legislative land use decisions apply to the general population and prescribe policy, requiring the greatest amount of discretion and evaluation of subjective approval criteria. City council is the approval authority for legislative land use permits. The director makes recommendations to the city council. Generally, a recommendation is requested from staff and/or another recommending body on legislative entitlements. A public hearing is required and these decisions cannot be appealed.

B. ~~Public Hearings Required. Table 23-104.1 identifies the type of public hearing required by entitlement, as applicable. Consolidated Review. When more than one entitlement is required for a development project to proceed, then all entitlements shall be reviewed in a consolidated manner at the highest level of review~~

C. ~~Action Review and Approval Authority.~~ Table 23.104-1 establishes the responsibilities of the city's decision-making bodies ~~by entitlement, defined as follows:~~

- ~~1. "R" — Recommending body.~~
- ~~2. "F" — Final decision authority.~~
- ~~3. "A" — Appeal body.~~

Table 23.104-1: Approval Authority for ~~Land Use Entitlements~~Entitlements

Entitlement	Approval Type	Public Hearing Required	Designated Approval Authority "F" = Final Approval Authority "A" = Appeal Body "R" = Recommendation	
			Planning-Director Director	City-Council Council
Zoning Certification	Administrative Nondiscretionary	No	F	
Temporary Use Permit	Limited AdministrativeNondiscretionary	No	F	A
Similar Use Determination	Limited Discretion	No	F	A
Unified Sign Program	Limited Discretion	No ⁽¹⁾	F	A
Administrative Use Permit	Limited Discretion	No ⁽¹⁾	F	A
Limited Use Permit	Limited	F	A	
Reasonable Accommodation	Limited Discretion	No ⁽¹⁾	F	A
Adjustment	Limited Discretion	No ⁽¹⁾	F	A
Nonconforming Use Permit	Limited Discretion	No ⁽¹⁾	F	A
CUP Revocation	Limited	F	A	
Minor Design Review	Limited Discretion	No ⁽¹⁾ Director	F	A
Conditional Use Permit	Quasi-judicial Discretionary	Council	R	F
Condominium Conversion Permit	Quasi-judicial	City Council	R	F
Major Design Review	Quasi-judicial Discretionary	Council	R	F
Variance	Discretionary Quasi-judicial	Council	R	F
Special Planning Areas	Discretionary Legislative	Council	R	F
Zoning Amendments	Discretionary Legislative	Council	R	F
Specific Plans	Discretionary Legislative	Council	R	F

General Plan Amendments	Discretionary Legislative	Council	R	F
Development Agreements	Discretionary Legislative	Council	R	F

(1) Notice of decision is provided with the opportunity to request a public hearing. If no public hearing is requested, decision is rendered and notice of decision provided in accordance with Chapter 23.110 (Common Procedures).

~~R—Recommending body~~

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~~F—Final decision authority~~

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~~A—Appeal body~~

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23.104.040 Referrals to council.

The director may refer any entitlement with limited discretion for which the director is the final approval authority to the council for action.

A. Referral. The director may refer any item to council for consideration. The director may refer an item with or without making a final determination or a recommendation for action.

B. Council Review. The council shall review the referred item at a noticed meeting and take one of the following actions:

1. Refer the item back to the director for review and final action. Referral back to the director does not preclude the item being appealed or being called up by council following final action.

2. Cause the item to be scheduled at the next regularly scheduled council meeting, allowing for public hearing notice.

C. Public Hearing Required. A public hearing shall be required for all items referred to and accepted by the council for action in accordance with the following:

1. Public Hearing Notice. A notice for public hearing shall be provided for in accordance with Section 23.110.120 (Notice of public hearing).

2. Public Hearing Procedure. A public hearing shall be held in accordance with Section 23.110.130 (Public hearing procedures).

[Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.2.030)].

Chapter 23.107

INTERPRETATION OF CODE

Sections:

- 23.107.010 Purpose.
- 23.107.020 Rules of interpretation.
- 23.107.030 Official interpretations.

23.107.010 Purpose.

This chapter assigns code interpretation responsibility to the director to allow interpretations to be made on a regular basis and allows the director to elevate certain interpretations to the ~~city council~~council when necessary to make a policy decision that may have a significant impact on the community at large. This chapter also provides rules for interpretation to clarify the use of some basic terms. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.3.010)].

23.107.020 Rules of interpretation.

The director shall have the authority and responsibility to interpret terms, provisions, and requirements of this code ~~and~~ according to the following:

A. Abbreviations. The following phrases, personnel, and document titles are shortened in this code:

City of Rancho Cordova	=	City
Planning director	=	Director
City council	=	Council
Planning department	=	Department

B. Terminology. The following rules apply to all provisions in this code:

1. Language. The words “shall,” “will,” “is to,” and “are to” and similar words and phrases are always mandatory. “Should” is not mandatory but is strongly recommended and “may” is permissive.
2. Tense and Number. The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural, and plural numbers include the singular unless the natural construction of the word indicates otherwise.
3. Conjunctions. “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to.”
4. Number of Days. Whenever a number of days is specified in this code, or in any entitlement, condition of approval, or notice issued or given as provided in this code, the number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the city is not open for business.
5. Minimum Requirements. All provisions of this code are considered to be minimum requirements, unless specifically stated otherwise.

C. Calculations – Rounding. Where any provision of this code requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded to the nearest whole number (0.5 or more is rounded up; less than 0.5 is rounded down).

D. Zoning Regulations. Any list of any item, including zones or uses, is exclusive. If ~~an use or other~~ item is not listed, it is not permitted, ~~unless the use is determined to be similar to a listed use or use category except as~~ otherwise provided for in this title.

~~E. Zone Boundaries. Where uncertainty exists with respect to the boundaries of the various zones as shown on the zoning map, the provisions of RCMC 23.301.030(E) shall apply.~~

~~F.~~ Consistency of Text and Diagrams. Diagrams are provided ~~within in~~ this code to illustrate the requirements of the zoning code's text. In the event of conflict between the text of this code and provided diagrams, the text shall determine the city's regulations. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.3.020)].

23.107.030 Official interpretations.

A. Director Determination. Whenever the director determines that the meaning or applicability of any of the requirements of this code is ambiguous, misleading, or unclear, the director may issue an official interpretation.

B. Referral. The director may refer an official interpretation to the council for a final determination.

C. Council Review. The council shall review the official interpretation and within 10 calendar days of receiving the referral take one of the following actions:

1. Refer the interpretation back to the director for issuance of an official interpretation.
2. Cause the official interpretation item to be scheduled at the next regularly scheduled council meeting as a regular agenda item for action. No public hearing shall be required.

D. Record of Interpretation. ~~or refer the question to the council for a determination.~~ The ~~planning department~~ department shall keep records of the official determinations of interpretations on file for future reference and to ensure consistency of interpretations over time. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.3.030)].

Chapter 23.110

APPLICATION PROCESSING

Sections:

- 23.110.010 Purpose and applicability.
- 23.110.020 Consolidated review.
- 23.110.030 Initiation of application.
- 23.110.040 Application requirements.
- 23.110.050 Determination of completeness.
- 23.110.060 Withdrawal of land use application.
- 23.110.070 Extension of land use entitlement.
- 23.110.080 Environmental assessment.
- 23.110.090 Pre-application conference.
- 23.110.100 Neighborhood meeting.
- 23.110.110 Notice of pending director determination and opportunity to request hearing.
- ~~23.110.120 Staff evaluation and report~~ Notice of public hearing.
- ~~23.110.130 Conditions of approval~~ Public hearing procedures.
- ~~23.110.140 Revocation of previously approved entitlement~~ Notice of decision.
- 23.110.150 Transfer of approval rights.
- ~~23.110.160 Land use determinations~~ Appeals.
- 23.110.170 Council call-ups.
- ~~23.110.180~~ Amendments.

23.110.010 Purpose and applicability.

This chapter describes the general procedures that apply to land use entitlement reviews. ~~It contains the step-by-step land use application processing requirements.~~ This chapter applies to all land use entitlement applications, unless stated otherwise. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.010)].

23.110.020 Consolidated review.

A. Where a proposal involves more than one entitlement for the same property, then all entitlements shall be reviewed in a consolidated manner by the highest review authority. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.020)].

B. In the event an appeal is filed regarding a decision on one of multiple entitlements concurrently granted for a single project, all concurrently granted city entitlements for the project shall be automatically appealed and shall be considered and acted upon in a consolidated manner.

23.110.030 Initiation of application.

Land use entitlement applications may be initiated as follows:

A. General Plan Amendment. An amendment to the General Plan may be initiated by either of the following:

1. ~~May be requested~~ A request by any party; ~~and or~~
2. ~~Initiated by~~ Council action passed by a simple majority.

B. All other entitlement requests may be initiated by any of the following:

1. All the owners or all the contract purchasers of the subject property, or any person authorized in writing to act as agent of the owner or contract purchasers;
2. Public agencies or utilities that have statutory rights of eminent domain for projects they have the authority to construct;
3. The ~~planning director~~ director; or

4. ~~The~~ Council action passed by a simple majority. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.030)].

23.110.040 Application requirements.

A. Filing. All applications for land use entitlements shall be submitted to the ~~planning department~~ department on an application form provided by the department, together with all fees, plans, maps, and other information required by the department, with the following materials:

B. Fees. The council shall, by resolution, establish a schedule of fees for entitlements pertaining to this zoning code. The schedule of fees may be changed or modified only by resolution of the council. Until all applicable fees have been paid in full, review shall not commence on any application. The city is not required to continue processing any application unless its fees are paid in full. Failure to pay the applicable fees is grounds for determination of incompleteness.

C. New Information. Information submitted by the applicant to the city after the date the application is deemed complete that results in a substantial change from the original application shall require review as a new application. The director shall determine whether a substantial change from the original application has been proposed.

D. Application Denial and Refiling. If an application is denied, a new application for the same or similar request may be accepted with no waiting period.

~~A. Completed application form including applicant signature(s), agent authorization (as appropriate), and proof of property ownership.~~

~~B. Required fee or deposit based on the entitlement(s) requested.~~

~~C. Plans, maps, and any other information deemed necessary by the director to provide the approving authority with adequate information to make informed decisions.~~

~~D. Materials listed on the land use entitlement application form related to the requested entitlement(s).~~ [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.040)].

23.110.050 Determination of completeness.

A. Within 30 calendar days of application submittal, the director ~~or designee~~ shall determine whether or not the application is complete in compliance with Government Code Sections 65090 through 65092.

B. The applicant shall be notified in writing if additional information is necessary to complete the application. The correspondence may identify preliminary information regarding the areas in which the submitted plans are not in compliance with city standards and requirements.

C. If additional materials are required and the application is not made complete within six months of the completeness determination letter, the application may be ~~considered~~ withdrawn pursuant to Section 23.110.060 (Withdrawal of land use application) (see RCMC 23.110.060).

~~D. Rejection by the director for~~ A determination of incompleteness shall be based solely on failure to address and supply information required by the application or this code and/or failure to provide information requested by the director in a pre-application conference or otherwise, as determined necessary to adequately evaluate the proposal. ~~Rejection~~ The determination of incompleteness shall not be based on differences of opinion as to quality or accuracy.

E. Acceptance of an application as complete indicates only that the application is ready for review.

23.110.060 Withdrawal of land use application.

The following procedure allows for the withdrawal of land use applications:

A. Request. The director may approve the withdrawal of any application ~~at the~~ upon written request ~~by~~ of the applicant, prior to the final ~~written decision~~ determination on the entitlement.

B. Incomplete Applications. An application determined to be incomplete for a period longer than six months shall be considered withdrawn unless all required materials listed in the incompleteness determination letter are provided. The six-month time period may be extended at the discretion of the director, provided a written request for extension is filed by the applicant prior to conclusion of the six-month period.

C. Fees Refunded. Fees for withdrawn applications ~~shall may~~ be refunded upon written request by the applicant, less the actual costs incurred by the city in processing the application. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.060)].

23.110.070 Extension of land use entitlement.

The director, at the applicant's request, may extend the expiration date of a land use entitlement assuming the following criteria are met:

A. Requests for extension must be filed in writing with the director prior to the expiration date of the original approval or ~~subsequent~~ expiration date of an approved extension.

B. No single extension of time shall exceed a ~~three-one~~-year period.

C. The cumulative extension time granted shall not exceed three years.

D. Extensions shall not be approved where the effect of the extension would violate any provisions of this code or any amendments made following the effective expiration date.

E. Extensions shall not modify the original decision. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.070)].

23.110.080 Environmental assessment.

After determination of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) to determine whether the project is exempt from the requirements of CEQA or is not a project as defined by CEQA, whether a negative declaration may be issued, or whether an environmental impact report (EIR) shall be required. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.080)].

23.110.090 Pre-application conference.

A pre-application conference is available to acquaint applicants with the requirements of this code, the General Plan, and other relevant criteria. To schedule a pre-application conference, the applicant shall submit a written request and provide submittal requirements identified by the ~~planning department~~ department in the application materials. The director shall schedule the pre-application conference with planning staff or with a project review team composed of department and/or agency representatives. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.090)].

23.110.100 Neighborhood meeting.

A neighborhood meeting may be required for certain entitlements as follows:

A. Purpose. Provide for community outreach early in the application process to involve neighborhood stakeholders in a collaborative review of proposed development applications. The neighborhood meeting is intended to result in an application that is responsive to neighborhood concerns, reducing the likelihood for delays and appeals of the application.

B. Expectations. The city expects an applicant to take the reasonable concerns and recommendations of the neighborhood into consideration when preparing an application. The city expects the neighbors will work with the applicant to provide such input.

C. The director shall require a neighborhood meeting for an entitlement request that has the potential to raise concerns of neighborhood or community impact. The need for the neighborhood meeting shall be determined by the director and shall be decided within seven days of the application being deemed complete.

~~as follows:-~~

~~1. An entitlement request has the potential to raise concerns of neighborhood or community impact.~~

~~2. The need for the meeting shall be established within seven days after the application is deemed complete.~~

D. If a neighborhood meeting is required, ~~neighborhood meetings~~such meeting shall ~~must~~ be conducted before the director will schedule a public hearing for the entitlement request.

E. The director or a designee shall be invited to the neighborhood meeting and may attend, but attendance is not required.

F. Requirements.

1. A sign-in sheet must be completed on the night of the neighborhood meeting and submitted to the city as verification that the meeting was held. The sign-in sheet should indicate the date, time, and location of the meeting, a brief heading describing the subject of the proposal, and the signatures of those in attendance at the meeting. ~~The city shall retain the sign-in sheet as part of the record in the land use case file.~~

2. Those notified of the neighborhood meeting shall, at a minimum, include all ~~surrounding property~~ owners and occupants of property~~residents~~ located within 500 feet of the subject property, active homeowners associations, ~~as well as~~and any other interested parties identified by the director.

3. A presentation at a neighborhood meeting shall include, at a minimum:

- a. Map depicting the location of subject property.
- b. Visual description of the project including ~~, but not limited to,~~ a site plan and elevation drawings of any structure.
- c. A description of the nature of the use including ~~, but not limited to,~~ sizes, heights of structures, proposed lot sizes, and densities, ~~etc.~~
- d. The expected or anticipated impacts from development.
- e. Any mitigation proposed by applicant to alleviate the expected and anticipated impacts.
- f. Opportunity for public comment.

4. Applicants shall provide the city with a summary of the meeting and the above meeting materials for inclusion in the land use file, including ~~, but not limited to,~~ public concerns that were raised and if those concerns can be addressed by the proposal and how the concerns were addressed. Applicants are encouraged to reconcile and propose modifications to the project to address public concerns prior to a public hearing. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.100)].

23.110.110 Notice of pending director determination and opportunity to request hearing.

A. Notice of Pending Determination. Written notice of scheduled date of director determination for an entitlement with limited discretion shall be provided at least seven calendar days prior to the director action. Notice shall be provided to the applicant, interested parties having requested notices in writing, neighborhood associations within proximity of the subject parcel, owners and occupants of real property within 500 feet of the subject parcel as measured from the property line, and members of the council. The notice shall include:

- 1. The application request;
- 2. The planned date of determination to be taken by the director;
- 3. A brief statement explaining the criteria and standards to be considered relevant to the decision;
- 4. The opportunity to request a public hearing on the matter including deadlines, instructions, and contact information; and
- 5. Information regarding subsequent follow up notice of decision and opportunity for appeal.

23.110.1210 ~~Staff evaluation and report~~ Notice of public hearing.

A. Applicability. The following notice of public hearing requirements shall apply to discretionary entitlements decided by the council and limited discretionary decisions by the director as requested in accordance with Section 23.110.140 (Notice of decision).

B. Hearing Notice. Unless otherwise required by law, notice of time, date, and place of the hearing, the identity of the hearing body, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of real property which is the subject of the hearing, shall be given at least 10 calendar days prior to the hearing by all of the following procedures:

1. By publication once in a newspaper of general circulation within the city.
2. By mailing or delivering to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.
3. By mailing or delivering to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
4. By mailing or delivering to all owners and occupants of real property as shown on the latest equalized assessment roll within 500 feet of the real property that is the subject of the hearing as measured from the property line. If the number of owners to whom notice would be mailed or delivered pursuant to this section is greater than 1,000, a local agency, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city.
5. By mailing or delivering to neighborhood associations within proximity of the subject site, as determined by the director.
6. By mailing or delivering to any person who has filed a written request with the department.
7. By posting in at least three public places within the boundaries of the city, including one public place in the area directly affected by the proceeding.
8. By any additional manner deemed necessary or desirable, as required by the director.

C. Continuances. Unless otherwise required by law, no additional notice shall be required if the reviewing body, before the adjournment or recess of a duly noticed hearing, continues the hearing by publicly announcing the date, time, and place to which the hearing will be continued.

D. Any applications under this code in which any identified or anticipated use is in any way related to religious exercise should be referred to the city attorney prior to consideration or decision. "Religious exercise" for purposes of this section includes prayer, religious gatherings, religious practices, religious education, and church administration.

~~A. Staff Evaluation. The director shall review all applications to determine compliance with provisions of this zoning code and other applicable provisions (e.g., land division ordinance, municipal code, General Plan, etc.). The project review will include any required environmental review as required by CEQA.~~

~~B. Staff Report. When this code requires council action, the director shall provide a written recommendation to the council to approve, deny, or approve with conditions the requested entitlement.~~

~~C. Report Distribution. Each staff report shall be furnished to the applicant and property owner at the same time as it is provided to the review authority prior to consideration of the entitlement request.~~

~~D. The staff report may be amended as necessary at any time prior to the hearing to address issues or information not reasonably known at the time the report is due.~~

~~E. Any applications under this code in which any identified or anticipated use is in any way related to religious exercise should be referred to the city attorney prior to consideration or decision. "Religious exercise" for purposes of this section includes, but is not limited to, prayer, religious gatherings, religious practices, religious education, and church administration. [Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 1.4.110)].~~

23.110.1320 ~~Conditions of approval~~Public hearing procedures.

A. Applicability. The following public hearing procedures shall apply to public hearings by the council and by the director as requested in accordance with Section 23.110.140 (Notice of decision).

B. Scheduling of Public Hearing. A public hearing upon an application shall be set before the appropriate reviewing body when:

1. The director has determined that the application complies with all applicable ordinance requirements; and,
2. All procedures required by CEQA have been completed.

C. Public Hearing Procedures.

1. Hearing. A public hearing shall be heard at the date, time, and place described in the required public notice.
2. Hearing Comments. During a public hearing, the applicant for a project shall have the right to be represented, provide testimony, and present evidence. All other persons shall have the right to comment on any relevant aspect of the application under consideration.
3. Action. Following the completion of testimony at a public hearing, action shall be taken to approve, approve with conditions, deny, continue, or take under advisement the subject of the public hearing.

~~A. Review bodies have the authority to impose reasonable conditions of approval to ensure that all applicable criteria are, or can be, met.~~

~~B. Failure to comply with any condition of approval shall be grounds for revocation of the entitlement(s) and grounds for instituting code enforcement proceedings.~~

~~C. Modification of Conditions. An applicant may request modification of a condition of approval after the final written decision is issued. A modification to condition(s) of approval shall be processed in the same manner and subject to the same standards as the original application (e.g., amended the original entitlement). [Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 1.4.120)].~~

23.110.1430 ~~Revocation of previously approved entitlement~~Notice of decision.

A. Director Limited Discretion Decisions. Written notice of decision shall be provided within three business days of the date of decision to the applicant, all parties who submitted comments orally or in writing at or prior to the public hearing, and to members of the council. The notice shall include:

1. The application request as acted upon by the director;
2. The action taken by the director;
3. A brief statement explaining the criteria and standards to be considered relevant to the decision;
4. A statement of the standards relied upon in rendering the decision;
5. Findings as listed for each entitlement for the decision based on the criteria, standards, and facts set forth; and
6. The deadlines, criteria and fees for filing an appeal.

B. Council Discretionary Decisions. Written notice of decision shall be provided within three business days of the date of decision to the applicant and all parties who submitted comments orally or in writing at or prior to the public hearing. The notice shall include:

1. The application request as acted upon by the council; and,

2. The action taken by the council.

~~In the event an applicant, or the applicant's successor in interest, fails to comply with any of the conditions of entitlement approval, the council may institute revocation proceedings if it is determined there is substantial likelihood that any of the following situations exist:-~~

~~A. One or more conditions of approval have not been implemented or have been violated; or-~~

~~B. The activities, or the use itself, are substantially different from what was approved.-~~

~~Unless otherwise provided in this code, revocation of a previously approved entitlement shall be considered and decided by the council. The director or any private complaining party shall have the burden to prove, based on substantial evidence in the whole record, that the applicant or the applicant's successor has violated the city's approval. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.130)].~~

23.110.1540 Transfer of approval rights.

Unless stated otherwise in the city's entitlement permit decision, any approval granted under this code runs with the land and is transferred with ownership of that land. Any conditions, time limits, or other restrictions imposed with an entitlement approval shall bind all subsequent owners of the property for which the entitlement was granted. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.140)].

23.110.1650 Land use determinations Appeals.

A. Applicability. Only the following types of decisions are subject to appeal:

1. Limited discretion approval type decisions as listed in Table 23.104-1;

2. Official interpretations of the zoning code made by the director in accordance with Section 23.107.030 (Official interpretations); and,

3. Any determination by the director in accordance with Section 23.110.050 (Determination of completeness) that a permit application is deemed incomplete.

B. Scope of Appeal. An appeal of a decision on an entitlement shall be limited to issues raised at a public hearing, or in writing prior to the final determination, or information that was not known at the time of the decision that is being appealed.

C. Filing. An appeal may be filed by:

1. Any person affected by a decision or action by the director; or,

2. Any person who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns.

D. Timing and Form of Appeal. Appeals shall be filed with the department within 10 calendar days following the date of the final determination being appealed. All appeals shall be submitted in writing, together with the name, address, phone number, and signature of the appellant, and the required filing fee. The written appeal shall specifically state the pertinent facts of the case and the basis for the appeal.

E. Processing.

1. Scheduling of Hearing. After an appeal has been received in accordance with Section 23.110.150160(D), the city clerk shall schedule the matter for a council hearing within 45 days of receipt of the appeal.

2. Public Hearing Notice. Appeal items shall be noticed for public hearing in accordance with Section 23.110.120 (Notice of public hearing). If more than one party files an appeal on a land use action, the appeals shall be consolidated and noticed and heard as one proceeding.

3. Withdrawal of an Appeal. An appeal may be withdrawn by an appellant at any time prior to the rendering of a final decision. The appeal proceedings shall terminate as of the date the withdrawal is received by the city. If multiple appeals are received, then withdrawal of all appeals received must be made prior to terminating appeal proceedings.

4. Scope of Review. The council may consider any issue associated with the decision under consideration, in addition to the specific grounds for appeal. The council may also consider any environmental determination applicable to the permit or decision under consideration.

5. New Evidence. If new or different evidence is presented during appeal the hearing, the council may refer the matter back to the original approval authority as applicable for a report on the new or different evidence prior to final decision.

6. Effective Date of Decision. A decision by the council on an appeal is effective as of the date of the decision.

Unless otherwise specified, the final determination for an entitlement is made by one of the city planning bodies, as follows:-

A. Administrative Determinations.

~~1. Notice.~~ Administrative applications do not require notice to anyone other than the applicant.

~~2. Decision.~~ The director or his designee shall make all administrative decisions and may approve, approve with conditions, or deny applications. Approval shall be signified, at a minimum, with a department approval stamp accompanied with the initials of the reviewing staff. An explanatory letter, form, or other instrument may also be included for more complex applications or where detailed conditions of approval are involved.

~~3. Findings.~~ The director's decision shall be based on standards set forth within this code and may be accompanied by brief findings if appropriate.

~~4. Appeal.~~ Administrative decisions can be appealed to the appropriate approving authority, determined by permit type (i.e., building permit, business licenses, etc.).

B. Director Determinations—Notice of Decision (No Public Hearing).

~~1. Notice.~~ The notice of decision shall be provided, in writing, to the applicant, interested parties, neighborhood associations within proximity of the subject site, properties within 500 feet of the property, and members of the council. The notice shall include:-

~~a. A brief statement explaining the criteria and standards considered relevant to the decision;~~

~~b. A statement of the standards relied upon in rendering the decision;~~

~~c. Findings as listed for each entitlement for the decision based on the criteria, standards, and facts set forth; and~~

~~d. An explanation of appeal rights and appeal deadlines.~~

~~2. Decision.~~ The director may approve, approve with conditions, or deny the application. Decisions shall be based on standards and criteria set forth within this code and shall be accompanied by brief, written findings and a determination.

~~3. Appeal or Call up. A director determination may be appealed to the council, or called up to the full council by a single council member, for a final city determination according to Chapter 23.164 RCMC (Appeals) or Chapter 23.167 (Council Call Ups).~~

~~C. Director Determinations—Public Hearing.~~

~~1. Notice of Public Hearing. A duly noticed public hearing is required by Government Code Section 65090 and shall be scheduled after the completion of any environmental documents if required by the California Environmental Quality Act (CEQA).~~

~~2. Hearing Procedure.~~

~~a. A hearing shall be held at the date, time, and place described in the required public notice.~~

~~b. Hearing Comments. During a public hearing, the applicant for a project shall have the right to be represented, provide testimony, and present evidence. All other persons shall have the right to comment on any relevant aspect of the application under consideration.~~

~~c. Action. Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, continue, or take under advisement the subject of the public hearing.~~

~~d. Continuances. If a hearing cannot be completed on the scheduled day, the director, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued. Additional notice for the continued hearing shall not be required, unless otherwise required by law.~~

~~e. Application Denial. If an application is denied, no new application for the same or similar request may be accepted within one year of the denial, unless the director finds that the conditions surrounding the application have sufficiently changed to warrant a new application.~~

~~3. Decision. The director may approve, approve with conditions, or deny an application based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth within this code.~~

~~4. Notice of Decision. Written notice of the decision shall be provided within seven days of the decision to the applicant, all parties who submitted comments orally or in writing, and to members of the council. The notice shall clearly set forth deadlines and criteria and fees for filing an appeal.~~

~~5. Appeal or Call Ups. Director decisions may be appealed to the council, or called up to the full council by a single council member, for a final city determination according to Chapter 23.164 RCMC (Appeals) or Chapter 23.167 RCMC (Council Call Ups).~~

~~D. Council Determinations.~~

~~1. Notice of Public Hearings. A duly noticed public hearing is required by Government Code Section 65090 for a final city determination and shall be scheduled after the completion of any environmental document required under the California Environmental Quality Act (CEQA).~~

~~2. Hearing Procedure.~~

~~a. A hearing shall be held at the date, time, and place described in the required public notice.~~

~~b. Hearing Comments. During a public hearing, the applicant for a project shall have the right to be represented, provide testimony, and present evidence. All other persons shall have the right to comment on any relevant aspect of the application under consideration.~~

~~c. Action. Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, continue, or take under advisement the subject of the public hearing.~~

~~d. Continuances. If a hearing cannot be completed on the scheduled day, the council, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued. Additional notice for the continued hearing shall not be required, unless otherwise required by law.~~

~~e. Application Denial. If an application is denied, no new application for the same or similar request may be accepted within one year of the denial, unless the director finds that the conditions surrounding the application have sufficiently changed to warrant a new application.~~

~~3. Decision. The council may approve, approve with conditions, or deny an application based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth within this code.~~

~~4. Notice of Determination. Written notice of the decision shall be provided to the applicant and all parties who submitted comments orally or in writing within seven days of the decision.~~

~~5. Appeal. Decisions of the council are the final city determination and are not subject to appeal. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.4.150)].~~

23.110.170 Council call-ups.

A. Applicability. The council may elevate only the following types of decisions for review and action:

1. Limited discretion approval type decisions as listed in Table 23.104-1;
2. Official interpretations of the zoning code made by the director in accordance with Section 23.107.030 (Official interpretations); and,

B. Filing. A council call-up shall be requested by at least one member of the council.

C. Timing and Form of Appeal. Requests for call-up shall be filed with the department within 10 calendar days following the date of the final determination being appealed. All requests shall be submitted in writing, together with the name and signature of the council member(s). The written appeal shall specifically state the pertinent facts of the case and the basis for the appeal.

D. Processing.

1. Scheduling of Hearing. After a council call-up request has been received in accordance with Section 23.110.170(C), the city clerk shall schedule the matter for the next regularly scheduled council agenda.

2. Public Hearing Notice. Council call-up items shall be noticed for public hearing in accordance with Section 23.110.120 (Notice of public hearing). If more than one council member requests to call an item up, the requests shall be consolidated and noticed and heard as one proceeding.

3. Withdrawal of a Request. A request may be withdrawn by the requesting council member at any time prior to the rendering of a final decision. The council call-up proceedings shall terminate as of the date the withdrawal is received by the city. If multiple requests for call-up were received, then withdrawal of all call-up requests received must be made to terminate proceedings.

4. Scope of Review. The council may consider any issue associated with the decision under consideration, in addition to the specific grounds for call-up. The council may also consider any environmental determination applicable to the permit or decision under consideration.

5. New Evidence. If new or different evidence is presented during the call-up hearing, the council may refer the matter back to the original approval authority as applicable for a report on the new or different evidence prior to final decision.

6. Effective Date of Decision. A decision by the council on any item called up for review and action is effective as of the date of the decision.

23.110.180 Amendments.

An applicant may request an amendment to a land use permit after the final written decision is issued. Amendments shall be processed as follows:

A. Substantial Conformance. The director may approve minor changes to a previously approved permit at the administrative level if the proposed changes are in substantial conformance with the existing permit, as determined by the director. This section does not apply to changes called out in B. Minor Amendment or in C. Major Amendment as defined herein.

B. Minor Amendment. Minor amendments to a previously approved permit shall be processed as follows:

1. Applicability. A minor amendment is a nonsubstantive change of a previously approved plan or permit. Minor amendments include:

- a. Floor plan changes which do not result in more than a 5 percent or 5,000 square foot change in total square footage, whichever is less.
- b. Parking and circulation configurations which do not change the basic parking areas or circulation concept and do not reduce the number of parking spaces.
- c. Building placements which do not change the general location of the building or layout of the site.
- d. Landscape modifications which do not alter the general concept or reduce the effect or amount originally intended.
- e. Architectural changes which do not change the basic form and theme of the project.
- f. Exterior material or color changes which do not conflict with the original architectural form and theme, and which are consistent and compatible with the original materials and colors.
- g. Changes to allow fulfillment of a condition of approval in a manner that may vary from that specified in the original conditions, provided that the intent and purpose of such original condition is fully met.
- h. Other requests similar to the above-listed minor amendments, as determined by the director.

2. Review Process. The director is the approval authority for minor amendments. No public hearing shall be required. A notice of decision shall be issued in accordance with Section 23.110.140 (Notice of decision).

C. Major Amendment. Major amendments to a previously approved permit shall be processed as follows:

1. Applicability. A major amendment is a significant change of a previously approved plan or permit. Major amendments include:

- a. Floor plan changes which result in more than a 5 percent or 5,000 square foot change in total square footage, whichever is less.
- b. Parking and circulation configurations which change the basic parking areas or circulation concept or result in a reduction of the number of parking spaces.
- c. Building placements which change the general location of the building or layout of the site.
- d. Landscape modifications which alter the general concept or reduce the effect or amount originally intended.
- e. Architectural changes which change the basic form and theme of the project.
- f. Exterior material or color changes which conflict with the original architectural form and theme, and which are not consistent and compatible with the original materials and colors.

g. Changes to a condition of approval in a manner that changes the effect of the condition from its original form and intent.

h. All amendments to an approved development agreement.

i. Other requests similar to the above-listed major amendments, as determined by the director.

2. Review Process. A major amendment shall be processed in the same manner and subject to the same standards as the original application.

Chapter 23.113

ZONING CERTIFICATION

Sections:

- 23.113.010 Purpose.
- 23.113.020 Applicability.
- 23.113.030 ~~Approval findings~~ Application required.
- 23.113.040 ~~Revocation or cancellation~~ Approval authority.
- 23.113.050 ~~Permits issued in error~~ Public hearing notice and procedure.
- 23.113.060 Notice of decision.
- 23.113.070 Approval findings.
- 23.113.080 Conditions of approval.
- 23.113.090 Appeals.
- 23.113.100 Permit expiration.
- 23.113.110 Amendments.

23.113.010 Purpose.

Zoning certification is an “over-the-counter” administrative procedure to certify that a proposed structure or land use is allowed in the applicable zoning district and that the project complies with all applicable requirements of the zoning code. This includes building permit plan check, business license review, home occupations, sign permits, and similar activities that require a compliance check with regard to zoning code provisions. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.5.010)].

23.113.020 Applicability.

Zoning certification is required:

- A. Prior to obtaining a building permit, sign permit, or other ministerial permit where planning approval is required.
- B. Prior to obtaining a business license, including home occupations (see also home occupation standards in Section 23.901.030 (Home occupations)).
- C. Prior to the establishment of any land use allowed as a permitted (“P”) use in Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) that involves no construction requiring a building or other permit. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.5.020)].

23.113.030 ~~Approval findings~~ Application required.

~~No application is required for zoning certification. City staff shall provide the zoning certification after finding all of the following. If staff does not make all of these findings, the zoning certification shall not be provided.~~

~~A. Existing site improvements and/or structures comply with all applicable requirements of this zoning code.~~

~~B. New improvements comply with the standards and requirements of this zoning code and other applicable regulations.~~

~~C. Approvals shall be indicated with a stamp, city staff signature, or other official notation on approved plans. A letter may also be provided to the applicant if warranted at the discretion of the director. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.5.030)].~~

23.113.040 ~~Revocation or cancellation~~ Approval authority.

Zoning certification is a nondiscretionary decision by the director as outlined in Section 23.104.030 (Recommending and approval authority).

~~The director shall revoke any approval or permit upon refusal by the permit holder to comply with the provisions of the permit after written notice of noncompliance and at least 30 days’ opportunity to correct. This provision does not~~

~~apply in the event that a structure, sign, tree, or other site or building feature, by nature of its physical condition, is an imminent and significant threat to public safety. [Ord. 13-2013 § 4 (Exh. B)].~~

23.113.050 ~~Permits issued in error~~Public hearing notice and procedure.

No public hearing is required for review and processing of a zoning certification.

~~Any approval or permit issued in error may be revoked by the city upon written notice to the permit holder of the reason for the revocation. [Ord. 13-2013 § 4 (Exh. B)]~~

23.113.060 Notice of decision.

A notice of decision shall be rendered as follows:

A. Approval. Approvals shall be indicated with a stamp, city staff signature, or other official notation on approved plans. A letter may also be provided to the applicant if warranted at the discretion of the director.

B. Denial. Denials shall be indicated in writing to the applicant.

23.113.070 Approval findings.

~~City staff~~The approval authority shall ~~provide~~approve the zoning certification after finding all of the following. If ~~staff~~the approval authority does not make all of these findings, the zoning certification shall not be ~~provided~~approved.

A. Existing site improvements and/or structures comply with all applicable requirements of this zoning code.

B. New improvements comply with the standards and requirements of this zoning code and other applicable regulations.

~~C. Approvals shall be indicated with a stamp, city staff signature, or other official notation on approved plans. A letter may also be provided to the applicant if warranted at the discretion of the director. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.5.030)].~~

23.113.080 Conditions of approval.

In approving a zoning certification, the approval authority may impose reasonable conditions of approval to ensure that all applicable criteria are met.

23.113.090 Appeals.

Zoning certifications are not subject to appeal.

23.113.100 Permit expiration.

Zoning certifications shall not expire.

23.113.110 Amendments.

An applicant may request an amendment to a zoning certification after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

Chapter 23.116

TEMPORARY USE PERMITS

Sections:

- 23.116.010 Purpose.
- 23.116.020 Applicability.
- 23.116.030 ~~Allowed temporary activities~~ Application required.
- 23.116.040 Approval ~~findings~~ authority.
- 23.116.050 ~~Conditions of approval~~ Public hearing notice and procedure.
- 23.116.060 Notice of decision.
- 23.116.070 Approval findings.
- 23.116.080 Conditions of approval.
- 23.116.090 Appeals.
- 23.116.100 Permit expiration.
- 23.116.110 Amendments.

23.116.010 Purpose.

Temporary use permits (TUP) provide a process for administrative review and determinations to allow short-term activities that may not meet the normal development or use standards of the applicable zoning district, but may be acceptable because of their temporary nature. Provisions in this chapter place restrictions on the duration of the temporary use, its location, and other development standards. The intent of these regulations is to ensure that the temporary use does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing ~~within~~ in the community. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.6.010)].

23.116.020 Applicability ~~and procedure.~~

A. Permit Required. Those temporary uses listed in Section 23.922.030(B) are required to get a temporary use permit.

B. Exempt Activities. Those temporary uses listed in Section 23.922.030(A) are exempt from the temporary use permit requirements.

~~A temporary use permit allows the short-term activities listed in RCMC 23.116.030 (Allowed temporary activities). Certain temporary activities are exempt from or subject to the provisions in this zoning code, as specified in RCMC 23.116.030.~~

~~A. The following submittals are required:-~~

- ~~1. The required city application form and fee.~~
- ~~2. Site plan with dimensions, location of any temporary structures, and key features.~~
- ~~3. All proposed signage with dimensions.~~
- ~~4. Time period and dates requested for activity.~~
- ~~5. If a tent or temporary structure is to be used, a Sacramento metro fire permit is required prior to activity.~~

~~B. Temporary uses are reviewed as administrative permits, and the director or designee may issue the TUP in compliance with this section. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.6.020)].~~

23.116.030 ~~Allowed temporary activities~~ Application required.

An application for a temporary use permit shall be filed in accordance with Section 23.110.040 (Application requirements).

~~Allowed and exempt temporary activities and development standards related to those activities are provided in Chapter 23.922 RCMC (Temporary Uses). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.6.030)].~~

23.116.040 Approval authority.

Temporary use permits are a nondiscretionary entitlement decided by the director as designated in Section 23.104.030 (Recommending and approval authority).

23.116.050 Public hearing notice and procedure.

No public hearing is required for review and processing of a temporary use permit.

23.116.060 Notice of decision.

Written notice of decision shall be provided within three business days of the date of decision to the applicant.

23.116.040070 Approval findings.

The ~~director~~ approval authority shall approve, or approve with conditions, an application for a temporary use permit after finding all of the following. If the ~~director~~ approval authority does not make all of these findings, ~~he/she shall deny the temporary use permit~~ the temporary use permit shall not be approved.

A. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

B. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

C. The use is consistent with all applicable provisions of this zoning code, municipal code, General Plan, and any applicable Specific Plans or city regulations/standards.

D. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this zoning code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.6.040)].

23.116.050080 Conditions of approval.

In approving a temporary use permit, the ~~director~~ approval authority may impose conditions, as follows:

A. Measures to minimize impact on adjacent uses, such as buffers, hours of operation, lighting requirements, and/or parking measures.

B. Property maintenance requirements to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.

C. The ~~review~~ approval authority may require appropriate performance guarantees/security before initiation of the use to ensure proper cleanup after the use is finished.

D. Other conditions of approval deemed reasonable and necessary to ensure that the approval would be in compliance with the findings above. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.6.050)].

23.116.090 Appeals.

Temporary use permits are not subject to appeal.

23.116.100 Permit expiration.

If not exercised, temporary use permits shall expire one year from the date of approval.

23.116.110 Amendments.

An applicant may request an amendment to a temporary use permit after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

Chapter 23.119

UNIFIED SIGN PROGRAM

Sections:

- 23.119.010 Purpose.
- 23.119.020 Applicability.
- 23.119.030 ~~Procedure~~ Application required.
- 23.119.040 Approval ~~findings~~ authority.
- 23.119.050 ~~Conditions of approval~~ Public hearing notice and procedure.
- 23.119.060 Notice of decision.
- 23.119.070 Approval findings.
- 23.119.080 Conditions of approval.
- 23.119.090 Appeals.
- 23.119.100 Permit expiration.
- 23.119.110 Amendments.

23.119.010 Purpose.

The purpose of the unified sign program is to adopt unique and specific design and development standards for multitenant and mixed-use developments. The intent is to integrate a project's signs with the design of the structures to achieve a unified architectural statement. A unified sign program provides a means for defining common sign regulations for multitenant projects, to encourage maximum incentive and latitude in design and display of multiple signs, and to achieve, not circumvent, the intent of this code. [Ord. 12-2014 § 3 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.7.010)].

23.119.020 Applicability.

A unified sign program shall be required for:

~~A. All new integrated developments as defined in Section 23.707.020;~~

~~AB.~~ All new multitenant shopping centers, office parks, and other multitenant or mixed-use development of three or more separate tenants/uses that share either the same parcel or structure and use common access and parking facilities;

~~BC.~~ All redesign, remodel, or redevelopment of existing uses as identified in ~~RCMC Section~~ 23.743.040 030(D)(2) where more than 50 percent of the building square footage or 50 percent of the building facade would be modified if not already covered by a unified sign program; and

~~CD.~~ Any commercial development within the special sign corridor proposing a unified sign program as allowed in ~~RCMC Section~~ 23.743.120(C)(2). [Ord. 12-2014 § 3 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.7.020)].

23.119.030 ~~Procedure~~ Application required.

An application for a unified sign program shall be filed in accordance with Section 23.110.040 (Application requirements).

~~The procedure is provided in RCMC 23.110.150(C), Director Determinations—Public Hearing. [Ord. 12-2014 § 3 (Exh. B); Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.7.030)].~~

23.119.040 Approval authority.

Unified sign programs are a limited discretionary decision by the director as designated in Section 23.104.030 (Recommending and approval authority).

23.119.050 Public hearing notice and procedure.

No public hearing is required for director determination on a uniform sign program unless requested pursuant to Section 23.110.110 (Notice of pending director determination and opportunity to request hearing). If a public

hearing is requested, notice and hearing procedures shall be consistent with Sections 23.110.120 (Notice of public hearing) and 23.110.130 (Public hearing procedures), respectively.

23.119.060 Notice of decision.

The notice of decision shall be issued pursuant to Section 23.110.140 (Notice of decision).

23.119.040~~070~~ Approval findings.

The ~~director~~ approval authority shall approve, or approve with conditions, an application for a unified sign program after finding all of the following. If the approval authority does not make all of these findings, the unified sign program shall not be approved.

- A. The proposed sign program does not violate provisions of this zoning code and the municipal code.
- B. The proposed sign program is generally consistent with location, size, height, setback and other requirements of the underlying zoning district and applicable design guidelines for signs permitted with or without a unified sign program requirement.
- C. The appearance, scale, materials, design and graphics, and orientation of signs are in keeping with the character of the site and buildings, and the surrounding neighborhood.
- D. Approval of the unified sign program would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

If the director does not make all of these findings, he/she shall deny the unified sign program. [Ord. 12-2014 § 3 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.7.040)].

23.119.050~~080~~ Conditions of approval.

In approving a unified sign program, the ~~director~~ approval authority may impose any reasonable conditions to ensure that the approval will comply with the required findings ~~required by RCMC 23.119.040~~ as well as any performance criteria and development standards contained within this code. [Ord. 12-2014 § 3 (Exh. B)].

23.119.090 Appeals.

Appeal of a unified sign program may be filed pursuant to Section 23.110.160 (Appeals).

23.119.100 Permit expiration.

Generally, unified sign programs don't expire. However, where a uniform sign program is approved with other entitlements for new construction, the life of the uniform sign program shall coincide with the expiration or extension of said entitlements.

23.119.110 Amendments.

An applicant may request an amendment to a unified sign program after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

Chapter 23.122

SIMILAR USE DETERMINATIONS

Sections:

- 23.122.010 Purpose.
- 23.122.020 ~~Authority~~ Applicability.
- 23.122.030 ~~Applicability~~ Application required.
- 23.122.040 ~~Approval findings~~ Approval authority.
- 23.122.050 ~~Determinations~~ Public hearing notice and procedure.
- 23.122.060 ~~Procedure~~ Notice of decision.
- 23.122.070 Approval findings.
- 23.122.080 Conditions of approval.
- 23.122.090 Appeals.
- 23.122.100 Permit expiration.
- 23.122.110 Amendments.
- 23.122.120 Record of determinations.

23.122.010 Purpose.

The land use table may not include all possible uses. When a specific use is not listed and it is unclear whether the use is permitted, the similar use determination allows the director to determine whether or not a proposed use is similar to a listed use and whether it may be permitted in a particular zoning district. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.8.010)].

~~**23.122.020 Authority.**~~

~~The director shall have the responsibility and authority to make similar use determinations. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.8.020)].~~

~~**23.122.030**~~ **2020 Applicability.**

A similar use determination is required when a use is not specifically listed in this zoning code but may be permitted if it is determined to be similar in nature to a temporary, permitted, or conditionally permitted use. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.8.030)].

23.122.030 Application required.

An application for a similar use determination shall be filed in accordance with Section 23.110.040 (Application requirements).

23.122.040 Approval authority.

Similar use determinations are a limited discretionary decision by the director in accordance with Section 23.104.030 (Recommending and approval authority).

23.122.050 Public hearing notice and procedure.

No public hearing is required for review and processing of a similar use determination unless requested pursuant to Section 23.110.110 (Notice of pending director determination and opportunity to request hearing). If a public hearing is requested, notice and hearing procedures shall be consistent with Sections 23.110.120 (Notice of public hearing) and 23.110.130 (Public hearing procedures), respectively.

23.122.060 Notice of decision.

The notice of decision shall be issued in accordance with Section 23.110.140 (Notice of decision).

~~**23.122.040**~~ **2070 Approval findings.**

The ~~director approval authority~~ shall make a similar use determination after finding all of the following. If the ~~director approval authority~~ does not make all of these findings, ~~he/she shall not make~~ the similar use determination. shall not be approved.

A. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity, environmental impact, or population density than the uses listed in the zoning district.

B. The proposed use will be consistent with the purposes of the applicable zoning district.

C. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the proposed use will be allowed.

D. The proposed use will be consistent with the General Plan, any applicable Specific Plan, and the zoning code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.8.040)].

23.122.050—Determinations.

~~Determinations shall be made in writing and shall contain the facts that support the determination. The department shall maintain all such determinations on record for review by the general public upon request. The notice of decision shall be provided, in writing, to the applicant and interested parties. The notice shall include:~~

~~A. A brief statement explaining the criteria and standards considered relevant to the decision; and~~

~~B. A statement of the standards and facts relied upon in rendering the decision; and~~

~~C. An explanation of appeal rights and appeal deadlines. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.8.050)].~~

23.122.060—Procedure.

~~A notice of decision shall be provided according to RCMC 23.110.150(B), Director Determinations—Notice of Decision (No Public Hearing). [Ord. 12-2011 § 3 (Exh. A)].~~

23.122.080 Conditions of approval.

The approval authority may require modifications to the proposed use in whole or in part and may require specific use conditions to ensure consistency with all applicable provisions of this code.

23.122.090 Appeals.

Appeals may be filed in accordance with Section 23.110.160 (Appeals).

23.122.100 Permit expiration.

Similar use determinations shall not expire.

23.122.110 Amendments.

Similar use determinations may not be amended following final action. A new similar use determination application shall be required.

23.122.120 Record of determinations.

The department shall maintain a record of approved similar use determinations in a format convenient for public use and shall cause the approved similar use determinations to be added to the zoning ordinance at least once a year.

Chapter 23.125

ADMINISTRATIVE ~~AND LIMITED~~ USE PERMITS

Sections:

23.125.010 Purpose.

23.125.020 Applicability.

23.125.025 ~~30~~ Procedures ~~Application required.~~23.125.034 ~~40~~ Approval findings ~~authority.~~23.125.045 ~~50~~ Conditions of approval ~~Public hearing notice and procedure.~~23.125.060 Notice of decision.23.125.070 Approval findings.23.125.080 Conditions of approval.23.125.090 Appeals.23.125.100 Permit expiration.23.125.110 Amendments.**23.125.010 Purpose.**

The administrative use permit (~~AUP~~) and the limited use permit (~~LUP~~) provides ~~a~~ processes for director review and determination of requests for uses and activities whose effects on adjacent sites and surroundings need to be evaluated in terms of specific development proposals ~~for the specific sites~~. It is anticipated that uses qualifying for an ~~administrative use permit~~ ~~AUP~~ are minor in nature, only have an impact on immediately adjacent properties, and can be modified and/or conditioned to ensure compatibility. ~~Uses qualifying for an LUP typically have a broader neighborhood or community impact and require more public review prior to a decision.~~ [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.9.010)].

23.125.020 Applicability.

~~An administrative use permit and Limited Use Permit are~~ is required as follows:

A. Administrative Use Permit. Projects proposing land uses designated with an “AUP” on the allowed use tables found in Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards).

B. Limited Use Permit. Projects proposing land uses requiring a limited use permit as designated with an “L” on the allowed use tables found in Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). This chapter applies to land use requiring an administrative use permit as designated with an “A” and limited use permit as designated with an “L” on the allowed use tables found in Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). AUP and LUP may only be considered for projects exempt from the California Environmental Quality Act (CEQA). A project that is designated with an “L” on the allowed use table, but which requires CEQA analysis, shall require a conditional use permit. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.9.020)].

23.125.025—Procedures.

~~Determinations regarding an AUP and an LUP are made by the director, and both can be appealed to the council or called up for a council hearing by a member of the council. Decisions by the director are final unless appealed or called up. The following notification procedure applies following the submittal of a complete application:~~

~~A. For an AUP, a public hearing is not required, but a notice of decision shall be provided according to RCMC 23.110.150(B), Director Determinations—Notice of Decision (No Public Hearing).~~

~~B. For an LUP, a public hearing is required according to the process in RCMC 23.110.150(C), Director Determinations—Public Hearing. [Ord. 12-2011 § 3 (Exh. A)].~~

23.125.030 Application required.

An application for an administrative use permit shall be filed in accordance with Section 23.110.040 (Application requirements).

23.125.040 Approval authority.

Administrative use permits are a limited discretionary decision by the director as designated in Section 23.104.030 (Recommending and approval authority).

23.125.050 Public hearing notice and procedure.

A. Administrative Use Permits. No public hearing is required for review and processing of an administrative use permit unless requested pursuant to Section 23.110.110 (Notice of pending director determination and opportunity to request hearing). If a public hearing is requested, notice and hearing procedures shall be consistent with Sections 23.110.120 (Notice of public hearing) and 23.110.130 (Public hearing procedures), respectively.

B. Limited Use Permits. A public hearing and hearing notice shall be required for review and processing of a limited use permit in accordance with the following:

1. Public Hearing Notice. A notice for public hearing shall be provided for pursuant to RCMC Section 23.110.110 (Notice of public hearing).

2. Public Hearing Procedure. A public hearing shall be held pursuant to RCMC Section 23.110.120 (Public hearing procedures).

23.125.060 Notice of decision.

The notice of decision shall be issued pursuant to Section 23.110.140 (Notice of decision).

23.125.030070 Approval findings.

The ~~director approval authority~~ shall approve or approve with conditions an application for an administrative use permit AUP or an LUP after finding all of the following. If the ~~director approval authority~~ does not make all of these findings, ~~he/she shall deny the administrative use permit AUP or LUP shall not be approved.~~

A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this zoning code, municipal code, General Plan, and any applicable Specific Plans or city regulations/standards.

B. The site is physically suited for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints, and can be conditioned to meet all related performance criteria and development standards.

C. ~~Granting~~ The permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.9.030)].

23.125.040080 Conditions of approval.

In approving an administrative use permit AUP or LUP, the ~~director approval authority~~ may impose any reasonable conditions to ensure that the approval will comply with the required findings ~~required by RCMC 23.125.030~~, as well as any performance criteria and development standards contained within this code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.9.040)].

23.125.090 Appeals.

Appeal of an administrative use permit or a limited use permit may be filed pursuant to Section 23.110.160 (Appeals).

23.125.100 Permit expiration.

Administrative use permits shall expire three years from the date of approval, unless:

A. Substantial construction of the permitted use has commenced and is diligently pursued to completion, or actual occupancy of an existing building or land occurs under the terms of the permitted use; or,

B. An extension is approved in accordance with Section 23.110.070 (Extension of land use entitlement).

23.125.110 Amendments.

An applicant may request an amendment to an administrative use permit after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

Chapter 23.128

REASONABLE ACCOMMODATION

Sections:

- 23.128.010 Purpose.
- 23.128.020 Applicability.
- 23.128.030 ~~Procedure~~ Application required.
- 23.128.040 Approval ~~findings~~ authority.
- 23.128.050 ~~Conditions of approval~~ Public hearing notice and procedure.
- 23.128.060 Notice of decision.
- 23.128.070 Approval findings.
- 23.128.080 Conditions of approval.
- 23.128.090 Appeals.
- 23.128.100 Permit expiration.
- 23.128.110 Amendments.

23.128.010 Purpose.

This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (collectively, the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.10.010)].

23.128.020 Applicability.

A. A request for reasonable accommodation may be made by any individual with a disability, their representative, or any entity, when the application of a requirement of this zoning code or other city requirement, policy, or practice acts as a barrier to fair housing opportunities. An “individual 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. This chapter is intended to apply to those persons who are defined as an “individual with a disability” under the Acts.

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.

C. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the site.

D. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.10.020)].

23.128.030 ~~Procedure~~ Application required.

An application for a reasonable accommodation permit shall be filed in accordance with Section 23.110.040 (Application requirements).

~~A. Application. A request for reasonable accommodation shall be submitted on an application form provided by the department or in the form of a letter to the director, and shall contain the following information:—~~

- ~~1. The applicant’s 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 the individual is considered disabled under the Acts;—~~

~~5. The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and~~

~~6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.~~

~~B. Review with Other Land Use Applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (A) of this section together for concurrent review with the application for discretionary approval.~~

~~C. Review Authority.~~

~~1. Director. A request for reasonable accommodation shall be reviewed by the director if no approval is sought other than the request for reasonable accommodation.~~

~~2. Other Review Authority. A request 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.~~

~~D. Review.~~

~~1. Director Review. The director shall make a written determination within 45 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.~~

~~2. Other Review Authority. 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 in compliance with the applicable review procedure for the discretionary review.~~

~~E. Procedure. See RCMC 23.110.150(B), Director Determinations—Notice of Decision (No Public Hearing). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.10.030)].~~

23.128.040 Approval authority.

Reasonable accommodation permits shall be approved by the specified approval authority is a limited discretionary decision by the director as designated in Section 23.104.030 (Recommending and approval authority).

23.128.050 Public hearing notice and procedure.

No public hearing is required for review and processing of a reasonable accommodation permit unless requested pursuant to Section 23.110.110 (Notice of pending director determination and opportunity to request hearing). If a public hearing is requested, notice and hearing procedures shall be consistent with Sections 23.110.120 (Notice of public hearing) and 23.110.130 (Public hearing procedures), and 23.110.130, respectively.

23.128.060 Notice of decision.

A written determination granting, granting with modifications, or denying the reasonable accommodation request shall be provide to the applicant within 45 days of the application being deemed complete.

23.128.040 070 Approval findings.

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

A. Whether the housing in the request will be used by an individual disabled under the Acts;

B. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;

C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city;

D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning;

E. Potential impact on surrounding uses;

F. Physical attributes of the property and structures; and

G. Other reasonable accommodations that may provide an equivalent level of benefit. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.10.040)].

23.128.050 23.128.080 Conditions of approval.

In granting a request for reasonable accommodation, the ~~review~~ approval authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. 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. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.10.050)].

23.128.090 Appeals.

Appeal of a reasonable accommodation permit may be filed pursuant to Section 23.110.160 (Appeals).

23.128.100 Permit expiration.

Reasonable accommodation permits shall expire three years from the date of approval, unless:

A. Substantial construction of the permitted use has commenced and is diligently pursued to completion, or actual occupancy of an existing building or land occurs under the terms of the permitted use; or,

B. An extension is approved in accordance with Section 23.110.070 (Extension of land use entitlement).

23.128.110 Amendments.

An applicant may request an amendment to a reasonable accommodation permit after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

Chapter 23.131

ADJUSTMENT

Sections:

- 23.131.010 Purpose.
- 23.131.020 Applicability.
- 23.131.030 ~~Procedure~~ Application required.
- 23.131.040 ~~Findings for all adjustment requests~~ Approval authority.
- 23.131.050 ~~Limitations on land use density~~ Public hearing notice and procedure.
- 23.131.060 ~~Conditions of approval~~ Notice of decision.
- 23.131.070 Approval findings.
- 23.131.075 Additional approval findings for an increase in land use density.
- 23.131.080 Conditions of approval.
- 23.131.090 Appeals.
- 23.131.100 Permit expiration.
- 23.131.110 Amendments.

23.131.010 Purpose.

This chapter allows for adjustments to certain zoning code provisions to allow creative design solutions and to accommodate unique site conditions. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.11.010)].

23.131.020 Applicability.

A. An adjustment may be granted to modify certain requirements of this zoning code, as listed in Table 23.131-1.

Table 23.131-1: Standards Subject to Adjustment

Standard	Maximum Reduction or Increase
Parking or loading spaces – Number required	30%
Setbacks (reduction)	40%
Maximum lot coverage (increase)	30%
Maximum height (increase)	30%
Maximum density (increase)¹	50%

~~1. Subject to the additional findings listed in Section 23.131.075 (Additional approval findings for increased land use density).~~

B. Under no circumstances shall an adjustment result in any of the following:

- ~~A~~1. Allow a land use not otherwise permitted in the zone;
- ~~B~~2. Waive a specific prohibition (e.g., prohibited sign); ~~or~~
- ~~C~~3. Waive or modify a procedural requirement; or

4. A modification of standards greater than the maximum reduction or increase specified in Table 23.131-1 (Standards subject to adjustment). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.11.020)].

23.131.030 ~~Procedure~~ Application required.

An application for an adjustment shall be filed in accordance with Section 23.110.040 (Application requirements).

~~The director makes final determinations on adjustment applications. The director may choose to refer any adjustment application to the council for hearing and final decision. A notice of decision shall be provided according to RCMC 23.110.150(B), Director Determinations—Notice of Decision (No Public Hearing). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.11.030)].~~

23.131.040 Approval authority.

Adjustments are a limited discretionary decision by the director in accordance with Section 23.104.030 (Recommending and approval authority)

23.131.050 Public hearing notice and procedure.

No public hearing is required for review and processing of an adjustment unless requested pursuant to Section 23.110.110 (Notice of pending director determination and opportunity to request hearing). If a public hearing is requested, notice and hearing procedures shall be consistent with Sections 23.110.120 (Notice of public hearing) and 23.110.130 (Public hearing procedures), respectively.

23.131.060 Notice of decision.

The notice of decision shall be issued in accordance with Section 23.110.140 (Notice of decision).

23.131.040070 Findings for all adjustment requests Approval findings.

The ~~director~~ approval authority shall approve or approve with conditions an application for an adjustment after finding all of the following. If the ~~director~~ approval authority does not make all of these findings, ~~he/she shall deny~~ the adjustment shall not be approved.

- A. That the proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries.
- B. That the proposed development is compatible with existing and proposed land uses in the surrounding area.
- C. That any exceptions to, or deviations from, the density requirements or design standards result in the creation of project amenities that would not be available through strict adherence to code provisions (e.g., additional open space, protection of natural resources, improved pedestrian connectivity, public plazas, ~~etc.~~).
- D. Granting the adjustment will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
- E. The adjustment is consistent with the General Plan or any applicable Specific Plan or development agreement.
- F. The adjustment is the minimum required to achieve the desired result. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.11.040)].

23.131.075—Additional approval findings for an increase in land use density.

~~The development permitted by the adjustment may exceed the maximum density permitted within a land use zone if the approval authority finds that all of the following are met:~~

- ~~A. That certain environmentally sensitive or significant physical features exist on the proposed site that are worthy of preservation; and in order to preserve and protect these features, careful planning in the design of the development and in measures of treating the land is necessary.~~
- ~~B. That the design of the project, including the proposed grading, construction techniques and practices, will preserve the aforementioned features.~~
- ~~C. That adequate measures are proposed which, to the extent possible, will protect these features from future uses and activities which may be inconsistent with their preservation.~~
- ~~D. An adjustment for additional density shall not be granted in combination with density bonus provisions. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.11.050)].~~

23.131.060080 Conditions of approval.

In approving an adjustment, the ~~director~~approval authority:

A. Shall impose conditions to ensure that the adjustment does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located.;

B. May impose any reasonable conditions (e.g., the placement, height, nature, and extent of the use, buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the approval complies with the findings required by this chapter. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.11.060)].

23.131.090 Appeals.

Appeals of an adjustment may be filed in accordance with Section 23.110.160 (Appeals).

23.131.100 Permit expiration.

Adjustments shall expire three years from the date of approval, unless:

A. Substantial construction of the permitted use has commenced and is diligently pursued to completion, or actual occupancy of an existing building or land occurs under the terms of the permitted use.

B. An extension is filed for and approved in accordance with Section 23.110.070 (Extension of land use entitlement).

23.131.110 Amendments.

An applicant may request an amendment to an adjustment after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

Chapter 23.134

CONDITIONAL USE PERMIT

Sections:

- 23.134.010 Purpose.
- 23.134.020 Applicability.
- 23.134.030 ~~Approval findings~~ Application required.
- 23.134.040 ~~Conditions of approval~~ Approval authority.
- 23.134.050 ~~Procedure~~ Public hearing notice and procedure.
- 23.134.060 ~~Revocation and modification of conditional use permit~~ Notice of decision.
- 23.134.070 Approval findings.
- 23.134.075 Additional approval findings for condominium conversion.
- 23.134.080 Conditions of approval.
- 23.134.090 Appeals.
- 23.134.100 Permit expiration.
- 23.134.110 Amendments.

23.134.010 Purpose.

The conditional use permit (~~CUP~~) provides a process for the ~~city council~~ council to review decisions regarding uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. The purpose of this chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged, or altered if the site is appropriate and if other appropriate conditions of approval can be met. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.12.010)].

23.134.020 Applicability.

The provisions of this chapter apply to land uses requiring a conditional use permit as designated with a “C” on the allowed use tables found in Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.12.020)].

23.134.030 Application required.

An application for a conditional use permit shall be filed in accordance with Section 23.110.040 (Application requirements).

23.134.040 Approval authority.

Conditional use permits are a discretionary decision by the council as designated in Section 23.104.030 (Recommending and approval authority).

23.134.050 Public hearing notice and procedure.

A public hearing and hearing notice shall be required for review and processing of a conditional use permit in accordance with the following:

A. Public Hearing Notice. A notice for public hearing shall be provided for pursuant to Section 23.110.120 (Notice of public hearing).

B. Public Hearing Procedure. A public hearing shall be held pursuant to Section 23.110.130 (Public hearing procedures).

23.134.060 Notice of decision.

The notice of decision shall be issued pursuant to Section 23.110.140 (Notice of decision).

23.134.030070 Approval findings.

The ~~city council~~ approval authority may approve or approve with conditions an application for a conditional use permit after finding all of the following. If the ~~city council~~ approval authority does not make all of these findings, ~~the council shall deny~~ the conditional use permit shall not be approved.

A. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

B. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards or other reasonable conditions of approval.

C. All required public facilities have adequate capacity to serve the proposal.

D. The project meets the requirements of the zoning code including development standards, design guidelines, and special use provisions.

E. If structures and site plans are considered nonconforming, the elements of a project that are nonconforming have been brought into compliance with the zoning code, where feasible. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.12.030)].

23.134.075 Additional approval findings for condominium conversion.

No application for a conditional use permit for a condominium conversion shall be approved unless all the following findings are made:

A. The condominium conversion meets all the development and other standards set forth in this title.

B. All notices required by the city of Rancho Cordova or state law pertaining to condominium conversions have been properly and timely served.

C. The conversion project will not be contrary to the public health, safety, and welfare of the city of Rancho Cordova.

D. The overall design and physical condition of the condominium conversion achieves a high degree of appearance, quality, and safety.

E. The proposed conversion is consistent with the General Plan and applicable city and other plans in effect at the time of the use permit application, especially with the objectives, policies, and programs of the housing element of the General Plan designed to provide affordable housing to all economic segments of the population. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.13.020)].

23.134.040080 Conditions of approval.

The In approving a conditional use permit, the city council approval authority may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include, but are not limited to, the following:

A. Limiting the hours, days, place, and/or manner of operation.

B. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust.

C. Requiring larger setback areas, lot area, and/or lot depth or width.

D. Limiting the building or structure height, size or lot coverage, and/or location on the site.

E. Designating the size, number, location, and/or design of vehicle access points or parking areas.

F. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved.

G. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas.

- H. Limiting the number, size, location, height, and/or lighting of signs.
- I. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting.
- J. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance.
- K. Requiring and designating the size, height, location, and/or materials for fences.
- L. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands.
- M. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district nonremonstrance agreement for the same.
- N. Other conditions necessary to address the approval criteria and findings. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.12.040)].

23.134.090 Appeals.

Conditional use permits are not subject to appeal.

23.134.100 Permit expiration.

Conditional use permits shall expire three years from the date of approval, unless:

A. Substantial construction of the permitted use has commenced and is diligently pursued to completion, or actual occupancy of an existing building or land occurs under the terms of the permitted use; or,

B. An extension is approved in accordance with Section 23.110.070 (Extension of land use entitlement).

23.134.110 Amendments.

An applicant may request an amendment to a conditional use permit after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

23.134.050 — Procedure.

The procedure is provided in RCMC 23.110.150(D), Council Determinations. [Ord. 12-2011 § 3 (Exh. A)].

23.134.060 — Revocation and modification of conditional use permit.

The council may initiate revocation or modification proceedings subject to the provisions of RCMC 23.173.080 (Permit revocation or modification). The council shall have the authority to conduct the public hearing and make the final determination on the revocation. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.12.050). Formerly 23.134.050].

~~Chapter 23.137~~~~CONDOMINIUM CONVERSION PERMIT~~

~~Sections:-~~

~~23.137.010 — Purpose.~~

~~23.137.020 — Approval findings.~~

~~23.137.050 — Procedure.~~

~~23.137.010 — Purpose.~~

~~The condominium conversion permit provides a process for city review and decisions regarding development of all residential condominiums and stock cooperatives including the conversion of existing dwelling units to condominiums, row houses, townhouses, and stock cooperatives. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.13.010)].~~

~~23.137.020 — Approval findings.~~

~~No application for a condominium conversion permit shall be approved unless the following findings are made and the requirements of this chapter are met:-~~

~~A. The condominium conversion meets all the development and other standards set forth in this title.-~~

~~B. All notices required by the city of Rancho Cordova or state law pertaining to condominium conversions have been properly and timely served.-~~

~~C. The conversion project will not be contrary to the public health, safety, and welfare of the city of Rancho Cordova.-~~

~~D. The overall design and physical condition of the condominium conversion achieves a high degree of appearance, quality, and safety.-~~

~~E. The proposed conversion is consistent with the General Plan and applicable city and other plans in effect at the time of the use permit application, especially with the objectives, policies, and programs of the housing element of the General Plan designed to provide affordable housing to all economic segments of the population. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.13.020)].~~

~~23.137.050 — Procedure.~~

~~The procedure is provided in RCMC 23.110.150(D), Council Determinations. [Ord. 12-2011 § 3 (Exh. A)].~~

Chapter 23.140

MINOR DESIGN REVIEW

Sections:

- 23.140.010 Purpose.
- 23.140.020 Applicability.
- 23.140.030 ~~Exemptions~~ Application required.
- 23.140.040 ~~Procedure~~ Approval authority.
- 23.140.050 ~~Findings~~ Public hearing notice and procedure.
- 23.140.060 ~~Conditions~~ Notice of decision.
- 23.140.070 Approval findings.
- 23.140.080 Conditions of approval.
- 23.140.090 Appeals.
- 23.140.100 Permit expiration.
- 23.140.110 Amendments.

23.140.010 Purpose.

The purpose of the minor design review process is to establish expedited limited discretionary review of development projects that require additional site and design considerations beyond the minimum standards of the zoning code. [Ord. 12-2011 § 3 (Exh. A)].

23.140.020 Applicability.

A. Permit Required. Minor design review is required for the following, and applies to all modifications to site plans, building plans, facade changes, etc., when the visual appearance of site or building elements is altered. Note that when minor design review is not required, major design review may be required according to Section 23.141.020 (Applicability):

1. New construction or expansions of existing nonresidential buildings or structures equal to or greater than 1,000 square feet and less than 5,000 square feet in all zoning districts, except industrial zoning districts LIBP, OIMU, M-1, and M-2.
2. Nonresidential facade renovations that involve less than 200 linear feet of facade frontage of an existing building.
3. New construction of or expansions of existing buildings or structures equal to or greater than 1,000 square feet and less than 10,000 square feet in floor area in industrial zoning districts LIBP, OIMU, M-1, and M-2.
4. Significant changes to multifamily and all nonresidential site plans that impact required site plan elements (e.g., required parking, shade canopy, lighting, landscaping).
5. The exterior remodel of multifamily residential buildings or structures.

B. Exemptions. The following structures and improvements are exempt from minor design review. However, such structures may require additional permits, such as a use permit or building permit, to ensure compliance with adopted building code standards and applicable zoning code provisions.

1. A single-family custom home on a lot that is consistent with existing zoning.
2. An addition to a single-family residential home that is consistent with existing zoning.
3. Parcel map for a single-family residence.
4. Expansions of existing nonresidential buildings or structures less than 1,000 square feet in size.

5. Accessory structures consistent with provisions of Chapter 23.734 (Accessory Structures).

6. Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use or the floor area of the structure and do not significantly alter the appearance of site improvements or structures.

7. Changes to site plan elements that are not specifically required by this code (e.g., decorative elements and landscaping that are not specifically required by code).

8. Public art programs, projects, and improvements to existing sites, structures, utilities, and infrastructure authorized by council or designee.

9. Changes to site plan elements that are specifically required by this code but do not significantly alter the design or function of the site plan.

10. Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure.

11. Accessory dwelling units subject to California Government Code Section 65583.1.

12. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric, or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, water tanks, and similar facilities and equipment). [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A)].

~~A. Except as otherwise exempt pursuant to RCMC 23.140.030, minor design review is required for the following, and applies to all modifications to site plans, building plans, facade changes, etc., when the visual appearance of site or building elements is altered. Note that when minor design review is not required, major design review may be required according to RCMC 23.141.020:~~

~~1. New construction of a nonresidential building or structure less than 5,000 square feet in all zoning districts unless exempt in RCMC 23.140.030.~~

~~2. Nonresidential facade renovations that involve less than 5,000 square feet of existing floor area or less than 200 linear feet of facade frontage of an existing building, unless exempt in RCMC 23.140.030.~~

~~3. All new buildings and building expansions less than 10,000 square feet in area in industrial zoning districts OIMU, M-1, and M-2 unless exempt in RCMC 23.140.030.~~

~~4. Significant changes to multifamily and all nonresidential site plans that impact required site plan elements (e.g., required parking, shade canopy, lighting, landscaping, etc.).~~

~~5. The exterior remodel of multifamily residential buildings or structures.~~

~~B. All projects must demonstrate consistency with Rancho Cordova design guidelines and development standards contained within this code. [Ord. 12-2011 § 3 (Exh. A)].~~

23.140.030 ~~Exemptions~~Application required.

An application for a minor design review permit shall be filed in accordance with Section 23.110.040 (Application requirements).

~~The following structures and improvements are exempt from minor design review. However, such structures may require additional permits, such as a use permit or building permit to ensure compliance with adopted building code standards and applicable zoning code provisions.~~

~~A. A single family custom home on a lot that is consistent with existing zoning;~~

- ~~B. An addition to a single family residential home that is consistent with existing zoning;~~
- ~~C. Parcel map for a single family residence;~~
- ~~D. Additions to nonresidential structures less than 1,000 square feet in size;~~
- ~~E. Accessory structures consistent with provisions of Chapter 23.734 RCMC (Residential Accessory Structures);~~
- ~~F. Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use or the floor area of the structure and do not significantly alter the appearance of site improvements or structures;~~
- ~~G. Changes to site plan elements that are not specifically required by this code (e.g., decorative elements and landscaping that are not specifically required by code);~~
- ~~H. Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure;~~
- ~~I. Second dwelling units subject to California Government Code Section 65583.1; and~~
- ~~J. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric, or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment). [Ord. 13 2013 § 4 (Exh. B); Ord. 12 2011 § 3 (Exh. A)].~~

23.140.040 ~~Procedure.~~ Approval authority.

Minor design review permits are a limited discretion decision by the director in accordance with Section 23.104.030 (Recommending and approval authority).

~~The procedure is provided in RCMC 23.110.150(C), Director Determinations—Public Hearing. [Ord. 12 2011 § 3 (Exh. A)].~~

23.140.050 Public hearing notice and procedure.

A public hearing is not required for minor design review unless requested pursuant to Section 23.110.110 (Notice of pending director determination and opportunity to request hearing). If a public hearing is requested, notice and hearing procedures shall be consistent with Sections 23.110.120 (Notice of public hearing) and 23.110.130 (Public hearing procedures), respectively.

23.140.060 Notice of decision.

The notice of decision shall be issued in accordance with Section 23.110.140 (Notice of decision).

23.140.050 ~~070~~ Findings. ~~Approval findings.~~

The ~~director approval authority~~ shall approve or approve with conditions an application for a minor design review after finding all of the following. If the ~~director approval authority~~ does not make all of these findings, ~~he/she shall deny~~ the minor design review shall not be approved.

- A. The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, and special planning area provisions, and is consistent with the applicable Rancho Cordova design guidelines.
- B. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
- C. The architecture, including the character, scale, and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing, and similar elements, establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

D. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A)].

23.140.0680 Conditions of approval.

The ~~planning director~~ approval authority may require modifications to plans in whole or in part and may condition the design review application to ensure specific design features, construction materials, and conformance with all applicable provisions of this chapter. [Ord. 12-2011 § 3 (Exh. A)].

23.140.090 Appeals.

Appeals of a minor design review permit may be filed in accordance with Section 23.110.160 (Appeals).

23.140.100 Permit expiration.

Minor design review permits shall expire three years from the date of approval, unless:

A. Substantial construction of the permitted use has commenced and is diligently pursued to completion, or actual occupancy of an existing building or land occurs under the terms of the permitted use.

B. An extension is filed for and approved in accordance with Section 23.110.070 (Extension of land use entitlement).

23.140.110 Amendments.

An applicant may request an amendment to a minor design review permit after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

Chapter 23.141

MAJOR DESIGN REVIEW

Sections:

- 23.141.010 Purpose.
- 23.141.020 Applicability.
- 23.141.030 ~~Exemptions~~ Application required.
- 23.141.040 ~~Procedure~~ Approval authority.
- 23.141.050 ~~Findings~~ Public hearing notice and procedure.
- 23.141.060 ~~Additional findings for residential design review applications~~ Notice of decision.
- 23.141.070 ~~Conditions~~ Approval findings.
- 23.141.075 Additional approval findings for single-family residential subdivisions.
- 23.141.080 Conditions of approval.
- 23.141.090 Appeals.
- 23.141.100 Permit expiration.
- 23.141.110 Amendments.

23.141.010 Purpose.

The purpose of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the zoning code. The intent of design review is to promote orderly and harmonious growth within the city. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.14.010). Formerly 23.140.010].

23.141.020 Applicability.

A. Permit Required. Major design review is required for the following:

1. Single-family residential subdivisions.
2. Master home plans for single-family residential subdivisions.
3. New construction of or expansions of multifamily residential development.
4. Integrated developments.
5. New construction of or expansions of existing nonresidential buildings or structures equal to or greater than 5,000 square feet in all zoning districts, except industrial zoning districts LIBP, OIMU, M-1, and M-2.
6. Nonresidential facade renovations that involve 200 linear feet or more of facade frontage of an existing building.
7. New construction or of expansions of existing nonresidential buildings or structures equal to or greater than 10,000 square feet in industrial zoning districts LIBP, OIMU, M-1, and M-2.
8. Public/quasi-public developments (e.g., public safety facilities, library, city facilities).

B. Exemptions. The following structures and improvements are exempt from major design review. However, such projects may require additional permits, such as a use permit or building permit, to ensure compliance with adopted building code standards and applicable zoning code provisions.

1. Projects subject to minor design review pursuant to Chapter 23.140 (Minor Design Review).
2. Projects exempt from minor design review pursuant to Chapter 23.140 (Minor Design Review).

~~A. Except as otherwise exempt pursuant to RCMC 23.141.030 or subject to minor design review as specified in Chapter 23.140 RCMC, major design review is required for the following:~~

- ~~1. Single family residential subdivision maps.~~
- ~~2. Master home plans for single family residential subdivisions.~~
- ~~3. Multifamily residential development.~~
- ~~4. Commercial development.~~
- ~~5. Office development.~~
- ~~6. Industrial development.~~
- ~~7. Public/quasi public developments (e.g., public safety facilities, library, city facilities).~~

~~B. All projects must demonstrate consistency with Rancho Cordova design guidelines and development standards contained within this code. [Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 1.14.020). Formerly 23.140.020].~~

23.141.030 ~~Exemptions~~Application required.

An application for a major design review permit shall be filed in accordance with Section 23.110.040 (Application requirements).

~~The following structures and improvements are exempt from major design review. However, such structures may require additional permits, such as a use permit or a building permit to ensure compliance with adopted building code standards and applicable zoning code provisions.~~

- ~~A. A single family custom home on a lot that is consistent with existing zoning;~~
- ~~B. An addition to a single family residential home that is consistent with existing zoning;~~
- ~~C. Parcel map for a single family residence;~~
- ~~D. Additions to nonresidential structures less than 1,000 square feet in size;~~
- ~~E. Accessory structures consistent with provisions of Chapter 23.734 RCMC (Residential Accessory Structures);~~
- ~~F. Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use or the floor area of the structure and do not significantly alter the visual appearance of the site or structures;~~
- ~~G. Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure;~~
- ~~H. Second dwelling units subject to California Government Code Section 65583.1; and~~
- ~~I. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric, or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment). [Ord. 13 2013 § 4 (Exh. B); Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 1.14.030). Formerly 23.140.030].~~

23.141.040 ~~Procedure~~Approval authority.

Major design review permits are a discretionary decision by the council pursuant to Section 23.104.030 (Recommending and approval authority).

~~Decisions on major design review applications shall be made by the city council according to RCMC 23.110.150(D), City Council Determinations. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.14.040). Formerly 23.140.040].~~

23.141.050 Public hearing notice and procedure.

A public hearing and hearing notice shall be required for review and processing of a major design review permit in accordance with the following:

A. Public Hearing Notice. A notice for public hearing shall be provided for in accordance with Section 23.110.120 (Notice of public hearing).

B. Public Hearing Procedure. A public hearing shall be held in accordance with Section 23.110.130 (Public hearing procedures).

23.41.060 Notice of decision.

The notice of decision shall be issued in accordance with Section 23.110.140 (Notice of decision).

23.141.050070 FApproval findings.

The ~~city council~~council may approve or approve with conditions an application for major design review after finding all of the following. If the ~~city council~~council does not make all of these findings, ~~the council shall deny the major design review permit shall not be approved.~~

A. The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, and special planning area provisions, and is consistent with the applicable Rancho Cordova design guidelines.

B. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

C. The architecture, including the character, scale, and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing, and similar elements, establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

D. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.14.050). Formerly 23.140.050].

23.141.07560 Additional approval findings for single-family residential design review applications subdivisions.

The ~~city council~~council may approve or approve with conditions an application for a major design review of single-family residential subdivision maps after finding all of the following. If the ~~city council~~council does not make all of these findings, the ~~council shall deny the single-family residential subdivision map~~major design review permit shall not be approved.

A. The residential subdivision is well integrated with the city's street network.

B. Unique neighborhood environments are created.

C. Traditional or modern architectural styles are consistently applied.

D. Pedestrian-friendly environments are created. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.14.060). Formerly 23.140.060].

23.141.070080 Conditions of approval.

The ~~city council~~council may require modifications to plans in whole or in part and may condition the major design review application to ensure specific design features, construction materials, and conformance with all applicable provisions of this chapter. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.14.070). Formerly 23.140.070].

23.141.090 Appeals.

Appeals of a major design review permit may be filed in accordance with Section 23.110.160 (Appeals).

23.141.100 Permit expiration.

Major design review permits shall expire three years from the date of approval, unless:

A. Substantial construction of the permitted use has commenced and is diligently pursued to completion, or actual occupancy of an existing building or land occurs under the terms of the permitted use.

B. An extension is filed for and approved in accordance with Section 23.110.070 (Extension of land use entitlement).

23.141.110 Amendments.

An applicant may request an amendment to a major design review permit after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

Chapter 23.143

VARIANCE

Sections:

- 23.143.010 Purpose.
- 23.143.020 Applicability.
- 23.143.030 ~~Procedure~~ Application required.
- 23.143.040 ~~Findings and decision~~ Approval authority.
- 23.143.050 ~~Conditions of approval~~ Public hearing notice and procedure.
- 23.143.060 Notice of decision.
- 23.143.070 Approval findings.
- 23.143.075 Approval findings for off-street parking variance.
- 23.143.080 Conditions of approval.
- 23.143.090 Appeals.
- 23.143.100 Permit expiration.
- 23.143.110 Amendments.

23.143.010 Purpose.

This chapter allows variances from the development standards of this zoning code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical conditions, the strict application of the standards denies the property owner privileges enjoyed by other property owners in the vicinity in the same zoning district. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.15.010)].

23.143.020 Applicability.

A variance may be granted to waive or modify any requirement of this zoning code, except to:

- A. Allow a land use not otherwise permitted in the zone.
- B. Increase the maximum allowed residential density.
- C. Waive a specific prohibition (e.g., prohibited sign).
- D. Waive or significantly reduce parking requirements.
- E. Waive or modify a procedural requirement. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.15.020)].

23.143.030 ~~Procedure~~ Application required.

An application for a variance shall be filed in accordance with Section 23.110.040 (Application requirements).

~~The procedure is provided in RCMC 23.110.150(D), City Council Determinations. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.15.030)].~~

23.143.040 Approval authority.

Variances are a discretionary decision of the council pursuant to Section 23.104.030 (Recommending and approval authority).

23.143.050 Public hearing notice and procedure.

A public hearing and hearing notice shall be required for review and processing of a variance in accordance with the following:

A. Public Hearing Notice. A notice for public hearing shall be provided for pursuant to Section 23.110.120 (Notice of public hearing).

B. Public Hearing Procedure. A public hearing shall be held pursuant to Section 23.110.130 (Public hearing procedures).

23.143.060 Notice of decision.

The notice of decision shall be issued pursuant to Section 23.110.140 (Notice of decision).

23.143.040 Findings-Approval findings and decision.

The ~~review approval~~ authority ~~may~~ shall approve or approve with conditions an application for a variance after finding all of the following. If the ~~approval review~~ authority does not make all of these findings, ~~it shall deny~~ the variance shall not be approved, except as otherwise specified under Section 23.143.075 (Approval findings for off-street parking variance).

A. General Findings.

1A. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this zoning code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.

2B. Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought.

3C. Granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.

4D. The variance is consistent with the General Plan, any applicable Specific Plan, or development agreement.

23.143.075 Approval findings for off-street parking variance.

~~B. Findings for Off-Street Parking Variances.~~ In the case of a nonresidential development project proposing to locate a portion of the required parking in an off-site location or provide in-lieu fees or facilities instead of the required on-site parking spaces, the ~~review approval~~ authority shall first make both of the following findings, as required by Government Code Section 65906.5, instead of those required under ~~subsection (A)~~ Section 23.143.070 (Approval findings) of this section:

1A. The variance will be an incentive to, and a benefit for, the nonresidential development; ~~and~~

2B. The variance will facilitate access to the nonresidential development by patrons of public transit facilities. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.15.040)].

23.143.050 Conditions of approval.

In approving a variance, the ~~review approval~~ authority:

A. Shall impose conditions to ensure that the variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; ~~;~~

B. May impose any reasonable conditions (e.g., the placement, height, nature, and extent of the use, buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the approval complies with the findings required by this chapter. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.15.050)].

23.143.090 Appeals.

Appeals of a variance may be filed in accordance with Section 23.110.160 (Appeals).

23.143.100 Permit expiration.

Variances shall expire three years from the date of approval, unless:

A. Substantial construction of the permitted use has commenced and is diligently pursued to completion, or actual occupancy of an existing building or land occurs under the terms of the permitted use.

B. An extension is filed for and approved in accordance with Section 23.110.070 (Extension of land use entitlement).

23.143.110 Amendments.

An applicant may request an amendment to a variance after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

Chapter 23.146

ZONING AMENDMENTS

Sections:

- 23.146.010 Purpose.
- 23.146.020 Applicability.
- 23.146.030 ~~Procedure~~ Application required.
- 23.146.040 Approval ~~findings~~ authority.
- 23.146.050 ~~Record of amendments~~ Public hearing notice and procedure.
- 23.146.060 ~~Rezoning~~ Notice of decision.
- 23.146.070 Approval findings.
- 23.146.080 Conditions of approval.
- 23.146.090 Appeals.
- 23.146.100 Permit expiration.
- 23.146.110 Amendments.
- 23.146.120 Record of amendments.
- 23.146.130 Rezoning.

23.146.010 Purpose.

The purpose of a zoning amendment is to allow modification to any provisions of this code, including the adoption of new regulations or deletion of existing regulations, or to change the zoning designation on any parcel(s). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.16.010)].

23.146.020 Applicability.

The types of zoning amendments are listed as follows:

- A. A map amendment has the effect of rezoning property from one zoning district to another.
- B. A zoning text amendment may modify any standard, requirement, or procedure applicable to the use and development of land within the city.
- C. An unincorporated property within the city's sphere of influence may be rezoned to the zoning district that would apply upon annexation to the city. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.16.020)].

23.146.030 ~~Procedure~~ Application required.

An application for a zoning amendment shall be filed in accordance with Section 23.110.040 (Application requirements).

~~Zoning amendments require a public hearing by the city council and require the adoption of an ordinance. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.16.030)].~~

23.146.040 Approval authority.

Zoning amendments are a discretionary decision by the council pursuant to Section 23.104.030 (Recommending and approval authority).

23.146.050 Public hearing notice and procedure.

A public hearing and hearing notice shall be required for review and processing of a zoning amendment in accordance with the following:

- A. Public Hearing Notice. A notice for public hearing shall be provided for pursuant to Section 23.110.120 (Notice of public hearing).

B. Public Hearing Procedure. A public hearing shall be held pursuant to Section 23.110.130 (Public hearing procedures).

23.146.060 Notice of decision.

The notice of decision shall be issued pursuant to Section 23.110.140 (Notice of decision).

23.146.040 070 Approval findings.

The ~~city council~~council may approve or approve with conditions an application for a zoning amendment after finding all of the following. If the ~~city council~~council does not make all of these findings, the ~~council shall deny the~~ zoning amendment shall not be approved.

A. The proposed amendment is consistent with the General Plan.

B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

C. The amendment has been reviewed in compliance with the provisions of CEQA.

D. If a map amendment, the site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provisions of utilities) for the requested zoning designations and anticipated land uses/development.

E. If a text amendment, the amendment is internally consistent with other applicable provisions of this zoning code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.16.040)].

23.146.080 Conditions of approval.

Zoning amendments shall not be conditioned for approval.

23.146.090 Appeals.

Zoning amendments are not subject to appeal.

23.146.100 Permit expiration.

Zoning amendments shall not expire.

23.146.110 Amendments.

Proposed changes to zoning amendments following final action shall be processed as a new application.

23.146.120 050 Record of amendments.

The ~~planning department~~department shall maintain a record of amendments to the text of this code and the land use districts map in a format convenient for public use. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.16.050)].

23.146.060 130 Prezoning.

A. Purpose. An unincorporated property within the city's sphere of influence may be prezoned to the zoning district that would apply upon annexation to the city.

B. Initiation and Processing. A prezoning shall be initiated, processed, and approved or disapproved in the same manner as provided for other amendments by this chapter.

C. Application of Official Zoning Designations. Upon the effective date of annexation, the zoning designation established by prezoning shall become the official zoning for the property and shall be so designated on the zoning map. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.16.060)].

Chapter 23.149

SPECIAL PLANNING AREAS

Sections:

- 23.149.010 Purpose.
- 23.149.020 Applicability.
- 23.149.030 ~~Procedure~~ Application required.
- 23.149.035 Application content required.
- 23.149.040 ~~Submittal requirements~~ Approval authority.
- 23.149.050 ~~General provisions~~ Public hearing notice and procedure.
- 23.149.060 ~~Approval findings~~ Notice of decision.
- 23.149.070 Approval findings.
- 23.149.080 Conditions of approval.
- 23.149.090 Appeals.
- 23.149.100 Permit expiration.
- 23.149.110 Amendments.
- 23.149.120 General provisions

23.149.010 Purpose.

A special planning area (~~SPA~~) is a land use zone ~~and implementing document~~ that allows for the development of unique and imaginative projects that are otherwise not possible under the current provisions of the zoning code or to protect unique environmental, historic, architectural, and other features that require special consideration. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.17.010)].

23.149.020 Applicability.

A ~~n SPA~~ special planning area may be adopted to accomplish the following:

A. Protect a unique environmental, historical, architectural, or other significant site feature that cannot be adequately protected by adoption of another land use zone.

B. Allow the development of an exceptional project design that cannot be built under an existing zoning district or due to constraints of existing development standards. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.17.020)].

23.149.030 ~~Procedure~~ Application required.

An application for a special planning area shall be filed in accordance with Section 23.110.040 (Application requirements) and Section 23.149.035 (Application content required).

23.149.035 Application content required.

~~Applications for a new SPA or an SPA amendment may be initiated in the same manner as a zoning code amendment and shall be processed as city council decisions. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.17.030)].~~

~~23.149.040 Submittal requirements.~~

~~A. An SPA document shall include an existing setting description:~~

- ~~1. Physical characteristics of the site.~~
- ~~2. Location of structures and other significant improvements.~~
- ~~3. Significant natural features of the site.~~
- ~~4. Available public facilities.~~

- ~~5. Capacity of existing and planned circulation systems.~~
- ~~6. Existing and planned uses within 1,000 feet.~~
- ~~7. A boundary survey map of the property and a calculation of the gross land area within the proposed district. A tentative subdivision map may be substituted if the applicant proposes to subdivide the property.~~
- ~~8. An aerial photograph of the SPA and the surrounding properties.~~
- ~~9. A discussion of specific objectives and limits for development of the property which recognize and respond to identified opportunities and constraints of the SPA.~~
- ~~10. Proposed land use and a description of how the land uses implement the General Plan.~~
- ~~11. Proposed density ranges for proposal that include housing and how the density ranges correspond to the General Plan.~~
- ~~12. Land use plan including, but not limited to, the acreage of each land use type and number of housing units by type. The distribution of land uses shall be expressed in terms of acreage and the total number of residential units and/or square footage of nonresidential buildings allowed.~~
- ~~13. A circulation plan showing existing and proposed public and private streets, pedestrian ways, trails, and related transportation access or circulation features required to serve the proposed development.~~
- ~~14. Performance and development standard requirements related to setbacks, lot area, intensity of development on each lot, parking requirements, landscaping, and signs.~~
- ~~15. Design standards and guidelines as appropriate for the specific site and development.~~
- ~~16. Open space plan including protection measures for significant natural features, parks, and other site amenities.~~

~~B. The SPA may include a procedure for review of proposed development, such as:~~

- ~~1. Types of projects that require review;~~
- ~~2. Documents required from developers;~~
- ~~3. Hearing procedures;~~
- ~~4. Regulations relating to nonconforming lots, uses, structures, and signs; and~~
- ~~5. Time phasing and sequence of development projects. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A-§ 1.17.040)].~~

23.149.040 Approval authority.

Special planning areas are a discretionary decision by the council pursuant to Section 23.104.030 (Recommending and approval authority).

23.149.050 Public hearing notice and procedure.

A public hearing and hearing notice shall be required for review and processing of a special planning area in accordance with the following:

A. Public Hearing Notice. A notice for public hearing shall be provided for pursuant to Section 23.110.120 (Notice of public hearing).

B. Public Hearing Procedure. A public hearing shall be held pursuant to Section 23.110.130 (Public hearing procedures).

23.149.060-070 Approval findings.

The ~~city council~~council may approve or approve with conditions an application for a special planning area after finding all of the following. If the ~~city council~~council does not make all of these findings, the ~~council shall deny the~~ special planning area shall not be approved.

- A. The proposed special planning area SPA is consistent with the goals, policies, and objectives of the General Plan.
- B. The proposed special planning area SPA meets the requirements set forth in this chapter; ~~and~~.
- C. The special planning area SPA is needed because the project is not possible under the existing zoning requirements. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.17.060)].

23.149.080 Conditions of approval.

The approval authority may require modifications to the special planning area in whole or in part to ensure consistency with the General Plan and conformance with all applicable provisions of this title. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.14.070). Formerly 23.140.070].

23.149.090 Appeals.

Special planning areas are not subject to appeal.

23.149.100 Permit expiration.

Special planning areas shall not expire.

23.149.110 Amendments.

Special planning areas may be amended following approval in the same manner as the original application.

23.149.050-120 General provisions.

- A. A special planning area SPA must contain sufficient detail to allow the review body to implement its provisions and to describe to subsequent developers how properties within ~~aan~~ special planning area SPA may be developed.
- B. Where no specific standard is contained in a special planning area ordinance (e.g., parking, landscape standards, signs), the applicable provisions of the zoning code shall apply as determined by the director.
- C. A special planning area SPA shall be clearly designated on the zoning map and incorporated into the zoning code as an appendix. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.17.050)].

Chapter 23.152

SPECIFIC PLANS

Sections:

- 23.152.010 Purpose.
- 23.152.020 Applicability.
- 23.152.030 ~~Procedure~~ Application required.
- 23.152.035 Application content required.
- 23.152.040 ~~Contents~~ Approval authority.
- 23.152.050 ~~Environmental review~~ Public hearing notice and procedure.
- 23.152.060 ~~Approval findings~~ Notice of decision.
- 23.152.070 Approval findings.
- 23.152.080 Conditions of approval.
- 23.152.090 Appeals.
- 23.152.100 Permit expiration.
- 23.152.110 Amendments.
- 23.152.120 Environmental review.

23.152.010 Purpose.

The purpose of a Specific Plan is to provide a regulatory document that implements the city's General Plan on an area-specific basis. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.18.010)].

23.152.020 Applicability.

The General Plan identifies certain areas of the city which require Specific Plans to implement General Plan policies. Specific Plans are also encouraged if they will lead to more effective implementation of the General Plan. In the event there is an inconsistency or conflict between an adopted Specific Plan and comparable provisions within the zoning code, the Specific Plan shall prevail. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.18.020)].

23.152.030 ~~Procedure~~ Application required.

An application for a Specific Plan shall be filed in accordance with Section 23.110.040 (Application requirements) and Section 23.152.035 (Application content required).

~~The city council shall hold a public hearing and make the final determination on Specific Plans, after receiving a recommendation from city staff. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.18.030)].~~

23.152.040 ~~035~~ Application c ~~Contents~~ required.

In addition to the minimum content requirements of California Government Code Section 65451, the following items outline the city's content requirements for an application:

- A. Statement of relationship of the Specific Plan to the General Plan.
- B. Policies for development and standards for regulating development ~~within~~ in the plan area.
- C. The proposed land uses for all areas covered by the plan.
- D. The types and configurations of buildings to be included in all developments ~~within~~ in the plan area.
- E. The location of and types of streets.
- F. Public facilities and infrastructure required to serve developments ~~within~~ in the ~~Specific p~~ Plan area.
- G. A parking and circulation plan for off-street parking areas showing the location of parking lots, the approximate number of spaces, and the approximate location of entrances and exits.

H. Proposed conservation, open space, and/or recreation areas, if any.

I. Any other programs, guidelines, or standards appropriate for the area covered by the Specific Plan. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.18.040)].

23.152.040 Approval authority.

Specific Plans are a discretionary decision by the council pursuant to Section 23.104.030 (Recommending and approval authority).

23.152.050 Public hearing notice and procedure.

A public hearing and hearing notice shall be required for review and processing of a Specific Plan in accordance with the following:

A. Public Hearing Notice. A notice for public hearing shall be provided for pursuant to Section 23.110.120 (Notice of public hearing).

B. Public Hearing Procedure. A public hearing shall be held pursuant to Section 23.110.130 (Public hearing procedures).

23.152.060 Notice of decision.

The notice of decision shall be issued pursuant to Section 23.110.140 (Notice of decision).

23.152.060070 Approval findings.

The ~~city council~~council may approve or approve with conditions an application for a Specific Plan after finding all of the following. If the ~~city council~~council does not make all of these findings, ~~the council shall deny~~ the Specific Plan shall not be approved.

A. The proposed Specific Plan is consistent with the goals, policies, and objectives of the General Plan, development agreement, or other implementation instrument.

B. The proposed Specific Plan will not adversely affect surrounding properties. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.18.060)].

23.152.080 Conditions of approval.

The approval authority may require modifications to the Specific Plan in whole or in part to ensure consistency with the General Plan and conformance with all applicable provisions of this title. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.14.070). Formerly 23.140.070].

23.152.090 Appeals.

Specific Plan determinations are not subject to appeal.

23.152.100 Permit expiration.

Specific Plans shall not expire.

23.152.110 Amendments.

An applicant may request an amendment to a Specific Plan after the final written decision is issued. Special planning areas may be amended following approval in the same manner as the original application. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

23.152.12050 Environmental review.

The majority of Specific Plans will require the preparation of an environmental impact report (EIR) under ~~the California Environmental Quality Act~~CEQA and Guidelines. Once certified, the EIR for a Specific Plan may be relied upon for further entitlements sought subsequent to adoption of the Specific Plan. Unless otherwise exempt, an initial study shall be prepared for all subsequent applications to determine whether a supplement to the EIR must be prepared. In the event that a supplement to the EIR is determined not to be necessary, a negative declaration or mitigated negative declaration shall be prepared. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.18.050)].

Chapter 23.155

GENERAL PLAN AMENDMENTS

Sections:

- 23.155.010 Purpose.
- 23.155.020 Applicability.
- 23.155.030 ~~Procedure~~ Application required.
- 23.155.040 Approval ~~findings~~ authority.
- 23.155.050 Public hearing notice and procedure.
- 23.155.060 Approval findings.
- 23.155.070 Conditions of approval.
- 23.155.080 Appeals.
- 23.155.090 Permit expiration.
- 23.155.100 Amendments.
- 23.155.110 Frequency of amendments.
- 23.155.120 Additional notice required.

23.155.010 Purpose.

As the city continues to grow and change over time, it is necessary to periodically update the General Plan. Amendments may be made to the General Plan text (e.g., goals, policies, or implementation programs) or map to change land use designations on any parcel(s) if the approval findings (~~RCMC Section~~ 23.155.040 [Approval authority]) are met. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.19.010)].

23.155.020 Applicability.

A General Plan amendment may include revisions to the text, diagrams, and or mapping designations. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.19.020)].

23.155.030 ~~Procedure~~ Application required.

An application for a General Plan amendment shall be filed in accordance with Section 23.110.040 (Application requirements).

~~The city council shall hold a public hearing and make the final determination on General Plan amendments, after receiving a recommendation from city staff. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.19.030)].~~

23.155.040 Approval authority.

General Plan amendments are a discretionary decision by the council pursuant to Section 23.104.030 (Recommending and approval authority).

23.155.050 Public hearing notice and procedure.

A public hearing and hearing notice shall be required for review and processing of a General Plan amendment in accordance with the following:

A. Public Hearing Notice. A notice for public hearing shall be provided for pursuant to Section 23.110.120 (Notice of public hearing).

B. Public Hearing Procedure. A public hearing shall be held pursuant to Section 23.110.130 (Public hearing procedures).

23.155.0640 Approval findings.

The ~~city council~~ council may approve or approve with conditions an application for a General Plan amendment after finding all of the following. If the ~~city council~~ council does not make all of these findings, the ~~council shall deny the~~ General Plan amendment shall not be approved.

- A. The proposed amendment is internally consistent with the General Plan.
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.
- C. In the case of amendments to the General Plan map, the site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provisions of utilities) for the requested/anticipated land use developments.
- D. The proposed project has been reviewed in compliance with the provisions of ~~the California Environmental Quality Act (CEQA)~~. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.19.040)].

23.155.070 Conditions of approval.

The approval authority may require modifications to a General Plan amendment to ensure the required findings can be made. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.14.070). Formerly 23.140.070].

23.155.080 Appeals.

General Plan amendments are not subject to appeal.

23.155.090 Permit expiration.

General Plan amendments shall not expire.

23.155.100 Amendments.

Proposed changes to General Plan amendments following final action shall be processed as a new application.

23.155.110 Frequency of amendments.

Pursuant to Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.

23.155.120 Additional notice required.

Pursuant to Government Code Section 65352, at least 45 days prior to Council action on a proposed General Plan Amendment, the community development director shall notify the County, the Local Agency Formation Commission (LAFCO), and any area-wide planning agency or federal agency whose operations may be significantly affected by the proposed action, and each governmental body, commission, or board, including those of any school or special districts, whose jurisdiction lies wholly or partially within the city whose functions include recommending, preparing plans for, or constructing major public works projects.

Chapter 23.158

DEVELOPMENT AGREEMENTS

Sections:

- 23.158.010 Purpose.
- 23.158.020 Applicability.
- 23.158.030 ~~Procedure~~ Application required.
- 23.158.035 Application content required.
- 23.158.036 Additional application information
- 23.158.040 ~~Required contents~~ Approval authority.
- 23.158.050 ~~Approval findings~~ Public hearing notice and procedure.
- 23.158.060 Approval findings.
- 23.158.070 Conditions of approval.
- 23.158.080 Appeals.
- 23.158.090 Amendments.
- 23.158.100 Permit expiration.
- 23.158.110 Execution and recordation.
- 23.158.120 Effect of development agreement.
- 23.158.130 Periodic review.

23.158.010 Purpose.

This chapter establishes procedures and requirements for the review and approval of development agreements when applied for as part of a land use entitlement in compliance with the provisions of California Government Code Sections 65864 through 65869.5.

The ~~city council~~ council finds and declares the use of development agreements is beneficial to the public, in that:

A. Development agreements increase the certainty in the approval of development projects, thereby preventing the waste of resources, reducing the cost of development to the consumer, and encouraging investment in and commitment to comprehensive planning, all leading to the maximum efficient utilization of resources at the least economic cost to the public.

B. Development agreements provide assurance to the applicant for a development project that, upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, thereby strengthening the public planning process, encouraging private participation in comprehensive planning, and reducing the economic costs of development.

C. Development agreements enable the city to plan for and finance public facilities, including ~~, but not limited to,~~ streets, sewerage, transportation, drinking water, school, and utility facilities, thereby removing a serious impediment to the development of new housing. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.20.010)].

23.158.020 Applicability.

The city may establish a development agreement between the city and any other person having legal or equitable interest in real property for the development of that property. Development agreements that contain a legislative or quasi-judicial land use decision or request a final decision on a land use action are governed by this section. The following include ~~but are not limited to~~ situations in which the city may seek a development agreement:

- A. Multiple-party, partnership, multiple-landowner situations.
- B. Large or complex infrastructure requirements.
- C. Timing and/or phasing issues.

D. Redevelopment and urban renewal projects. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.20.020)].

23.158.030 Application required.

An application for a development agreement shall be filed in accordance with Section 23.110.040 (Application requirements) and Section 23.158.035 (Application content required).

23.158.040035 Required Application contents required.

In addition to such terms as the partner may agree to, a development agreement shall contain the mandatory provisions specified by state law (Government Code Section 65865.2) including the following specific provisions:

- A. The duration of the agreement.
- B. The permitted uses of the property.
- C. The density or intensity of permitted uses.
- D. The maximum height and size of proposed structures.
- E. Provisions for reservation or dedication of lands for public purposes.

~~F. The development agreement may also contain the following information:-~~

- 1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided such that the development of land for the purposes and level set forth in the agreement is limited.
- 2. Requirements that the construction be commenced within a specific time period and that the project or any phase thereof be completed within a specific time frame.

G. Statement by a licensed civil engineer that the property does not lie in a protected 200-year floodplain. If any part of the property lies in a protected 200-year floodplain, the development agreement shall contain conditions that will provide urban level of flood protection to the property. [Ord. 7-2016 § 2 (Exh. 1B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.20.040)].

23.158.036 Additional application information.

The development agreement may also contain the following information:

~~1.A.~~ Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided such that the development of land for the purposes and level set forth in the agreement is limited.

~~2.B.~~ Requirements that the construction be commenced within a specific time period and that the project or any phase thereof be completed within a specific time frame. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.20.040)].

23.158.040 Approval authority.

Development agreements are a discretionary decision by the council pursuant to Section 23.104.030 (Recommending and approval authority). The city manager shall execute any development agreement approved.

23.158.050 Public hearing notice and procedure.

A public hearing and hearing notice shall be required for review and processing of a development agreement in accordance with the following:

A. Public Hearing Notice. A notice for public hearing shall be provided for pursuant to Section 23.110.120 (Notice of public hearing).

B. Public Hearing Procedure. A public hearing shall be held pursuant to Section 23.110.130 (Public hearing procedures).

23.158.0650 Approval findings.

The ~~city council~~council may grant a development agreement after finding all of the following. If the ~~city council~~council does not make all of these findings, the ~~council shall not grant the~~ development agreement shall not be approved.

A. The development agreement is consistent with the General Plan objectives, policies, land uses, and implementation programs and any other applicable Specific Plans.

B. The development agreement is in conformance with the public convenience and general welfare of persons residing in the immediate area and will not be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole.

C. The development agreement will promote the orderly development of property or the preservation of property values. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.20.050)].

D. The development agreement does not pertain to any property in the protected 200-year floodplain, unless the development agreement contains conditions that will provide an urban level of protection to the property consistent with California Government Code Section 65865.5. [Ord. 7-**2016** § 2 (Exh. 1B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.20.050)].

23.158.070 Conditions of approval.

The approval authority may require modifications to the development agreement in whole or in part to ensure consistency with the General Plan and conformance with all applicable provisions of this title. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.14.070). Formerly 23.140.070].

23.158.080 Appeals.

Development agreements are not subject to appeal.

23.158.090 Permit expiration.

A. Expiration Date Required. Development agreements shall include terms of expiration of the development agreement.

B. Extension. If a development agreement is extended, any development that occurs after the original expiration date shall be consistent with the provisions of the General Plan as of the adoption date of the amended development agreement.

23.158.100 Amendments.

A. An applicant may request an amendment to an approved development agreement. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

B. If any development agreement is amended during its term, any change shall be consistent with the provisions of the General Plan and any applicable Specific Plan.

23.158.110 Execution and recordation.

1A. Effective Date. The city shall execute development agreements on or after the effective date of the ordinance approving the agreement.

2B. Recordation. A development agreement shall be recorded in the office of the county recorder no later than 10 days after it is executed.

23.158.120 Effect of development agreement.

1A. Applicable Regulations. Unless otherwise provided by the development agreement itself, the rules, regulations, and official policies governing allowed uses of the land, density and intensity of use, design, improvement, and construction standards and specifications applicable to development of the property subject to a development agreement are the rules, regulations, and official policies in force at the time of execution of the agreement.

2B. Additional Requirements. A development agreement does not prevent the city, in subsequent actions, from applying new rules, regulations, and policies that do not conflict with those applicable to the property, nor does a development agreement prevent the city from conditionally approving or disapproving any subsequent development project application on the basis of existing or new rules, regulations, and policies.

23.158.130 Periodic review.

The director shall review the development agreement every 12 months from the date the agreement is entered into and provide a written report to the ~~city council~~council. The burden of proof is on the applicant to provide necessary information verifying compliance with the terms of the agreement. The applicant shall also bear the cost of such review in accordance with the fee or deposit established by the ~~city council~~council resolution. If the director finds that any aspect of the development project is not in strict compliance with the terms of the agreement or may warrant consideration by the ~~city council~~council, the director may schedule the matter before the ~~city council~~council for review. [Ord. 25-2013 §§ 2, 3; Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.20.030)].

Chapter 23.161

PUBLIC HEARINGS

(Repealed by Ord. 12-2011)

Chapter 23.164

APPEALS

Sections:–

23.164.010 — Purpose.

23.164.020 — Authority.

23.164.030 — Filing.

23.164.040 — Processing.

23.164.010 — Purpose.

This chapter establishes procedures for the appeal and review of final determinations of approval authorities. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.22.010)].

23.164.020 — Authority.

For determinations and actions that may be appealed, the authority to act on appeals shall be as follows:–

A. Ordinance Administration and Interpretation. The following decisions and actions may be appealed to the council:–

1. Similar use determinations;
2. Reasonable accommodation;
3. Unified sign program;
4. Administrative use permits;
5. Limited use permits;
6. Adjustments;
7. Nonconforming use permit;
8. CUP revocation;
9. Minor design review;
10. Determinations regarding the interpretation or meaning of applicable provisions of the zoning code;
11. Any determination that an entitlement application is incomplete in compliance with state law (Government Code Section 65000). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.22.020)].

23.164.030 — Filing.

A. An appeal may be filed:–

1. By any person affected by an administrative determination or action by the director, as described in RCMC 23.164.020.–
2. In the case of a planning entitlement described in RCMC 23.164.020, by anyone who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns prior to the hearing.–

B. Timing and Form of Appeal. Appeals shall be filed with the department within 10 calendar days following the final date of the determination being appealed. All appeals shall be submitted in writing, together with the name, address, phone number, and signature of the appellant, and the required filing fee. The written appeal shall specifically state the pertinent facts of the case and the basis for the appeal.–

~~C. Scope of Planning Entitlement Appeals. An appeal of a decision on a planning entitlement shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.~~

~~D. Rights. Pending a decision on an appeal in compliance with this zoning code, all rights emanating from the planning entitlement, license, or other city action that is the subject of the appeal and all relevant time periods shall be suspended.~~

~~E. Multiple Actions. In the event an appeal is filed regarding a decision on one of multiple entitlements or city approvals concurrently granted for a single project, all concurrently granted city entitlements and approvals for the project shall be automatically appealed and shall be considered and acted upon in compliance with this chapter. [Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 1.22.030)].~~

~~23.164.040—Processing.~~

~~A. Scheduling of Hearing. After an appeal has been received in compliance with RCMC 23.164.030, the city clerk shall schedule the matter for a council agenda, as applicable to the appeal.~~

~~B. Report. After the hearing has been scheduled, the director shall prepare a report on the matter and forward the report to the appropriate hearing body.~~

~~C. Consolidation of Multiple Appeals. If more than one party files an appeal on a land use action, the appeals shall be consolidated and noticed and heard as one proceeding.~~

~~D. Withdrawal of an Appeal. An appeal may be withdrawn by an appellant at any time prior to the rendering of a final decision. The appeal proceedings shall terminate as of the date the withdrawal request is received by the city.~~

~~E. General Procedure. The hearing body shall conduct a public hearing in compliance with RCMC 23.110.150 (Land use determinations).~~

~~1. Scope of Review. The review authority may consider any issues associated with the decision under consideration, in addition to the specific grounds for the appeal. The review authority shall also consider any environmental determination applicable to the entitlement or decision under consideration.~~

~~2. New Evidence. If new or different evidence is presented during the hearing, council may refer the matter back to the original approval body as applicable for a report on the new or different evidence prior to a final decision.~~

~~3. Decision. After a public hearing, the hearing body may:~~

~~a. Approve, modify, or disapprove the action, either in whole or in part, based on the record and the evidence received at the hearing;~~

~~b. Adopt additional conditions of approval deemed reasonable and necessary;~~

~~c. Disapprove the planning entitlement approved by the previous review authority, even if the request was to modify the project or to modify or eliminate one or more of the conditions of approval.~~

~~4. The lack of an affirmative majority vote or a tie vote shall constitute denial of the project.~~

~~5. The findings, decision, and action of the hearing body shall be final.~~

~~F. Effective Date of Decision. A decision by the council on an appeal is effective as of the date of the decision. [Ord. 13 2013 § 4 (Exh. B); Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 1.22.040)].~~

Chapter 23.167

COUNCIL CALL-UPS

Sections:

- 23.167.010 — Purpose.
- 23.167.020 — Authority.
- 23.167.030 — Filing.
- 23.167.040 — Rights.
- 23.167.050 — Processing.

23.167.010 — Purpose.

This chapter outlines the process for a member of the council to elevate a decision of the director to the full council for discussion and final determination. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.23.010)].

23.167.020 — Authority.

Final decisions of the director, with the exception of ministerial entitlements (e.g., zoning certifications and temporary use permits), may be elevated to the council for final determination under the following circumstances:

A. Any member of the council may request that an item be elevated.

B. The item can only be elevated following the director decision.

C. All call-ups shall follow the public hearing process established in RCMC 23.110.150 (Land use determinations). [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.23.020)].

23.167.030 — Filing.

Council call-ups shall be filed with the department within 10 calendar days following the final date of the determination. All call-ups shall be submitted in writing by a member of the council with a signature. The written call-up shall specifically state the pertinent facts of the case and the basis for the call-up. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.23.030)].

23.167.040 — Rights.

A. Suspension. Pending a decision on a council call-up in compliance with this zoning code, all rights emanating from the entitlement, license, or other entitlement that is the subject of the appeal and all relevant time periods shall be suspended.

B. Multiple Actions. In the event a council call-up is filed regarding a decision on one of multiple entitlements or city approvals concurrently granted for a single project, all concurrently granted city entitlements and approvals for the project shall be automatically called-up and shall be considered and acted upon in compliance with this chapter. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.23.040)].

23.167.050 — Processing.

A. Scheduling of Hearing. After a council call-up is filed and received in compliance with RCMC 23.167.030, the city clerk shall schedule the matter for a council agenda, as applicable to the appeal.

B. Report. After the hearing has been scheduled, the director shall prepare a report on the matter and forward the report to the council.

C. Consolidation of Multiple Call-Ups. If more than one member of the council files a call-up on a land use action, the call-ups shall be consolidated and noticed and heard as one proceeding.

D. Withdrawal. A council call-up may be withdrawn at any time prior to the rendering of a final decision. The call-up proceeding shall terminate as of the date the withdrawal request is received by the city clerk.

~~E. General Procedure. The hearing body shall conduct a public hearing in compliance with RCMC 23.110.150 (Land use determinations).—~~

~~F. Scope of Review. The review authority may consider any issues associated with the decision under consideration, in addition to the specific grounds for the call up. The review authority shall also consider any environmental determination applicable to the entitlement or decision under consideration.—~~

~~G. New Evidence. If new or different evidence is presented during the hearing, the council may refer the matter back to the director as applicable for a report on the new or different evidence prior to a final decision.—~~

~~H. Decision. After a public hearing, the hearing body may:—~~

~~1. Approve, modify, or disapprove the action, either in whole or in part, based on the record and the evidence received at the hearing;—~~

~~2. Adopt additional conditions of approval deemed reasonable and necessary;—~~

~~3. Disapprove the planning entitlement approved by the previous review authority, even if the request was to modify the project or to modify or eliminate one or more of the conditions of approval.—~~

~~I. The lack of an affirmative majority vote or a tie vote shall constitute denial of the project.—~~

~~J. The findings, decision, and action of the hearing body shall be final.—~~

~~K. Effective Date of Decision. A decision by the hearing body is effective as of the date of the decision. [Ord. 13 2013 § 4 (Exh. B); Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 1.23.050)].~~

Chapter 23.170

NONCONFORMING USES AND STRUCTURES

Sections:

- 23.170.010 Purpose and applicability.
- 23.170.020 ~~Definitions~~ *Transferred.*
- 23.170.030 Continuation and maintenance.
- 23.170.040 Modification and expansion.
- 23.170.050 Destruction and replacement.
- 23.170.060 Loss of nonconforming status.
- 23.170.070 Nonconforming use permit procedures.

23.170.010 Purpose and applicability.

This chapter establishes special regulations for nonconforming land uses and structures that were lawful before the adoption or amendment of this zoning code, but which would be prohibited, regulated, or restricted differently under the current terms of this zoning code or future amendments. It is the intent of these regulations to allow the continuation of nonconformities under limited conditions outlined herein and reconstruction in the event of natural disaster. Generally, any expansion of nonconforming uses or structures is prohibited. However, this chapter establishes special regulations for the potential expansion of nonconformities in limited areas of the city on a case-by-case basis where specific findings can be made. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.24.010)].

23.170.020 ~~Definitions~~ *Transferred.*

~~For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them in this section.~~

~~A. "Nonconforming use" means a use which is not permitted under the provisions of this title (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of the ordinance codified in this chapter or any subsequent ordinance.~~

~~B. "Nonconforming structure" means a structure (including signs) which is not permitted under the provisions of this title (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of the ordinance codified in this chapter or any subsequent ordinance. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.24.020)].~~

23.170.030 Continuation and maintenance.

A. A nonconforming use may continue to operate in perpetuity, be transferred, or be sold; provided that the use shall not be enlarged or intensified, nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming. Likewise, plans for any use approved as of the date the ordinance codified in this chapter becomes effective may be carried out as approved. Any extension of such approval for which the applicant was entitled to apply as of the effective date may be granted according to the regulations in effect prior to the effective date; if granted, such extension will be considered the same as an approval granted before the effective date. The person asserting the nonconforming use must present evidence that the use existed before the enactment of the zoning code provision prohibiting the use.

B. A nonconforming structure may be maintained or improved as follows:

1. Maintenance and Repair. A nonconforming structure may be maintained and repaired. Maintenance may include repair work necessary to keep the building or structure in sound condition but maintenance shall not include the replacement of a building or structure.
2. Seismic Retrofitting and Building Code Compliance. Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with building code requirements shall be allowed; provided that the work is exclusively to comply with applicable earthquake safety standards and the building code.

3. Structural alteration of a nonconforming structure to improve safety or to reduce fire hazard. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.24.030)].

23.170.040 Modification and expansion.

A nonconforming use or structure may be modified or expanded as listed below, subject to the provisions of ~~RCMC Section~~ 23.170.070 (Nonconforming use permit procedures):

A. Structural Modification. Addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to applicable provisions of this zoning code. Such modifications may not expand the extent of the nonconforming aspect of the structure or result in any new nonconforming conditions for the subject property.

B. Expansion of Use. Expansion or modification of a nonconforming use may be allowed in limited areas of the city-~~as outlined in RCMC 23.170.070 (Nonconforming use permit procedures).~~

C. Exterior improvements or expansion of structures may also require design review approval ~~in keeping with pursuant to~~ Chapter 23.140 (Minor Design Review) or ~~23.141 Chapter 23.141~~ (Major Design Review). [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.24.040)].

23.170.050 Destruction and replacement.

If a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, the structure may be repaired or rebuilt and reoccupied in the same manner in which it originally existed if the restoration is started within one year of the date of the damage and is diligently pursued to completion. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.24.050)].

23.170.060 Loss of nonconforming status.

If a nonconforming use is discontinued for a continuous period of six months or more, rights to nonconforming status shall terminate. A determination that a use has been abandoned requires both (A) evidence of an intention to abandon, and (B) an act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use. Evidence may include removal of equipment, furniture, machinery, structures, or other components of the nonconforming use; disconnected or discontinued utilities; or no business records to document continued operation. Maintenance of a valid business license shall of itself not be considered a continuation of the use. Without further action by the city, any subsequent use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this zoning code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.24.060)].

23.170.070 Nonconforming use permit procedures.

A. Purpose. The purpose of the nonconforming use permit is to allow for individual review of requests to expand or modify a nonconforming use in a manner that ensures compatibility with surrounding areas and uses.

B. Applicability. Nonconforming use permits may only be requested and considered for nonconforming uses and structures on property zoned for mixed-use.

C. Permit Requirements. A nonconforming use permit is required for the expansion or modification of existing nonconforming structures or uses.

D. Application Required. An application for a nonconforming use permit shall be filed in accordance with Section 23.110.040 (Application requirements).

~~D~~E. Approva~~ling~~ Authority. Nonconforming use permits shall be approved by the specified approval authority as designated in Section 23.104.030 (Recommending and approval authority). The director shall have approval authority for all nonconforming use permits with appeals to the city council.

F. Public Hearing Notice and Procedures. No public hearing is required for the review and processing of a nonconforming use permit.

G. Notice of Decision. The notice of decision shall be issued pursuant to Section 23.110.140 (Notice of decision).

~~E.H. Required Approval~~ Findings. A nonconforming use permit shall be granted only when the ~~planning director~~approval authority ~~determines that the proposed use or activity complies with~~makes all of the following findings:

1. The establishment, maintenance, or operation of the use expansion applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
2. The benefit to the public health, safety, or welfare exceeds the detriment inherent in the expansion of nonconformity.
3. The modified or expanded nonconforming structure or use would not be incompatible with reasonably foreseeable uses as allowed under the applicable zoning regulations.

~~F.I. Conditions of Approval/Guarantees~~. The ~~director~~approval authority may impose conditions and/or require guarantees for the nonconforming use permit to ensure compliance with this section and other applicable provisions of this title and ~~to prevent adverse or detrimental impact to the surrounding neighborhood~~satisfy the required approval findings. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.24.070)].

J. Appeals. Appeals of a nonconforming use permit may be filed in accordance with Section 23.110.160 (Appeals).

K. Permit Expiration. Nonconforming use permits shall expire three years from the original date of approval, unless:

1. Substantial construction of the permitted use has commenced and is diligently pursued to completion, or actual occupancy of an existing building or land occurs under the terms of the permitted use; or,
2. An extension is approved in accordance with Section 23.110.070 (Extension of land use entitlement).

L. Amendments. An applicant may request an amendment to a nonconforming use permit after the final written decision is issued. Amendments shall be processed in accordance with Section 23.110.180 (Amendments).

Chapter 23.173

ENFORCEMENT

Sections:

23.173.010	Purpose.
23.173.020	Violation of code prohibited.
23.173.030	Permits and licenses that conflict with code.
23.173.040	Property management and maintenance.
23.173.050	Official duty to enforce.
23.173.060	Violations.
23.173.070	Inspections.
23.173.080	Permit revocation or modification.
23.173.090	Enforcement action.
23.173.100	Recovery of costs and additional fees.

23.173.010 Purpose.

This chapter establishes provisions which are intended to ensure compliance with the requirements of this zoning code and any conditions of land use permits to promote the city's planning efforts and for the protection of the public health, safety, and welfare of the city. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.25.010)].

23.173.020 Violation of code prohibited.

No person shall erect, construct, alter, maintain, or use any building or structure or shall use, divide, or transfer any land in violation of this code or any amendment thereto. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.25.020)].

23.173.030 Permits and licenses that conflict with code.

All departments, officials, and public employees of the city who are assigned the authority or duty to issue permits or licenses shall comply with the provisions of this zoning code. The following actions are determined to conflict with this code:

- A. Permits for uses or structures that would be in conflict with the provisions of the zoning code shall not be issued.
- B. Any permit issued in conflict with the provisions of this zoning code shall be deemed void.
- C. Any action taken by an official or public employee of the city in conflict with the provisions of this zoning code shall be deemed void. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.25.030)].

23.173.040 Property management and maintenance.

~~All development standards shall be continuously met for every project. If complaints are received regarding lack of maintenance as it relates to the provisions of this chapter, the following process shall be followed:—~~

- A. Buildings and Structures. Each exterior of a building or other structure (e.g., signs, trash enclosures, shade structures, ~~etc.~~) must be kept in a good state of repair and the exterior finish must be clean and well maintained.
- B. Site. The entire site, including paved, unpaved, and landscaped areas, must be kept in a neat and orderly manner, free of junk, debris, abandoned vehicles, weeds, loose trash, and other litter pursuant to RCMC Chapter 6.52 (Abatement of Weeds, Refuse and Abandoned Materials) and Chapter 6.54 (Maintenance of Privately Owned Properties Visible From Public Property). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.25.040)].

23.173.050 Official duty to enforce.

- A. The city manager, ~~planning director~~ director, code enforcement officer, or designees may issue citations for any violations of the zoning code pertaining to the use of any land and the addition, alternation, construction, conversion, erection, moving, reconstruction, or use of any structure pursuant to RCMC Chapter 16.18 (Nuisance Code).

B. Other officials of the city charged by the law with the general duty of enforcing city ordinances shall also enforce the provisions of this zoning code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.25.050)].

23.173.060 Violations.

~~Any structure constructed or maintained contrary to the provisions of this zoning code and any use of land or structure operated or maintained contrary to the provisions of this zoning code are hereby declared to be a public nuisance.~~

A. Public Nuisance. Any structure or use which is altered, constructed, ~~or~~ established, or maintained contrary to the provisions of this zoning code or any applicable condition of approval imposed on a permit is unlawful and a public nuisance, and shall be subject to the remedies and penalties identified in this chapter, the municipal code, and other remedies available to the city.

B. Infractions. It is an infraction for any person to do any act forbidden or fail to perform any act required by the zoning code. Penalties for infractions shall be in compliance with state law.

C. Stop Work Order. Any construction in violation of this zoning code or any conditions imposed on a permit shall be subject to the issuance of a stop work order.

D. Remedies. Each day any violation of this zoning code continues is a new and separate offense. Each violation of the zoning code is considered a separate offense. Should a person be found guilty and convicted of an infraction for the violation of any provision of this zoning code, the conviction shall not prevent the city from pursuing any other available remedy to correct the violation. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.25.060)].

23.173.070 Inspections.

A. Pre-Approval Inspections. Every applicant seeking a permit or any other action in compliance with the zoning code shall allow the city officials handling the application access to any premises or property which is the subject of the application.

B. Post-Approval Inspections. If the permit or other action in compliance with this zoning code is approved, the owner or applicant shall allow appropriate city officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.25.070)].

23.173.080 Permit revocation or modification.

This section provides procedures for securing punitive revocation or modification of previously approved land use permits or entitlements.

A. Applicability. The director or council may initiate revocation proceedings for any approval or permit if it is determined there is substantial likelihood that any of the following situations exist:

1. One of more conditions of approval have not been implemented or have been violated.
2. The activities, or the use itself, are substantially different from what was approved.

B. Notice to Initiate Revocation Proceedings. The city shall provide to the record owner of the subject site and any person in possession or control of the site a written notice to initiate revocation proceedings. Such notice shall be provided at least 20 calendar days prior to the hearing date.

1. The permit proposed for revocation.
2. A summary of the reasons for initiation of revocation proceedings.
3. A summary of the permit revocation process.

C. Approval Authority. The approval authority for permit revocation shall be the designated approval authority for the initial permit application.

D. Public hearing notice and procedures. A public hearing shall be required for review of a permit revocation only when a public hearing was required for approval of the permit subject to revocation. A public hearing and hearing notice shall be required in accordance with the following:

1. Public Hearing Notice. A notice for public hearing shall be provided for pursuant to Section 23.110.120 (Notice of public hearing).

2. Public Hearing Procedure. A public hearing shall be held pursuant to Section 23.110.130 (Public hearing procedures).

E. Review Authority Action and Findings. A land use permit may be revoked or modified by the ~~review~~ approval authority which originally approved the permit if any of the following facts can be made in a positive manner:

1. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be met.
2. The entitlement or permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit.
3. One or more of the conditions of the permit have not been substantially fulfilled or have been violated.
4. The use or structure for which the permit was granted has ceased to exist or has lost its legal nonconforming use status.
5. The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute.
6. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.25.080)].

~~A~~F. Revocations. The city's action to revoke an entitlement shall have the effect of terminating the entitlement and denying the privileges granted by the original approval.

~~B~~G. Modifications. The city may choose to allow the modification of the operational characteristics instead of revoking an entitlement. These modifications may include operation aspects related to buffers, duration of the entitlement, hours of operation, landscaping, lighting, parking, performance guarantees, property maintenance, signs, surfacing, or traffic circulation, ~~etc.~~

H. Burden of Proof. The director or any private complaining party shall have the burden to prove, based on substantial evidence in the whole record, that the applicant or the applicant's successor has violated the city's approval.

I. Notice of Decision. The hearing officer shall issue a written decision on the matter within 15 calendar days.

J. Appeals. Appeals of a permit revocation determination by the director may be filed in accordance with Section 23.110.160 (Appeals). Permit revocation determinations by council are not subject to appeal.

~~C. Hearings and Notice. The appropriate review authority shall hold a public hearing to revoke or modify an application, entitlement, or permit granted in compliance with the provisions of this zoning code. A public hearing shall be held in compliance with RCMC 23.110.150(D) (City Council Determinations). A special notice shall be delivered in writing to the applicant and/or owner of the property for which the permit was granted.~~

23.173.090 Enforcement action.

This section describes the procedures for initiating enforcement action in cases where the director has determined that real property ~~within~~ in the city is being used in violation of zoning code provisions.

A. Notice ~~to Responsible Parties of Violation~~. The director shall provide the record owner of the subject site and any person in possession or control of the site with a written notice of violation, which shall include the following information:

1. A description of the violation and citations of applicable zoning code provisions being violated.
2. A time limit for correcting the violation.
3. A statement that the city intends to charge the property owner for all administrative costs associated with the abatement of the violation.
4. A statement that the property owner may request and be provided a meeting with the director or designee to discuss possible methods and time limits for the correction of the violations.

B. Time Limit for Correction.

1. The notice of violation shall state that the violations shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the city.
2. The 30-day time limit may be extended by the director upon determining that the responsible party will likely correct the violations within a reasonable time period.
3. The director may ~~also~~ require through the notice of violation that the correction occur within less than 30 days if the violation constitutes a hazard to public health or safety.

C. Use of Other Enforcement Procedures. Additional enforcement remedies available to the city may be employed by the director after or instead of the provisions of this section where the director determines that this section would be ineffective in securing the correction of the violation within a reasonable time. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.25.090)].

23.173.100 Recovery of costs and additional fees.

A. Cost Recovery ~~Where No Permit Is Required~~. The city shall be reimbursed for administrative cost, including but not limited to staff and city attorney time expended on the enforcement of the provisions of this zoning code, ~~in cases where no permit is required in order to correct a violation.~~

1. Record of Cost. The ~~planning department~~ department shall maintain records of all administrative costs incurred by responsible city departments and associated with the processing of violations and enforcement of this zoning code, and shall recover costs from the property owner.

~~2. Notice. Upon investigation and a determination that a violation of any of the provisions of this zoning code is found to exist, the director or designee shall notify the record owner or any person having possession or control of the property by mail of the existence of the violation and the department's intent to charge the property owner for all administrative costs associated with enforcement.~~

- ~~3~~2. Summary of Costs. At the conclusion of the case, the director shall send a summary of costs associated with enforcement to the owner and/or persons having possession or control of the property by certified and first class mail.

- ~~4~~3. Recovery. The city may pursue all applicable legal remedies to recover delinquent costs under this section, including those contained in Section 1.01.200 related to liens and special assessments.

B. Actions That Require a Permit. Any person who alters or establishes any land use or structure without first obtaining any permit required by this zoning code shall pay the additional permit processing fees as established by the city that result from this action. Delinquent fees may be made a lien or special assessment against the subject property, pursuant to Section 1.01.200.

C. Inspection Fee. An inspection fee as established by the city shall be imposed on each person who receives a notice of violation, notice and order, or letter of correction of any provision of this zoning code, adopted building

code, or state law. The fee may be assessed for each inspection or reinspection conducted when the particular violation is not fully abated or corrected as directed. Delinquent fees may be made a lien or special assessment against the subject property, pursuant to RCMC [Section](#) 1.01.200. [Ord. 27-2014 §§ 13, 14; Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.25.100)].

RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 – ZONING CODE

Public Hearing Draft November 14, 2016

Article 3

Zoning Districts, Allowable Uses, and General Development Standards

Overview

This Article establishes each of the Base, Special, and Overlay Zoning Districts in the City and identifies the allowed use provisions and development standards for each of the Districts. The Article also establishes a system of land use classifications for defining the allowed use provisions, as well as establishing the Zoning Map.

Article 3. Zoning Districts, Allowable Uses, and General Development Standards

Overview
This article establishes each of the base, special, and overlay zoning districts in the city and identifies the allowed use provisions and development standards for each of the districts. The article also establishes a system of land use classifications for defining the allowed use provisions, as well as establishing the zoning map and rules for its interpretation.

Article 3 Contents

Chapter 23.301 – Establishment of Zoning Districts
Chapter 23.304 – Land Use Classification
Chapter 23.307 – Agricultural Zoning Districts
Chapter 23.310 – Residential Zoning Districts
Chapter 23.313 – Mixed-Use Zoning Districts
Chapter 23.316 – General Commercial and Industrial Zones
Chapter 23.319 – Public/Quasi-Public Zoning Districts
Chapter 23.325 – Overlay Zoning Districts

Chapter 23.301

ESTABLISHMENT OF ZONING DISTRICTS

Sections:

- 23.301.010 Purpose.
- 23.301.020 Zoning districts.
- 23.301.030 Zoning map.

23.301.010 Purpose.

This chapter establishes the framework for zoning districts ~~within~~ in the city of Rancho Cordova and their relationship to the city's General Plan land use categories. This chapter also establishes the zoning map as the official designation of zoning district boundaries. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.1.010)].

23.301.020 Zoning districts.

The city of Rancho Cordova is divided into zoning districts that are generally grouped into two categories: (A) base zoning districts, and (B) overlay zoning districts. These districts implement the city's General Plan land use categories as described in Table 23.301-1. Each zone is further defined and regulated in the subsequent sections of this chapter.

A. Base Zoning Districts. The base zoning district is the primary zoning district that applies to a property. Every parcel throughout the city has a base zoning district that establishes the primary type and intensity of land use for the parcel, along with development regulations for that particular type and intensity of land use. Base districts are grouped into six categories as follows:

1. Agricultural zoning districts;
2. Residential zoning districts;
3. Mixed-use zoning districts;
4. General commercial and industrial zoning districts;
5. Public/quasi-public zoning districts;
6. Special purpose zoning districts.

B. Overlay Zoning Districts. An overlay zoning district (~~or as~~ previously referred to as a combining zone) supplements the base zoning district for one or more of the following purposes:

1. To allow more flexibility from the standard provisions of the underlying base zone;
2. When special provisions are needed to protect unique site features or implement location-specific provisions; and/or
3. To specify a particular standard or guideline for an area.

In the event of a conflict between the regulations of the base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply.

Table 23.301-1: Zoning Districts

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented by Zoning District ¹
Agricultural Zoning Districts		

AG-80	Agricultural, 80-acre minimum	Rural Agriculture
AG-20	Agricultural, 20-acre minimum	Rural Agriculture
Residential Zoning Districts		
RR	Rural Residential	Rural Residential
ER	Estate Residential	Estate Residential
RD-1	Residential, 1 dwelling unit per acre max.	Estate Residential
RD-2	Residential, 2 dwelling units per acre max.	Estate Residential
RD-3	Residential, 3 dwelling units per acre max.	Low Density Residential
RD-4	Residential, 4 dwelling units per acre max.	Low Density Residential
RD-5	Residential, 5 dwelling units per acre max.	Low Density Residential
RD-6	Residential, 6 dwelling units per acre max.	Low Density Residential
RD-7	Residential, 7 dwelling units per acre max.	Medium Density Residential
RD-10	Residential, 10 dwelling units per acre max.	Medium Density Residential
RD-15	Residential, 15 dwelling units per acre max.	Medium Density Residential
RD-20	Residential, 20 dwelling units per acre max.	High Density Residential
RD-25	Residential, 25 dwelling units per acre max.	High Density Residential
RD-30	Residential, 30 dwelling units per acre max.	High Density Residential
MDR	Medium Density Residential	Medium Density Residential
HDR	High Density Residential	High Density Residential
RMH	Residential Mobile Home	Medium Density Residential
Mixed-Use Zoning Districts		
RMU	Residential Mixed-Use	Residential Mixed-Use, Village Center
CMU	Commercial Mixed-Use	Commercial Mixed-Use, Village Center
OPMU	Office Professional Mixed-Use	Office Mixed-Use, Village Center
OIMU	Office Industrial Mixed-Use	Office Mixed-Use, Light Industrial
LIBP	Light Industrial Business Park	Light Industrial
VC	Village Center	Village Center
LTC	Local Town Center	Local Town Center
RTC	Regional Town Center	Regional Town Center
General Commercial and Industrial Zoning Districts		
GC	General Commercial	Commercial Mixed-Use
M-1	Light Industrial/Manufacturing	Light Industrial
M-2	Heavy Industrial/Manufacturing	Heavy Industrial
Public/Quasi-Public Zoning Districts		

POS	Parks and Open Space	Parks and Open Space, Natural Resources
CS	Community Services	Public/Quasi-Public
T	Transportation Corridor	Public/Quasi-Public
Special Purpose Zoning Districts		
SP	Specific Plan	All
SPA	Special Planning Area	All
Overlay Zoning Districts		
CO	Convention Overlay	Convention Overlay
TOD	Transit Oriented Development	Local Transit Oriented Development; Regional Transit Oriented Development
F	Flood	All
PD	Planned Development ²	All
PDC	Planned Development – County/City Initiated ²	All
PC	Parkway Corridor	Parks and Open Space, Natural Resources
SM	Surface Mining	Surface Mining
<u>SGC</u>	<u>Sunridge General Commercial</u>	<u>Sunridge General Commercial</u>

Notes:

1. All zoning districts are consistent with the public/quasi-public General Plan land use category, as described in the General Plan.
2. The PD and PDC overlay zones are combining zones held over from the old Sacramento County Zoning Code. As identified in RCMC Sections 23.325.050 and 23.325.060, no additional property may utilize these zones.

[Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.1.020)].

23.301.030 Zoning map.

The ~~city~~ council hereby adopts the city of Rancho Cordova zoning map (hereafter referred to as the “zoning map”) as the official designation of zoning district boundaries on real property ~~within~~ in the city. The zoning map shall be regulated as set forth:

A. Incorporated by Reference. The zoning map is hereby incorporated into this zoning code by reference as though it were fully included.

B. Map Amendments. Amendments to the zoning map shall follow the process established in Chapter 23.146 RCMC-(Zoning Amendments).

C. Relationship to General Plan and Other Plans. The zoning map shall implement and ~~shall~~ be consistent with the city’s adopted General Plan. The zoning map shall be specifically consistent with the General Plan Land Use Plan and the roadway sizing diagram, and any adopted Specific Plans, special planning areas, or Master Plans.

D. Zoning District Symbol. Zoning districts shall be illustrated on the zoning map as follows:

1. Each base zoning district shall be described on the zoning map by use of its identified zoning district symbol, as listed in Table 23.301-1.
2. Each special purpose zoning district shall be delineated with a name, number, symbol, or other delineation, as determined by the planning director, which distinguishes it from other special purpose zones, base zoning districts, or overlay zones. The assignment of the special purpose designation serves to provide a reference to

the corresponding special purpose zoning document (e.g., Specific Plan, special planning area) adopted by ordinance of the ~~city~~ council.

3. Overlay zoning districts shall be designated by their representative symbol along with the base zoning district in a format determined by the ~~planning~~ director.

E. Zoning Map Interpretation. If there is uncertainty about the location of any zoning district boundary shown on the zoning map, the precise location of the boundary shall be determined by the ~~planning~~ director as follows:

1. The boundaries of a zoning district shall be the centerlines of either streets or alleys, or lot lines of real property, unless otherwise shown. Where a district's boundaries approximately follow centerlines or lot lines, those lines shall be interpreted as the district boundaries.

2. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary shall be determined by using the scale appearing on the zoning map. Except as otherwise provided by this code through integrated development, each portion of the property shall be developed to the standards and allowed use provisions of the applied zoning district and any applied overlay zone(s).

3. Where the street layout on the ground or the lot lines differ from such layout or lines shown on the zoning map, the ~~planning~~ director shall determine the exact boundary and the map shall be amended to conform to the layout on the ground.

4. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley shall be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.1.030)].

¹ Code reviser's note: Ordinance 13-2013 Exhibit B sets out all of Article 3 without intending to amend the entire article. Only sections intended to be amended by the ordinance cite the ordinance in the section's legislative history.

Chapter 23.304

LAND USE CLASSIFICATION

Sections:

- 23.304.010 Purpose.
- 23.304.020 Classification of land uses.
- 23.304.030 Allowed land uses and permit requirements.

23.304.010 Purpose.

The purpose of this chapter is to establish land use classifications and to explain how land uses are regulated in this title. This chapter explains the use classification system, the allowed use and permit requirements, how uses not listed are regulated, and how similar uses are determined. It is not possible to list every possible use, so general categories are provided, specific uses are identified as needed, and a process is provided to classify uses that do not clearly fit into a use classification. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.2.010)].

23.304.020 Classification of land uses.

In order to simplify land use regulations, land uses listed in this chapter and throughout this title have been grouped into general categories on the basis of common function, product, or compatibility characteristics. These general allowed use categories are called “use classifications.” Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. Each land use is described in Article 11 of this title (Definitions), as grouped by use classification.

The following rules apply to use classifications:

A. Specific Use Provisions. Additional use regulations for special land uses are listed in Article 9 of this title (Specific Use Provisions).

B. Uses Not Listed. Land uses that are not listed in the zoning district tables are not allowed, except as otherwise provided for in this title.

C. Illegal Uses. No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the city.

D. Special Purpose Zoning District. When a property is located within a special purpose zoning district, the allowed use provisions of that special purpose zoning district shall prevail. When a special purpose zoning district is silent on allowed use provisions, it defers to the allowed use provisions ~~to of~~ the base zoning district. Only where there is a conflict do the special purpose zoning district provisions prevail.

E. Similar Uses. When a use is not specifically listed in this code, it shall be understood that the use may be permitted if the planning director determines that the use is similar to other uses listed based on established criteria and required findings outlined in Chapter 23.122 ~~RCMC~~ (Similar Use Determinations). It is further recognized that every conceivable use cannot be identified in this title and, anticipating that new uses will evolve over time, the planning director may make a similar use determination to compare a proposed use and measure it against those uses listed.

F. Overlay Zoning District. When a property is located within an overlay zoning district that regulates the allowed use provisions of that subject property, the allowed use regulations of the overlay zoning district shall prevail. When an overlay zoning district is silent on allowed use provisions, it defers to the allowed use provisions ~~to of~~ the base zoning district. Only where there is a conflict between the base zoning district and the overlay zoning district do the regulations of the overlay zoning district prevail. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.2.020)].

23.304.030 Allowed land uses and permit requirements.

Zoning district allowed use tables throughout this article (Tables 23.307-1, 23.310-1, 23.313-1, 23.316-1, and 23.319-1) identify allowed land use and permit requirements in each of the city’s base zoning districts. Generally, a use is allowed by right, allowed through issuance of an administrative, ~~limited~~ or conditional use permit, or not

permitted. In addition to the permit requirements of this title, other permits may be required prior to establishment of the use (e.g., building permit). The permitting requirements identified in these tables are:

A. Permitted (P). A land use shown with a “P” indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this zoning code (e.g., development standards, design review).

B. Administrative (AUP). A land use shown with an “AUP” indicates that the land use is permitted in the designated zoning district upon issuance of an administrative use permit from the designated ~~approving~~ approval authority, subject to compliance with all applicable provisions of this zoning ordinance (e.g., development standards, design review).

An administrative use permit may only be considered for projects exempt from the California Environmental Quality Act (CEQA). A project that is designated with an “AUP” on the allowed use tables, but requires CEQA analysis, shall require a conditional use permit.

~~C. Limited (LUP). A land use shown with an “L” indicates that the land use is permitted in the designated zoning district upon issuance of a limited use permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards, design review).~~

~~A limited use permit may only be considered for projects exempt from the California Environmental Quality Act (CEQA). A project that is designated with an “L” on the allowed use tables, but requires CEQA analysis, shall require a conditional use permit.~~

C. Conditional (CUPC). A land use shown with a “C” indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit from the designated ~~approving~~ approval authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards, design review).

D. Not Permitted (N). A land use shown with an “N” in the table is not allowed in the applicable zoning district. Additionally, uses not shown in the table are not permitted. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.2.030)].

Chapter 23.307

AGRICULTURAL ZONING DISTRICTS

Sections:

- 23.307.010 Purpose.
 23.307.020 Characteristics of the agricultural zoning districts.
 23.307.030 Allowed land uses and permit requirements.
 23.307.040 Development standards.

23.307.010 Purpose.

The purpose of this chapter is to establish agricultural zoning districts in the city, along with allowed use and development standards applicable to those districts. These districts are consistent with and implement the city's General Plan agricultural land use categories (general agricultural) as shown in Table 23.301-1 (Zoning Districts). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.3.010)].

23.307.020 Characteristics of the agricultural zoning districts.

The following descriptions of each agricultural zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district.

A. Agricultural (AG) Zoning Districts. These districts are intended to preserve land for agricultural use and operations and discourage the premature conversion of agricultural land to urban uses. The two agricultural zoning districts allow for a wide variety of agricultural and compatible uses on large tracts of land, such as crop production, animal keeping (e.g., livestock), and commercial agricultural-related uses (e.g., stables). The number associated with the AG district corresponds to the minimum lot size in each district and is limited to the following:

1. AG-80 Zoning District (80-acre minimum). The AG-80 zone is applied to areas of the city to accommodate a wide range of agricultural uses on parcels of land a minimum of 80 gross acres in size.
2. AG-20 Zoning District (20-acre minimum). The AG-20 zone is applied to areas of the city to accommodate agricultural use on parcels a minimum of 20 gross acres in size. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.3.020)].

23.307.030 Allowed land uses and permit requirements.

Table 23.307-1 below identifies allowed uses and corresponding permit requirements for the agricultural zoning districts subject to compliance with Chapter 23.304 RCMC (Land Use Classification) and all other provisions of this title. Descriptions/definitions of the land uses can be found in Article 11 of this title (Definitions). The specific use regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

Use regulations in the table are shown with a representative symbol by use classification listing: "P" symbolizes uses allowed by right, "AUP" symbolizes uses that require approval of a limited administrative use permit, "C" symbolizes uses that require approval of a conditional use permit, and "N" symbolizes uses that are not permitted.

Table 23.307-1: Allowed Uses and Permit Requirements for Agricultural Zoning Districts

Land Use Category	AG-80	AG-20	Specific Use Regulations
Residential Uses			
Caretaker Housing	AUP	AUP	RCMC Section 23.901.020
Dwelling, Accessory Second Unit ¹	P	P	RCMC Section 23.901.060
Dwelling, Single-Family	P	P	

Land Use Category	AG-80	AG-20	Specific Use Regulations
Employee Housing	P	P	
Family Day Care Home, Small	P	P	
Family Day Care Home, Large	AUP	AUP	
Garage Sale	P	P	
Group Residential	C	C	
Guest House	P	P	
Home Occupations	P	P	Section RCMC 23.901.030
Mobile Home	P	P	Section RCMC 23.901.050
Agriculture, Resource, and Open Space Uses			
Agricultural Tourism	C	C	
Animal Husbandry	P	P	
Animal Keeping, Domestic Pets	P	P	
Animal Keeping, Exotic Animals	P	P	
Animal Keeping, Livestock Animals	P	P	
Animal Keeping, Poultry	P	P	
Beekeeping	AUP	AUP	RCMC Chapter 8.12
Crop Production	P	P	RCMC Section 23.904.020
Equestrian Facility, Commercial	P	P	RCMC Section 23.904.020
Equestrian Facility, Hobby	P	P	Section RCMC 23.904.020
Hog Farm, Commercial	P	P	Section RCMC 23.904.020
Kennels, Hobby	P	P	Section RCMC 23.904.020
Recreation, Education, and Public Assembly Uses			
Cemeteries, Mausoleums	C	C	
Clubs, Lodges, and Private Meeting Halls	C	C	
Community Centers/Civic Uses	C	C	
Community Garden	P	P	
Golf Courses/Clubhouses	C	C	
Libraries and Museums	C	C	
Outdoor Commercial Recreation	C	C	
Parks and Public Plazas	P	P	
Public Safety Facility	P	P	
Religious Institutions	C	C	
Resource Protection and Restoration	P	P	

Land Use Category	AG-80	AG-20	Specific Use Regulations
Resource-Related Recreation	P	P	
Schools, Private and Special/Studios	C	C	
Schools, Public	P	P	
Utility, Transportation, and Communication Use Listings			
Airport	N	N	
Bus and Transit Shelters	P	P	
Telecommunication Facility	AUP	AUP	RCMC Section 23.907.020
Utility Facilities and Infrastructure	AUP	AUP	RCMC Section 23.907.030
Retail, Service, and Office Uses			
Bed and Breakfast Inns	AUP	AUP	
Child Day Care Facility	AUP	AUP	
Kennels, Commercial	AUP	AUP	
Medical Services, General	N	N	
Medical Services, Hospitals	N	N	
Veterinary Facility	AUP	AUP	
Industrial, Manufacturing, and Processing Uses			
Agricultural Products Processing	C	C	

Notes:

- Each lot or parcel shall contain a minimum of ~~five~~ 5 gross acres per ~~accessory~~ second dwelling unit.

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.3.030)].

23.307.040 Development standards.

The following development standards are applicable to the agricultural zoning districts. These standards, along with other development standards (e.g., landscaping requirements, signs, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development.

Table 23.307-2: Agricultural Zoning Districts Development Standards

Development Standard	AG-80	AG-20
Minimum Lot Area	80 acres	20 acres
Maximum Density	1 du/parcel	1 du/parcel
Setbacks:		
Front	50 feet	50 feet
Sides, Interior Lot	50 feet	50 feet
Street Side/Corner Lot	50 feet	50 feet

Development Standard		AG-80	AG-20
Rear		50 feet	50 feet
Minimum Lot Dimensions:			
	Width/Frontage	1,000 feet	500 feet
	Depth	1,500 feet	1,500 feet
Height Limit		50 feet ¹	50 feet ¹

Notes:

1. Water tanks, silos, graneries, barns, and similar accessory structures or necessary mechanical appurtenances may exceed a height of 50 feet provided they do not exceed any other height restrictions imposed on the specific location of the structure.

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.3.040)].

Chapter 23.310

RESIDENTIAL ZONING DISTRICTS

Sections:

- 23.310.010 Purpose.
- 23.310.020 Characteristics of the residential zoning districts.
- 23.310.030 Allowed land uses and permit requirements.
- 23.310.040 Development standards.

23.310.010 Purpose.

The purpose of this chapter is to establish residential zoning districts in the city, along with allowed use and development standards applicable to those districts. These districts are consistent with and implement the city's General Plan residential land use categories (Rural Residential, Estate Residential, Low Density Residential, Medium Density Residential, and High Density Residential). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.4.010)].

23.310.020 Characteristics of the residential zoning districts.

The following descriptions of each residential zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district.

A. Rural Residential (RR) Zoning District. This district is applied to areas of the city where development is limited to low density concentrations of single-family dwellings. The zone implements the General Plan's rural residential land use category by allowing residential developments between 0.1 and 0.5 dwelling units per acre. The zone is applied to parcels of land along or at the edge of the city, helping to define the city's boundary. The zone is intended to provide a gradual transition of density from the urban core to a rural edge of the community. Development in this zone is characterized by smaller local roads, the rural nature of improvements and services (e.g., no curb, gutter, streetlights), and larger lots. Limited agricultural-related uses (e.g., farming, animal keeping) are permitted in this zone when compatible with the primary residential use.

B. Estate Residential (ER) Zoning District. This district is applied to areas of the city where development is limited to low density concentrations of single-family dwellings. The zone implements the General Plan's estate residential land use category by allowing for residential development between 0.51 and 2.0 dwelling units per acre. The zone is applied to parcels of land near the edge of the city where urban development approaches the rural areas of the region. This zone promotes a gradual transition between urban areas and the rural country by introducing a more rural lifestyle with larger lots (between ~~one-half~~ .5 acre and ~~two~~ 2 acres in size). The ER zone also allows for specific nonresidential development that is in keeping with both the residential and rural nature of the zone, such as public safety facilities, parks, trails, and open space, and religious/institutional facilities. Generally, development within the zone is characterized by larger lots, two-lane roads, and formal curb and gutter at the roadway edge. Street lighting (in addition to safety lighting at intersections) and sidewalks may be included, but are not required. Public water and sewer service is encouraged, but should only be required when it is immediately available to the individual lot or in proximity to a new estate residential development.

C. Residential (RD) Zoning Districts. These districts are established to provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population with due allowance for the need for a choice of sites. There are 12 individual RD zones as listed below. The number associated with the RD district corresponds to the maximum gross density allowed in the district. The general character of each ~~of the~~ district is listed as part of the allowed density range and is intended to help guide development within the district, consistent with and accompanying descriptions in the General Plan.

1. RD-1 Zoning District (one dwelling unit per acre maximum). This district should be applied to areas that are semi-rural in character, featuring a combination of larger lots typically found in rural areas but also more urban roadway and infrastructure improvements. This zone is targeted for more executive-style housing and allows for development in the 0.51 to 1.0 dwelling units per acre range, consistent with the estate residential General Plan land use category.

2. RD-2 Zoning District (two dwelling units per acre maximum). This district should be applied to areas that are semi-rural in character, featuring a combination of larger lots typically found in rural areas but also more urban roadway and infrastructure improvements. This zone is targeted for more executive-style housing and allows for development in the 1.1 to 2.0 dwelling units per acre range, consistent with the estate residential General Plan land use category.
3. RD-3 Zoning District (three dwelling units per acre maximum). This district allows for development in the 2.1 to 3.0 dwelling units per acre range. This district should be applied to areas that are strictly residential; however, other compatible neighborhood support facilities and public/quasi-public uses, such as parks, religious institutions, and community gathering facilities, may be located in the district.
4. RD-4 Zoning District (four dwelling units per acre maximum). This district should be applied to areas that are generally residential; however, the district does allow for other compatible neighborhood support facilities and public/quasi-public uses, such as parks, religious institutions, and community gathering facilities. The district allows for development in the 3.1 to 4.0 dwelling units per acre range.
5. RD-5 Zoning District (five dwelling units per acre maximum). This district makes up the vast majority of residential development built in the city prior to incorporation. The zone allows for residential development in the 4.1 to 5.0 dwelling units per acre range, as well as other compatible neighborhood support facilities and public/quasi-public uses, such as parks, religious institutions, and community gathering facilities.
6. RD-6 Zoning District (six dwelling units per acre maximum). This district allows for development between 5.1 and 6.0 dwelling units per acre. This district should be applied to areas that are primarily single-family residential; however, the district does allow for other compatible neighborhood support facilities and public/quasi-public uses, such as parks, religious institutions, and community gathering facilities.
7. RD-7 Zoning District (seven dwelling units per acre maximum). This is a medium density residential zoning district, allowing development in the 6.1 to 7.0 dwelling units per acre range. Properties ~~within~~ in this zone typically include higher density single-family homes (attached and detached). Other compatible neighborhood support uses may also be permitted, such as parks and religious institutions.
8. RD-10 Zoning District (10 dwelling units per acre maximum). As a medium density residential zoning district, this district allows development in the 7.1 to 10.0 dwelling units per acre range and includes both higher density single-family homes (attached and detached) and more traditional multifamily residential development. This district should be applied to areas that are located in proximity to neighborhood and employment centers and provides a compatible transition to lower density residential development.
9. RD-15 Zoning District (15 dwelling units per acre maximum). As with other medium density residential zoning districts, this district allows for both higher density single-family (attached and detached) and more traditional multifamily residential development. The district allows for residential development in the 10.1 to 15.0 dwelling units per acre range, is typically located in proximity to neighborhood and employment centers, and provides a compatible transition to lower density residential development.
10. RD-20 Zoning District (20 dwelling units per acre maximum). This district is a high density residential zoning district which allows 18.1 to 20.0 dwelling units per acre. Typical development in this district includes apartments, condominiums, and other high density multifamily dwellings. The district also provides additional living opportunities for people of varying needs and income levels (e.g., residential care facilities, assisted living facilities, congregate care facilities).
11. RD-25 Zoning District (25 dwelling units per acre maximum). This high density residential district allows for development in the 20.1 to 25.0 dwelling units per acre range and includes apartments, condominiums, and other high density residential multifamily dwellings. The district also provides additional living opportunities for people of varying needs and income levels (e.g., residential care facilities, assisted living facilities, congregate care facilities).
12. RD-30 Zoning District (30 dwelling units per acre maximum). This district allows for high density residential development (e.g., apartments, condominiums) in the 25.1 to 30.0 dwelling units per acre range. As

with other high density residential districts, this district also provides additional living opportunities for people of varying needs and income levels (e.g., residential care facilities, assisted living facilities, congregate care facilities).

D. Medium Density Residential (MDR). This district designates property for the development of a wide range of housing types with a density range between 6.1 and 18.0 dwelling units per acre. The MDR district is intended for higher density single-family homes (attached or detached), condominiums, and small apartment complexes. This district provides a compatible transition between the lower density residential neighborhoods of the city and the urban centers.

E. High Density Residential (HDR). This district designates property for the development of residential uses with a density between 20.1 and 40.0 dwelling units per acre. The HDR district is intended for higher density residential development, such as apartments, condominiums, lofts, and other multi-story residential uses. This district is typically located along major roadways and transit corridors near and adjacent to or within service and employment centers. High density residential development is designed to be pedestrian- and transit-friendly.

F. Residential Mobile Home (RMH). This district provides for the development of mobile home parks and/or the placement of mobile homes on individual lots within an approved subdivision of lots to accommodate mobile homes as the primary dwelling unit. The RMH zone also allows for the development of associated support uses, such as community centers, parks, and common areas, as part of both mobile home parks and mobile home subdivisions. Development ~~within in~~ this district is limited to 7.1 to 18.0 dwelling units per acre. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.4.020)].

23.310.030 Allowed land uses and permit requirements.

Table 23.310-1 identifies allowed uses and corresponding permit requirements for the residential zoning districts subject to compliance with Chapter 23.304 ~~RCMC~~ (Land Use Classification) and all other provisions of this title. Descriptions/definitions of the land uses can be found in Article 11 of this title (Definitions). The specific use regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

Use regulations in the table are shown with ~~a~~ representative symbol by use classification listing: “P” symbolizes uses allowed by right, “AUP” symbolizes uses that require an administrative use permit, ~~“L” symbolizes uses that require approval of a limited use permit,~~ “C” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.4.030)].

23.310.040 Development standards.

The following development standards are applicable to the residential zoning districts. These standards, along with other development standards (e.g., landscaping requirements, signs, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city’s minimum requirements and expectations for high quality development.

Table 23.310-1: Allowed Uses and Permit Requirements for Residential Zoning Districts

Land Use Category	RR	ER	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-10	RD-15	RD-20	RD-25	RD-30	MDR (UR1 in FBSP)	HDR	RMH	Specific Use Regulations
Residential Uses																		
Adult Day Care Home	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	
Caretaker Housing	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	RCMG-Section 23.901.020
Dwelling, Multifamily ⁹	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	
Dwelling, Accessory Second Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCMG-Section 23.901.060
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P	
Dwelling, Two-Family	N	N	N	N	N	AUP L¹	AUP L¹	AUP L¹	AUP L¹	P	P	P	P	P	P	P	N	
Emergency Shelter	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	C	C	
Employee Housing	AUP L	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Family Day Care Home, Small ¹⁰	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Family Day Care Home, Large ¹⁰	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Group Residential	C	C	N	N	N	N	N	N	N	C	P	P	P	P	P	P	N	
Guest House	P	P	P	P	P	P	P	P	P	P	P	N	N	N	P	N	N	
Home Occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCMG-Section 23.901.030
Live/-Work Facility	N	N	N	N	N	N	AUP	AUP	AUP	P	P	P	P	P	P	P	N	Section RCMG-23.901.040

Land Use Category	RR	ER	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-10	RD-15	RD-20	RD-25	RD-30	MDR (UR1 in FBSP)	HDR	RMH	Specific Use Regulations
Manufactured Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mobile Home	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	Section RCMC 23.901.050
Mobile Home Park	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	RCMC Section 23.901.050
Residential Care Home (Small)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	
Residential Care Home (Large) ¹¹	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	
Single Room Occupancy (SRO)	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	C	N	
Transitional Housing ⁸	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agriculture, Resource, and Open Space Uses																		
Agricultural Tourism	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Animal Husbandry	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Animal Keeping, Domestic Pets	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	
Animal Keeping, Exotic Animals	p ³	p ³	p ³	p ³	p ³	p ³	p ³	p ³	p ³	p ³	p ³	p ³	p ³	p ³	p ³	p ³	p ³	
Animal Keeping, Livestock Animals	p ⁴	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	RCMC Section 23.904.020
Animal Keeping, Poultry	p ⁵	N	p ⁵	p ⁵	N	N	N	N	N	N	N	N	N	N	N	N	N	
Animal Keeping, Hens only	N/A	N	N/A	N/A	p ⁶	p ⁶	p ⁶	p ⁶	p ⁶	N	N	N	N	N	N	N	N	RCMC Chapter 8.11 RCMC
Beekeeping	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	RCMC Chapter 8.12

Land Use Category	RR	ER	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-10	RD-15	RD-20	RD-25	RD-30	MDR (URL in FBSP)	HDR	RMH	Specific Use Regulations
Crop Production	AUP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	RCMG Section 23.904.020
Equestrian Facility, Commercial	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Section RCMG 23.904.020
Equestrian Facility, Hobby	P	AUP	AUP	AUP	N	N	N	N	N	N	N	N	N	N	N	N	N	Section RCMG 23.904.020
Kennels, Hobby	P	N	AUP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Marijuana Cultivation, Indoor	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	RCMG Chapter 6.90-RCMG
Marijuana Cultivation, Outdoor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Urban Agriculture:																		
Aquaculture			P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	Section 23.904.030
Community garden, public			N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Section 23.904.030
Community garden, private			p¹⁵	p¹⁵	p¹⁵	p¹⁵	p¹⁵	p¹⁵	p¹⁵	p¹⁵	p¹⁵	N	N	N	N	N	N	Section 23.904.030
Market garden			p¹⁵	p¹⁵	p¹⁵	p¹⁵	p¹⁵	p¹⁵	p¹⁵	p¹⁵	p¹⁵	N	N	N	N	N	N	Section 23.904.030
Private garden			P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	Section 23.904.030
Urban Ag Stand			N¹⁶	N¹⁶	N¹⁶	N¹⁶	N¹⁶	N¹⁶	N¹⁶	N¹⁶	N¹⁶	N	N	N	N	N	N	Section 23.904.030
Recreation, Education, and Public Assembly Uses																		
Cemeteries, Mausoleums	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N	
Clubs, Lodges, and Private Meeting Halls	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	C	C	

Land Use Category	RR	ER	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-10	RD-15	RD-20	RD-25	RD-30	MDR (URL in FBSP)	HDR	RMH	Specific Use Regulations
Community Centers/Civic Uses	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Golf Courses/Clubhouse	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	
Indoor Fitness and Sports Facility	N	N	N	N	N	N	N	N	N	N	N	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷	
Libraries and Museums	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	
Outdoor Commercial Recreation	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Parks and Public Plazas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational Vehicle Parks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	
Religious Institutions	C	C	C	C	C	C	C	C	C	C	C	N	N	N	C	N	C	
Resource Protection and Restoration	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Resource-Related Recreation	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Schools, Private and Special/Studios	C	C	C	C	C	C	C	C	C	C	C	N	N	N	N	N	C	
Schools, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility, Transportation, and Communication Use Listings																		
Bus and Transit Shelters	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Telecommunication	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	RCMG

Land Use Category	RR	ER	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-10	RD-15	RD-20	RD-25	RD-30	MDR (URL in FBSP)	HDR	RMH	Specific Use Regulations
Facility																		Section 23.907.020
Transit Stations and Terminals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	
Utility Facility and Infrastructure	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	P	RCMG-Section 23.907.030
Retail, Service, and Office Uses																		
Bed and Breakfast Inns	AUP	AUP	AUP	AUP	N	N	N	N	N	AUP	AUP	AUP	AUP	AUP	AUP	AUP	N	
Child Day Care Facility	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Commercial Marijuana Uses	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Kennels, Commercial	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Medical Services, Extended Care	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	
Medical Services, Hospitals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	
Residential Care Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	
Retail (Accessory) ¹³	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	AUP ¹²	N	
Veterinary Facility	AUP	AUP	AUP	AUP	N	N	N	N	N	N	N	N	N	N	N	N	N	

Notes:

- Duplexes/halfplexes are permitted (P) on corner lots by right. On interior lots, ~~a limited~~an administrative use permit (~~AUP~~) is required. In such instances, duplexes/halfplexes are exempt from the density requirements of the zoning district; provided, that the overall neighborhood or subdivision has an average density within the allowable range.
- Domestic pets: Keeping of more than four dogs, more than four cats, or any combination of five or more cats and dogs is considered a kennel for the purposes of this code and not permitted in zones that do not permit a kennel.
- Exotic animals: No more than five exotic animals are permitted per parcel. All exotic animals shall be kept and maintained in such a way that is consistent with the odor, particulate matter, and air contaminant standards of [RCMG-Section 23.737.040](#).
- Livestock animals: Two livestock animals may be permitted for each half-acre of land. All livestock animals shall be kept and maintained in such a way that is consistent with the odor, particulate matter, and air contaminant standards of [RCMG-Section 23.737.040](#).

5. Poultry: All poultry shall be kept and maintained in such a way that is consistent with the odor, particulate matter, and air contaminant standards of [RCMC Section 23.737.040](#).
6. Poultry: Only the keeping of backyard hens shall be allowed with a proper permit and all hens shall be kept and maintained in accordance with the requirements of [RCMC Chapter 8.11-RCMC](#).
7. Permitted as an accessory use to an otherwise permitted use in the listed district (e.g., community clubhouse).
8. Transitional housing shall be treated like similar uses as required by state law (e.g., a single-family home used for transitional housing is subject to same requirements as a typical single-family home, apartment building treated similar to apartment building, etc.).
9. Senior independent living facilities are required to meet provisions in Chapter 23.901 [RCMC](#) (Residential Uses).
10. See additional provisions in [RCMC Section 23.901.080](#) (-Family day care (large)).
11. See additional provisions in [RCMC Section 23.901.090](#) (-Residential care home (large)).
12. Limited to 25% of building square footage of ~~churches~~ [religious institutions](#), schools, and multifamily developments larger than 20 units in size.
13. All commercial activity, display, and storage shall occur within a building or within a screen enclosure.
14. Indoor marijuana cultivation is permitted only on parcels with single-family homes ~~within in~~ residential zones by persons who meet the requirements of RCMC [Chapter 6.90.040](#) and have obtained a cultivation permit from the police department as required by RCMC [Chapter 6.90.045](#), and such marijuana cultivation is subject to the regulations contained in [RCMC Chapter 6.90-RCMC](#).
15. Private community gardens and market gardens are allowed in residential districts up to a maximum one acre in size and pursuant to applicable regulations in Section 23.904.030. Approval of an Administrative Use Permit is required for said uses greater than one acre in size. Zoning Certification is required for properties one acre or less in size.
16. See allowances for temporary on-site sales of agricultural products in Section 23.904.030.

Table 23.310-2: Residential Zoning Districts Development Standards

Development Standard	RR	ER	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-10 ²	RD-15 ²	RD-20 ²	RD-25	RD-30	MDR (UR1 in FBSP)	HDR	RMH ¹
Density (gross, neighborhood or development average for product type) ⁵																	
Minimum	1 du/ 10 ac	1 du/ 1.9 ac	1 du/ 2 ac	1 du/ 0.9 ac	2.1 du/ac	3.1 du/ac	4.1 du/ac	5.1 du/ac	6.1 du/ac	7.1 du/ac	10.1 du/ac	18.1 du/ac	20.1 du/ac	25.1 du/ac	6.1 du/ac	20.1 du/ac	7.1 du/ac
Maximum	1 du/ 2 ac	2 du/ac	1 du/ac	2 du/ac	3.0 du/ac	4.0 du/ac	5.0 du/ac	6.0 du/ac	7.0 du/ac	10.0 du/ac	15.0 du/ac	20.0 du/ac	25.0 du/ac	30.0 du/ac	18.0 du/ac	40.0 du/ac	18.0 du/ac
Setbacks (minimum)																	
Front – General	30 ft			20 ft					18 ft	18 ft ²		18 ft					
Front – Living Area	n/a				14 ft				n/a						10 ft	n/a	
Side – Interior Lot/Detached Units	15 ft		5 ft							5 ft		25 ft			3 ft	20 ft	5 ft
Side – Interior Lot/Attached Units	n/a		n/a							5 ft		n/a			0 ft	n/a	
Side – Street Side/Corner Lot	30 ft		12.5 ft									25 ft			12.5 ft	15 ft	15 ft
Side – Zero Lot Line	n/a		0 ft/10 ft							0 ft/10 ft		0 ft/10 ft			0 ft/10 ft	n/a	
Rear – In General ⁶	25 ft ⁴									20 ft		20 ft			10 ft	20 ft	20 ft

Development Standard	RR	ER	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-10 ²	RD-15 ²	RD-20 ²	RD-25	RD-30	MDR (UR1 in FBSP)	HDR	RMH ¹
Rear – Setback to Alley ROW	3 ft																
Lot Dimensions (minimum)																	
Width/Frontage – Interior Lot	250 ft	75 ft	75 ft		65 ft		n/a										
Width/Frontage – Corner Lot	250 ft	100 ft	75 ft		65 ft		n/a										
Depth	100 ft		n/a														
Height (maximum)																	
Primary Structure/Unit	40 ft		30 ft									40 ft			45 ft	60 ft	30 ft
Accessory Structure	16 ft									16 ft				26 ft	26 ft	16 ft	
Lot Coverage (maximum)	25%	30%	75%									75%			75%	75%	n/a
Common Open Space Requirement (minimum) ³	n/a											25%		n/a	25%	n/a	

Notes:

1. These development standards address overall development of a mobile home park. Standards for individual mobile home lots within a park or mobile home subdivision can be found in [RCMC-Section 23.901.050](#) (Mobile homes and mobile home parks).
2. Setback standards may be amended during the design review process to accommodate innovative housing types or adjust for unique site conditions.
3. Common open space includes all landscaped areas outside of the required landscape corridors along adjoining streets, active and passive recreation areas, other outdoor amenities, and natural open space areas. Reductions in the required open space area to a minimum of 20 percent of the gross area for exceptional architecture design may be granted by the designated [approving approval](#) authority.
4. The required minimum rear setback for lots less than 125 feet in depth in RD-1 to RD-10 is 20 percent of minimum lot depth.
5. Residential developers are encouraged to avoid the monotonous use of similar lot sizes on adjacent parcels. This code does not require minimum lot sizes to avoid monotonous lot configurations and home sizes.
6. Encroachments are permitted into the rear yard according to Chapter 23.704 [RCMC \(Yard Measurement and Projections\)](#).
- ~~7. Second dwelling units (attached or detached) may be constructed up to the maximum height limit of the primary structure.~~

[Ord. 1-2015 § 3; Ord. 30-2013 §§ 3, 4 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.4.040)].

Chapter 23.313

MIXED-USE ZONING DISTRICTS

Sections:

- 23.313.010 Purpose.
- 23.313.020 Characteristics of the mixed-use zoning districts.
- 23.313.030 Allowed land uses and permit requirements.
- 23.313.040 Development standards.

23.313.010 Purpose.

The purpose of this chapter is to establish several mixed-use zoning districts in the city. These districts provide for the compatible integration of residential, commercial, office, and/or industrial uses on a single project site. These districts are consistent with and implement the city's following General Plan land use categories: residential mixed-use, commercial mixed-use, office mixed-use, light industrial, local town center, and regional town center. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.5.010)].

23.313.020 Characteristics of the mixed-use zoning districts.

The following descriptions of each mixed-use zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district.

A. Residential Mixed-Use (RMU) Zoning District. This district is intended to designate property for the development of medium and high density housing (between 6.1 and 40 dwelling units per acre) that may incorporate office and/or commercial services. While the predominant use of the development is residential, the city encourages the vertical and/or horizontal integration of commercial and/or office uses that are compatible with the residential development.

B. Commercial Mixed-Use (CMU) Zoning District. This district is intended to designate property for vibrant commercial and mixed-use development. While a predominantly commercial district, the CMU category is designed to provide for the integration of retail and service commercial uses with office and/or residential uses. In multiple-story buildings, retail uses are the predominant use on the ground floor.

C. Office Professional Mixed-Use (OPMU) Zoning District. This district is intended to designate property for the development of larger office buildings and business parks with supporting retail and service uses. The predominant use is office, but commercial and residential uses may be integrated into office buildings or located horizontally in freestanding buildings.

D. Office Industrial Mixed-Use (OIMU) Zoning District. This district is intended to designate property for a wide range of office and light industrial development. The OIMU district is intended for the seamless integration of office and light industrial uses with supporting retail and service uses. Offices may be developed in an office park setting, but most office and light industrial development stands alone. Commercial and other support services may be integrated vertically and/or horizontally in this district, but the predominant use of integrated developments is office and/or light industrial. Public and quasi-public uses are permitted by right in this district.

E. Light Industrial Business Park (LIBP) Zoning District. This district is intended to designate property for the development of research and development, industrial, and/or manufacturing activities that occur primarily within an enclosed building. Development in this district may be integrated into a business park or campus setting with supporting retail services. This district also allows warehousing activities or distribution centers. Limited office and retail service uses may be integrated into the predominantly industrial use of the property horizontally or vertically. This district also allows public/quasi-public uses by right.

F. Village Center (VC) Zoning District. This district is intended to provide centers of activity that are within an easy walking distance from neighborhood homes and to provide local-serving commercial opportunities. A network of sidewalks, bicycle trails, and transit routes provides easy nonvehicular access to these centers, and buildings within this zone are appropriately scaled to fit in the neighborhood context and are placed to encourage the active use of public spaces and generate pedestrian activity.

G. Local Town Center (LTC) Zoning District. This district is intended to provide vibrant activity centers that serve the major retail and entertainment needs for a collection of neighborhoods that form districts as defined by the city's community building block concept of the General Plan. Nightlife is an important component of this district. An extensive network of sidewalks, bicycle trails, and transit routes will connect these centers to the neighborhoods. The local town centers created ~~within~~ in this zone will provide pedestrian-oriented gathering places.

H. Regional Town Center (RTC). This district is intended to provide locations for regional-serving retail, office, and residential uses that provide a vibrant mixed-use setting that fosters positive day and nighttime activity. Development may feature dynamic taller buildings and building complexes (over four stories in height) that are scaled appropriately to create a comfortable pedestrian environment and be compatible with adjacent neighborhoods. Mixed-use development can be designed horizontally (e.g., a grocery store next to a residential building) or vertically (e.g., a grocery store as the ground floor use with residential units above). Design characteristics include public plazas and other gathering places, open storefronts with expansive windows, and a rich mix of uses and tenants. [Ord. 12-2011 § 3 (Exh. A); Ord. 4-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.5.020)].

23.313.030 Allowed land uses and permit requirements.

Table 23.313-1 identifies allowed uses and corresponding permit requirements for the mixed-use districts subject to compliance with Chapter 23.304 ~~RCMC~~ (Land Use Classification) and all other provisions of this title.

Descriptions/definitions of the land uses can be found in Article 11 of this title (Definitions). The specific use regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

Use regulations in the table are shown with a representative symbol by use classification listing: "P" symbolizes uses allowed by right, "AUP" symbolizes uses that require approval of an administrative use permit. ~~"L" symbolizes uses that require approval of a limited use permit.~~ "C" symbolizes uses that require approval of a conditional use permit, and "N" symbolizes uses that are not permitted.

Table 23.313-1: Allowed Use and Permit Requirements for Mixed-Use Districts

Land Use Category	RMU	CMU	OPMU	OIMU	LIBP	VC	LTC	RTC	Specific Use Regulations
Residential Uses									
Adult Day Care Home	P	N	N	N	N	N	N	N	
Caretaker Housing	P	P	P	P	P	P	P	P	RCMC Section 23.901.020
Dwelling, Multifamily	p ¹	p ^{1,2}	p ^{1,2}	N	N	p ¹	p ¹	p ¹	
Dwelling, Accessory <u>Second</u> Unit	P	N	N	N	N	N	N	N	Section RCMC 23.901.060
Dwelling, Single-Family	p ¹	p ^{1,2}	p ^{1,2}	N	N	p ¹	p ¹	p ¹	
Dwelling, Two-Family	p ¹	p ^{1,2}	p ^{1,2}	N	N	p ¹	p ¹	p ¹	
Emergency Shelter	C	C	C	C	N	N	N	N	
Family Day Care Home, Small	P	N	N	N	N	N	N	N	
Family Day Care Home, Large ¹⁷	AUP	N	N	N	N	N	N	N	RCMC Section 23.901.080
Group Residential	AUP <u>L</u>	N	N	N	N	N	N	N	
Home Occupations	P	P	P	N	N	P	P	P	Section RCMC 23.901.030
Live L Work Facility	p ¹	p ¹	p ¹	N	N	p ¹	p ¹	p ¹	Section RCMC 23.901.040

Land Use Category	RMU	CMU	OPMU	OIMU	LIBP	VC	LTC	RTC	Specific Use Regulations
Residential Care Home, Small	P	N	N	N	N	N	N	N	
Residential Care Home, Large ¹⁸	AUP	N	N	N	N	N	N	N	RCMC Section 23.901.090
Transitional Housing	P	N	N	N	N	N	N	N	
<u>Agriculture, Resource, and Open Space Uses</u>									
<u>Beekeeping</u>	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	RCMC 8.12
<u>Recreation, Education, and Public Assembly Uses</u>									
Clubs, Lodges, and Private Meeting Halls	P	P	P	P	AUP	P	P	P	
Community Centers/Civic Uses	P	P	P	P	AUP	P	P	P	
Indoor Amusement/Entertainment Facility	AUP	P	P	P	AUP	AUP	P	P	
Indoor Fitness and Sports Facility	AUP	P	P	P	AUP	AUP	P	P	
Libraries and Museums	P	P	P	P	P	P	P	P	
Outdoor Commercial Recreation	N	C	P	P	P	C	C	C	
Parks and Public Plazas	P	P	P	P	C	P	P	P	
Public Safety Facility	P	P	P	P	P	P	P	P	
Religious Institutions	P	P	P	P	P	P	P	P	
Schools, Private and Special/Studios	P	P	P	P	C	P	P	P	
Schools, Public	P	P	P	P	P	P	P	P	
Theaters and Auditoriums	C	P	P	P	N	AUP	P	P	
<u>Urban Agriculture</u>									
<u>Aquaculture</u>	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	Section 23.904.030
<u>Community garden, public</u>	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Section 23.904.030
<u>Community garden, private</u>	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	Section 23.904.030
<u>Market garden</u>	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	p²⁴	Section 23.904.030
<u>Private garden</u>	P	P	P	P	P	P	P	P	Section 23.904.030
<u>Urban Ag Stand</u>	p²⁵	p²⁵	p²⁵	p²⁵	p²⁵	p²⁵	p²⁵	p²⁵	Section 23.904.030
<u>Utility, Transportation, and Communication Use Listings</u>									
Broadcasting and Recording Studios	N	P	P	P	P	N	N	N	
Bus and Transit Shelters	P	P	P	P	P	P	P	P	
Freight Yard/Truck Terminal	N	N	N	C	C	N	N	N	

Land Use Category	RMU	CMU	OPMU	OIMU	LIBP	VC	LTC	RTC	Specific Use Regulations
Fuel Storage and Distribution	N	N	N	N	C	N	N	N	
Heliports	N	AUP _L	AUP _L	AUP _L	AUP _L	N	N	N	
Park and Ride Facility	C	P	P	P	P	C	C	P	
Parking Facility	AUP _L	P	P	P	P	AUP _L	P	P	
Telecommunication Facility	C	AUP _{L/C} ²¹	AUP _{L/C} ²¹	AUP _{L/C} ²¹	AUP _{L/C} ²¹	AUP _{L/C} ²¹	AUP _{L/C} ²¹	AUP _{L/C} ²¹	RCMC Section 23.907.020
Transit Facilities	N	N	N	C	P	N	N	N	
Transit Stations and Terminals	C	P	P	P	P	P	P	P	
Utility Facility and Infrastructure	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	RCMC Section 23.907.030
Retail, Service, and Office Uses²²									
Adult Day Care Facility	N	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Alcoholic Beverage Sales, Off-Site ¹⁶	N	C	C ²	C ²	C ²	C	C	C	
Ambulance Service	N	AUP _L	AUP _L	P	P	N	N	N	
Animal Sales and Grooming	AUP	P	P ²	N	N	P	P	P	
Art, Antique, Collectable	P ²	P	P ²	P ²	N	P	P	P	
Artisan Shops	AUP	P	P ²	P ²	P ²	P	P	P	
Banks and Financial Services	P ²	P	P	P	P	P	P	P	
Bars and Nightclubs ²³	C ³	C ³	C ^{2, 3}	C ^{2, 3}	C ^{2, 3}	C ³	C ³	C ³	
Bed and Breakfast Inns	P	P	N	N	N	N	N	N	
Brew Pub ²³	N	P	P ²	P ²	P ²	P	P	P	
Building Materials Stores and Yards	N	P ⁴	N	C ⁴	N	N	C ⁴	C ⁴	
Business Support Services	AUP ^{2, 4, 5}	P	P	P	AUP	P ⁵	P	P	
Call Centers	N	N	P	P	AUP	N	N	N	
Commercial Marijuana Uses	N	N	N	N	N	N	N	N	
Child Day Care Facility	AUP _P	AUP	AUP ²	AUP ²	AUP ²	P	C	C	
Consignment Store	N	P	N	N	N	N	AUP	N	
Convenience Stores	AUP _L ²	AUP _L	AUP _L ²	AUP _L ²	AUP _L ²	AUP _L	AUP _L	AUP _L	
Drive-In and Drive-Through Sales and Service	N	C ^{20, 21}	C ^{6, 20, 21}	C ^{6, 20, 21}	C ^{6, 20, 21}	C ^{20, 21}	C ^{20, 21}	C ^{20, 21}	RCMC Section 23.910.030
Equipment Sales and Rental	N	N	N	P	P	N	N	N	
Furniture, Furnishings, and Appliance Stores	N	P	N	N	N	N	C	P	
Garden Center/Plant Nursery	N	P	N	AUP	N	N	C	C	

Land Use Category	RMU	CMU	OPMU	OIMU	LIBP	VC	LTC	RTC	Specific Use Regulations
Grocery Stores/Supermarkets	AUP ²	P	P ²	AUP ²	N	AUP ⁸	P	P	
Home Improvement Supplies	N	P ⁹	N	P	P	N	P ⁹	P ⁹	
Hotels and Motels	C ²	P	P	C	N	C	P	P	
Hotels and Motels, Extended Stay	C ²	C	C	C	N	C	C	C	
Kennels, Commercial	C ^{2,4}	AUP ⁴	AUP ⁴	AUP ⁴	AUP ⁴	N	N	N	
Maintenance and Repair, Small Equipment	N	P	N	P	P	AUP	P	P	
Medical Services, General	<u>AUP</u> ^{L2}	P	P	P	P	P	P	P	
Medical Services, Extended Care	P	C	C	C	N	N	N	N	
Medical Services, Hospitals	N	P	P	P	P	P	P	P	
Mortuaries and Funeral Homes ¹⁵	N	P	P	P	P ¹⁵	N	N	N	
Neighborhood Market	P ²	P	P ²	<u>AUP</u> ^{L2}	N	P	P	P	
Offices, Business and Professional	P ²	P ²	P	P	N	P ²	P ²	P ²	
Offices, Accessory	P	P	P	P	<u>AUP</u> ^{L10}	P	P	P	
Personal Services	P ^{2,5}	P	P ²	P ²	P ²	P	P	P	
Residential Care Facility	<u>AUP</u> ^L	C	C	N	N	N	N	N	
Restaurants	P ²	P	P ²	P ²	P ²	P	P	P	
Retail, Accessory	P ²	P	P ⁶	P ⁶	P ⁶	P	P	P	
Retail, General	P ^{2,11}	P	N	N	N	P	P	P	
Retail, Warehouse Club	N	P	N	N	N	N	C	P	
<u>Smoker's Lounges, Hookah Bars, E-Cigarette Lounges, Vapor Lounges</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Section 23.919.100</u>
Tasting Room, Off-Site ²³	N	P	P ²	P ²	P ²	P	P	P	
Veterinary Facility	<u>AUP</u> ^{L2}	P	P	P	<u>AUP</u> ^L	<u>AUP</u> ^L	P	P	
Automobile and Vehicle Uses									
Auto and Vehicle Sales and Rental	N	P ¹⁹	N	N	P ¹⁹	N	N	N	<u>RCMC Section 23.913.040</u>
Auto and Vehicle Sales, Wholesale	N	N	N	C	P	N	N	N	
Auto and Vehicle Storage	N	N	N	C ¹²	P ¹²	N	N	N	
Auto Parts Sales	N	P ^{11,12}	N	N	P ^{11,12}	N	N	N	
Car Washing and Detailing	N	<u>AUP</u> ^{L13}	<u>AUP</u> ^{L13}	<u>AUP</u> ^{L13}	<u>AUP</u> ^L	N	C	C	
Service Stations	N	<u>AUP</u> ^L	<u>AUP</u> ^L	<u>AUP</u> ^L	P	N	C	C	
Vehicle Services, Major	N	N	N	C ¹²	P ¹²	N	N	N	
Vehicle Services, Minor	N	<u>AUP</u> ^{L12,13}	N	<u>AUP</u> ^{L12}	P ¹²	N	N	N	

Land Use Category	RMU	CMU	OPMU	OIMU	LIBP	VC	LTC	RTC	Specific Use Regulations
Industrial, Manufacturing, and Processing Uses									
Agricultural Products Processing	N	N	N	N	C	N	N	N	
Artisanal and Specialty Manufacture, Display, and Sales	N	P	P	P	P	P	P	P	
<u>Brewery, Winery, Distillery</u>	<u>N</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	
Manufacturing, Major	N	N	N	N	C ¹⁴	N	N	N	
Manufacturing, Minor	N	N	N	P	P	N	N	N	
Manufacturing, Small Scale	N	P	P	P	P	P	N	N	
Printing and Publishing	N	C	C	P	P	N	N	N	
Recycling Facility, Processing	N	N	N	N	C	N	N	N	
Recycling Facility, Scrap and Dismantling Facility	N	N	N	N	C	N	N	N	
Research and Development	N	N	P	P	P	N	N	N	
Storage, Personal Storage Facility	N	N	N	C	P	N	N	N	
Storage, Warehouse	N	N	N	P	P	N	N	N	
Storage, Yards	N	N	N	P ¹⁴	P ¹⁴	N	N	N	
Wholesaling and Distribution	N	N	N	P ¹⁴	P ¹⁴	N	N	N	
Special Regulated Uses									
Card Rooms	N	P	C	C	C	N	N	N	RCMC-Section 23.919.020
Check Cashing Businesses	N	P	N	N	N	N	N	N	Section RCMC-23.919.030
Massage Parlors	N	P	N	N	N	N	N	N	
Pawnshops	N	P	N	N	N	N	N	N	Section RCMC-23.919.040
Recycling Facility, Collection Facility	N	C	C	C	P	C	C	C	Section RCMC-23.919.050
Sexually Oriented Businesses	N	N	N	N	P	N	N	N	Section RCMC-23.919.060
Smoke Shops	N	P	N	N	C	N	N	N	Section RCMC-23.919.070
Tattoo Parlors	N	P	N	N	N	N	N	N	Section RCMC-23.919.080
Thrift Stores	N	P	N	AUP	AUP	N	N	N	Section RCMC-23.919.090

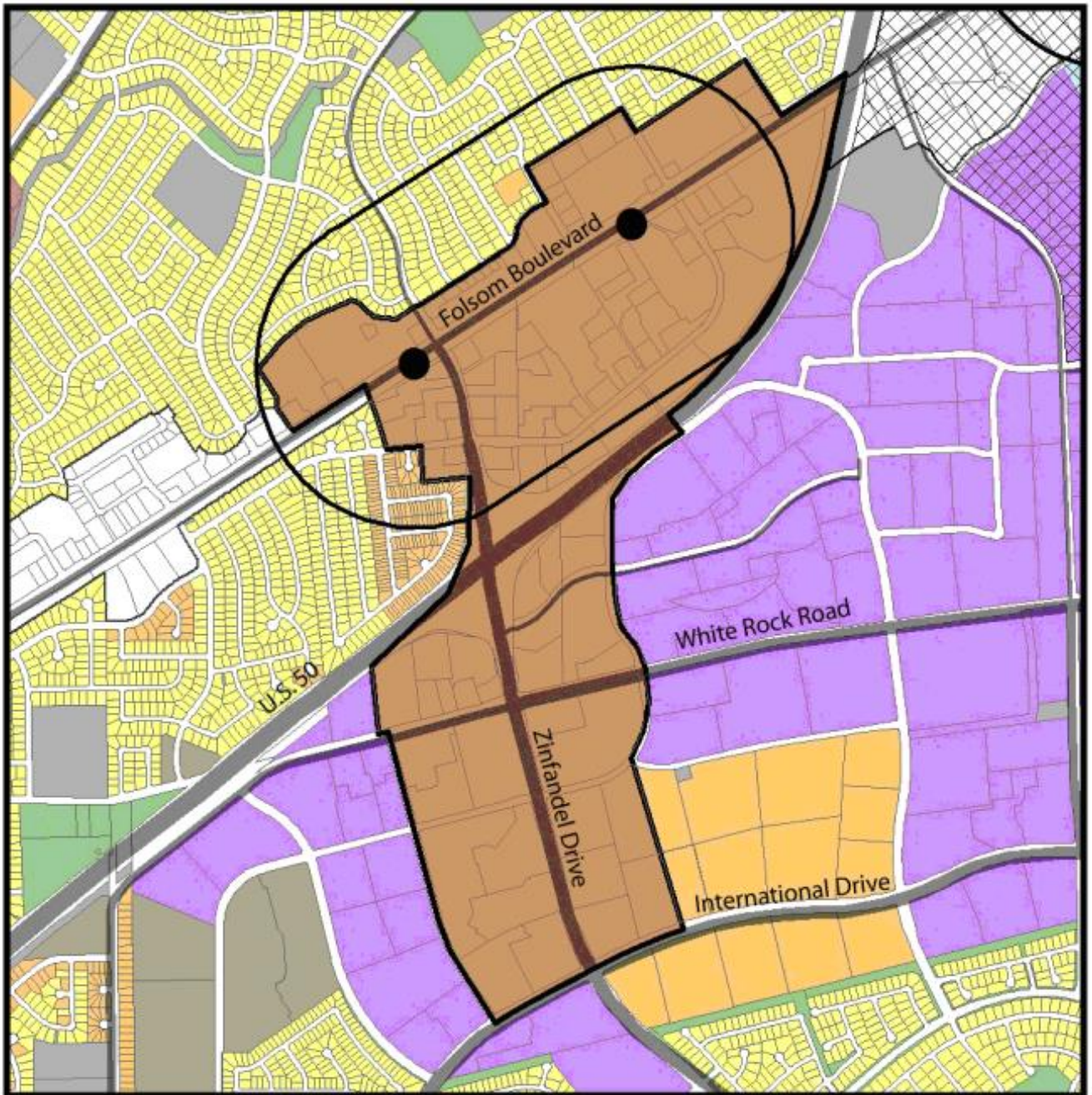
Notes:

1. See the density restrictions in the underlying zoning district.
2. This use is permitted or permitted with a use permit as specified only in conjunction with the predominant use of the mixed-use district. In other words, this use is only allowed as part of an integrated development.
3. All forms of speaker amplification exterior to the building shall be prohibited unless authorized in combination with project approval or amendment thereto.

4. All activities shall occur within a completely enclosed building or shall be located behind a solid/screened enclosure directly adjacent to the building.
 5. Maximum gross floor area is less than 5,000 square feet.
 6. Limited to a maximum of 25 percent of the gross floor area of the integrated development.
 7. Maximum tenant space shall be 25,000 square feet.
 8. Maximum tenant space shall be 50,000 square feet.
 9. Uses 25,000 square feet and over require a conditional use permit.
 10. Limited to less than 50 percent of the gross floor area of the integrated development.
 11. Maximum tenant space shall be 15,000 square feet.
 12. All activity and storage must be located within an enclosed structure.
 13. No portion of the use shall be located within 500 feet of an intersection.
 14. All activity must be entirely screened from public view and not within 500 feet of a residential use.
 15. A crematory is prohibited in all zones with the exception of LIBP, where it is permitted in association with a mortuary or funeral home.
 16. Only establishments that sell alcoholic beverages for off-site consumption require a conditional use permit. On-site consumption is considered a permitted use if the related use is a permitted use.
 17. See additional provisions in [RCMC Section 23.901.080 \(- Family day care \(large\)\)](#).
 18. See additional provisions in [RCMC Section 23.901.090 \(- Residential care home \(large\)\)](#).
 19. This use is not permitted if incidental to and not a primary part of the operation of the primary use. Rentals that are an integral part of a primary use are subject to the additional provisions of [RCMC Section 23.913.040](#).
 20. Drive-throughs that are added to existing buildings may be processed with an [LUP/AUP](#).
 21. [Conditional use permit](#) ~~UP~~ required if any portion of proposed facility is within 500 feet of a residential zoning district or existing residential use.
 22. All commercial activity, display and storage shall occur within a building or within a screen enclosure. A temporary use permit, ~~administrative use permit~~ ~~limited use permit~~, or conditional use permit may be obtained to deviate from this requirement.
 23. Uses which serve alcohol for on-site consumption and which have an "on-sale" license from the California Department of Alcoholic Beverage Control must be located at least 250 feet from any adult live theater at which live nude dancing is performed and which is subject to Section 143.3 of the California Code of Regulations.
 24. [Private community gardens and market gardens are allowed in the City's mixed use districts up to a maximum three acres in size and pursuant to applicable regulations in Section 23.904.030. Approval of an Administrative Use Permit is required for said uses greater than three acres in size.](#)
 25. [On-site urban agriculture stands are allowed up to 120 square feet, on the site of an urban agricultural use consistent with applicable regulations in Section 23.904.030.](#)
- [Ord. 1-2016 § 4; Ord. 15-2015 §§ 2, 3; Ord. 8-2015 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.5.030)].

23.313.040 Development standards.

The following development standards are applicable to the mixed-use zoning districts. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where identified, the downtown shall be that area identified as the downtown planning area in the city's General Plan and as illustrated in Figure 23.313-1.

Figure 23.313-1: Downtown Planning Area

Development standards for the Village Center (VC), Local Town Center (LTC), and Regional Town Center (RTC) zoning districts are listed in Article 5 of this title (Form-Based Zoning Provisions). Because of their unique character and location within the city, these zoning districts benefit from the application of these form-based standards. The Downtown Planning Area is denoted by the outlined orange colored area on the map.

Table 23.313-2: Mixed-Use Zoning District Development Standards¹

Development Standard	RMU (UR2 in FBSP)	CMU	CMU Downtown	OPMU	OPMU Downtown	OIMU	LIBP
Density ²							
Minimum	6.1 du/ac	10.0 du/ac	10.0 du/ac	10.0 du/ac		n/a	
Maximum	40.0 du/ac	18.0 du/ac	40.0 du/ac	18.0 du/ac		n/a	
Predominant Use Standards							
Use Type	Residential	Commercial		Office		Industrial	
Standard	≥ 50% total combined building sf	≥ 50% of combined ground floor building sf ²		≥ 50% total combined building sf		n/a	
Floor Area Ratio ^{3, 4}							
Minimum	n/a	0.25	0.4	0.25	0.3	n/a	
Maximum	n/a	1.5	3.0	2.0	2.5	n/a	
Setbacks (minimum) ⁵							
Front	10 ft	See below (based on project size)		10 ft		25 ft	
Front – Front-Facing Garage ⁵	18 ft	n/a				n/a	
Front and Street- Side, ≤ 15 acres	n/a	0 ft (min.) to 30 ft (max.) ⁷		n/a		n/a	
Front and Street- Side, > 15 acres	n/a	0 ft (min.) to 80 ft (max.) ⁷		n/a		n/a	
Street-Side	10 ft			10 ft		25 ft	
Rear ⁶	10 ft	10 ft				10 ft	
Interior	n/a	0 ft				10 ft	
Interior – Attached Units	0 ft	n/a					
Interior – Detached Units	5 ft	n/a					
Interior – Zero Lot Line ⁸	0 ft/10 ft						
Residential, Stand-alone Structure	n/a	Refer to setbacks for the MDR or HDR zone, based on density of project					n/a
Height (maximum)							
Primary Structures ⁹	50 ft	50 ft	No maximum ¹⁰	65 ft	No maximum ¹⁰	45 ft	
Accessory/ Second Dwelling Units ¹¹	26 ft						

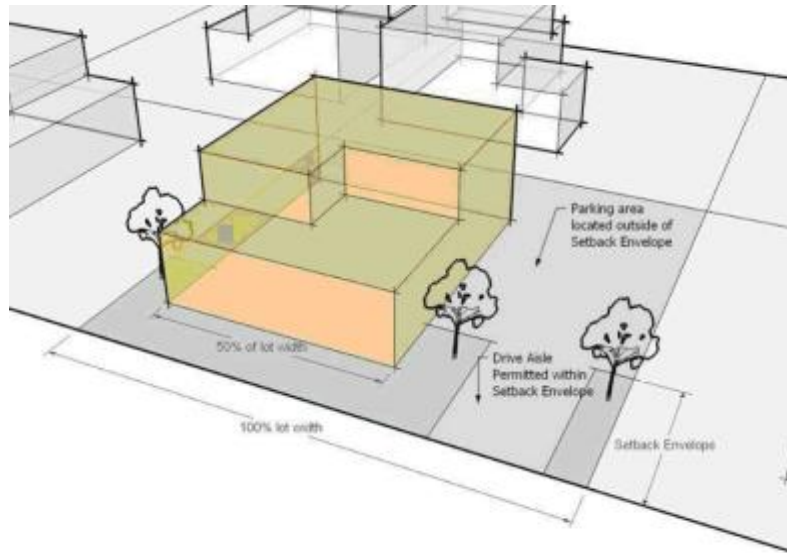
Notes:

1. VC, LTC, and RTC development standards are provided in Article 5 of this title, Form-Based Zoning Provisions.

2. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units. The [planning](#) director may approve residential densities below 10 dwelling units per acre if the units are located above retail or office uses.

3. Excludes square footage of structured parking.

4. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).
5. At no time shall any portion of the structure be located within a designated public utility easement.
6. Garages may also be accessed from an alley with a minimum ~~three~~3-foot rear setback.
7. Consistent with the setback provisions in the design guidelines, the city requires new commercial and mixed-use buildings to be located in close proximity to the street for improved relationship to the street and pedestrian. Therefore, for lots less than 15 acres in size, at least 50 percent of the lot width is occupied by primary building frontage and/or pedestrian features located between ~~zero~~0 and 30 feet from the front property line. Similarly, for lots greater than 15 acres in size, at least 50 percent of the lot width is occupied by primary building frontage and/or pedestrian features located between ~~zero~~0 and 80 feet from the front property line. The following figure, from the design guidelines, is provided to help illustrate this concept.



8. A zero lot line home allows a zero side-yard minimum setback on one side with a corresponding 10-foot minimum side-yard setback on the other side.
 9. The maximum height may be increased in conjunction with design review when the proposed structure includes a parking structure or a combination of uses (e.g., commercial with residential and/or office) in the same structure.
 10. While there is no height maximum in the downtown, the regulations of the Federal Aviation Administration (FAA) limit the height of structures to between 150 and 350 feet based on location. See the safety element of the General Plan for more information. FAA approval is required for all structures over 150 feet in height.
 11. ~~Accessory~~Secondary dwelling units are subject to the square footage limitations provided within this zoning code (see ~~RCMC Section~~ 23.901.060). ~~Accessory~~Second dwelling units may be located above the garage.
- [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.5.040)].

Chapter 23.316

GENERAL COMMERCIAL AND INDUSTRIAL ZONES

Sections:

- 23.316.010 Purpose.
- 23.316.020 Characteristics of zoning districts.
- 23.316.030 Allowed land uses and permit requirements.
- 23.316.040 Development standards.

23.316.010 Purpose.

The purpose of this chapter is to establish zoning districts in the city that support general commercial and industrial uses to implement the city's commercial mixed-use and heavy industrial General Plan land use categories. These districts provide sufficient and appropriately located land for general commercial and industrial uses that minimize impacts on residential neighborhoods. [Ord. 12-2011 § 3 (Exh. A); Ord. 7-2010 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.6.010)].

23.316.020 Characteristics of zoning districts.

The following descriptions of each zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district:

A. General Commercial (GC). This district is consistent with the General Plan commercial mixed-use designation by providing locations for a wide variety of commercial uses and some higher density residential uses. The purpose of this zone is to provide an area for general commercial and heavier types of commercial uses. The most appropriate location for this district is along major streets or in commercial areas where the heavier uses permitted would not adversely affect surrounding properties.

B. Light Industrial/Manufacturing (M-1) Zoning District. This district is consistent with the General Plan light industrial land use designation by providing locations for the development of industrial uses such as fabrication, manufacturing, assembly, or processing of materials that for the most part are already in processed form and which do not in their maintenance, assembly, manufacture, or plant operation create smoke, gas, odor, dust, sound, or other objectionable influences which might be obnoxious to persons conducting business or residing in this or any other zone.

C. Heavy Industrial/Manufacturing (M-2) Zoning District. This district is consistent with the heavy industrial General Plan land use category by providing appropriate locations for intensive industrial uses that may generate noise, vibration, odor, or other conditions that make them undesirable and incompatible near or in conjunction with residential uses or the city's mixed-use districts. A wide range of industrial manufacturing and warehousing uses are permitted in this district. The M-2 district is generally located in areas of the city where it would not create a substantial impact on sensitive residential, commercial, or office uses. Where feasible, development in the M-2 district may require additional measures to reduce impacts to neighboring properties, such as increased setbacks, landscaping, and screening. [Ord. 12-2011 § 3 (Exh. A); Ord. 7-2010 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.6.020)].

23.316.030 Allowed land uses and permit requirements.

Table 23.316-1 identifies allowed uses and corresponding requirements for the general commercial and industrial zoning districts subject to compliance with Chapter 23.304 RCMC (Land Use Classification) and all other provisions of this title. Descriptions/definitions of the land uses can be found in Article 11 of this title (Definitions). The specific use regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

This zoning code relies upon a generalized list of allowed and conditionally allowed uses. Some interpretation is required to determine whether or not a specific use falls into a particular use category. Typically a use clearly falls into a particular category, but three additional tools are provided in this title to identify the appropriate use category when necessary:

A. Chapter 23.1101 (Land Use Descriptions) RCMC includes land use descriptions.

~~B. For industrial uses, Chapter 23.328 RCMC provides Table 23.328-1, industrial classification equivalency, to help identify whether a specific use is permitted (P); permitted with an administrative use permit (AUP); permitted with a limited use permit (L); permitted with a conditional use permit (C) or not permitted (N) in the M-1 and M-2 zoning districts.~~

C. Similar Use Determinations. For uses that are not listed ~~on~~ in Table 23.316-1 or where it is not clear whether a use would be permitted, a similar use determination can be processed according to Chapter 23.122 (Similar Use Determination) RCMC. All of the definitions, tables, and other provisions of this title, in addition to the operational characteristics of the intended use, can be used to make a similar use determination.

Use regulations in the table are shown with a representative symbol by use classification listing: “P” symbolizes uses allowed by right, “AUP” symbolizes uses that require approval of an administrative ~~limited~~ use permit, “C” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted.

Table 23.316-1: Allowed Use and Permit Requirements for General Commercial and Industrial Zoning Districts

Land Use Category	GC	M-1	M-2	Specific Use Regulations
Residential Uses				
Caretaker Housing	P	P	AUP	<u>RCMC Section</u> 23.901.020
Dwelling, Multifamily	<u>C</u> P	C	N	<u>Section</u> RCMC 23.901.070 (if senior independent living)
Emergency Shelters	C	C	C	
Home Occupations	P	P	N	<u>Section</u> RCMC 23.901.030
Live/-Work Facility	P	P	N	<u>Section</u> RCMC 23.901.040
Mobile Home Park	C	N	N	<u>Section</u> RCMC 23.901.050
Single-Room Occupancy (SRO)	C	C	N	
Transitional Housing	P	P	N	
<u>Agriculture, Resource, and Open Space Uses</u>				
<u>Beekeeping</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>RCMC Chapter 8.12</u>
Recreation, Education, and Public Assembly Uses				
Cemeteries, Mausoleums	C	C	C	
Clubs, Lodges, and Private Meeting Halls	P	P	P	
Indoor Amusement/Entertainment Facility	P	AUP	AUP	
Indoor Fitness and Sports Facility	P	AUP	AUP	
Libraries and Museums	P	P	C	
Outdoor Commercial Recreation	C	C	C	
Public Safety Facility	P	P	P	
Recreational Vehicle Parks	P	C	C	

Land Use Category	GC	M-1	M-2	Specific Use Regulations
Religious Institutions	P	AUP _L	AUP _L	
Schools, Private and Special/Studios	P	AUP _L ¹	AUP _L ¹	
Schools, Public	P	P	P	
Theaters and Auditoriums	P	C	C	
Urban Agriculture				
<u>Aquaculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 23.904.030</u>
<u>Community garden, public</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>Section 23.904.030</u>
<u>Community garden, private</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 23.904.030</u>
<u>Market garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 23.904.030</u>
<u>Private garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 23.904.030</u>
<u>Urban Ag Stand</u>	<u>p¹¹</u>	<u>p¹¹</u>	<u>p¹¹</u>	<u>Section 23.904.030</u>
Utility, Transportation, and Communication Use Listings				
Broadcasting and Recording Studios	P	P	P	
Bus and Transit Shelters	P	P	P	
Freight Yard/Truck Terminal	N	p ²	p ²	
Fuel Storage and Distribution	N	p ²	P	
Heliports	C	C	C	
Park and Ride Facility	P	P	P	
Parking Facility	P	P	P	
Telecommunication Facility	AUP _L	AUP _L	AUP _L	RCMC <u>Section 23.907.020</u>
Transit Facilities	N	P	P	
Transit Stations and Terminals	P	P	P	
Utility Facilities and Infrastructure	AUP _L	P	P	RCMC <u>Section 23.907.030</u>
Retail, Service, and Office Use Listings				
Alcoholic Beverage Sales ¹⁰	C ⁴	C ³	C ³	
Ambulance Service	AUP	AUP	AUP	
Animal Sales and Grooming	P	AUP	AUP _L	
Art, Antique, Collectable	P	AUP	AUP _L	
Artisan Shops	P	AUP	AUP _L	
Banks and Financial Services	P	AUP	AUP _L	
Bars and Nightclubs ¹⁰	C	C	C	
Brew Pub ¹⁰	P	AUP	AUP _L	
Building Materials Stores and Yards	P	p ²	p ²	

Land Use Category	GC	M-1	M-2	Specific Use Regulations
Business Support Services	P	P ²	P ²	
Call Centers	AUP	AUP	AUP	
Child Day Care Facility	P	C	N	
Commercial Marijuana Uses	N	N	N	
Consignement Store	P	N	N	
Convenience Stores	P	C	C	RCMC Section 23.910.020
Drive-in and Drive-through Sales and Service	P	C	C	RCMC Section 23.910.030
Equipment Sales and Rental	P ^{2,8}	P ^{2,8}	P	
Furniture, Furnishings, and Appliance Stores	P	P ²	AUP	
Garden Center/Plant Nursery	P	P ²	AUP	
Grocery Stores/Supermarket	P	AUP	AUP	
Home Improvement Supplies	P ²	P ²	P	
Hotels and Motels	P	N	N	
Hotels and Motels, Extended Stay	P	N	N	
Kennels, Commercial	AUP	AUP	AUP	
Maintenance and Repair, Small Equipment	P ²	P	P	
Medical Services, General	P	AUP	AUP	
Medical Services, Extended Care	P	N	N	
Medical Services, Hospitals	P	AUP	P	
Mortuaries and Funeral Homes	P	C	C	
Neighborhood Market	P	AUP	AUP	
Offices, Business and Professional	P	AUP	AUP	
Offices, Accessory	P ⁶	P ⁶	P ⁷	
Personal Services	P	AUP	AUP	
Restaurants ¹⁰	P	AUP	AUP	
Retail, Accessory	P ⁶	P ⁶	P ⁷	
Retail, General	P	AUP	AUP	
Retail, Warehouse Club	P	AUP	AUP	
Smokers' Lounges, Hookah Bars, E-Cigarette Lounges, Vapor Lounges	P	P	N	Section 23.919.100; specific distance and other requirements
Tasting Room, Off-Site ¹⁰	P	AUP	AUP	
Veterinary Facility	P	P ²	P ²	
Automobile and Vehicle Uses				
Auto and Vehicle Dismantling	N	N	C	RCMC Section 23.913.020

Land Use Category	GC	M-1	M-2	Specific Use Regulations
Auto and Vehicle Sales	AUP^L	AUP^L ⁵	AUP^L ⁵	Section RCMC 23.913.040
Auto and Vehicle Rental	p ⁹	p ⁹	p ⁹	Section RCMC 23.913.040
Auto and Vehicle Sales, Wholesale	AUP^L ⁵	AUP^L	AUP^L	Section RCMC 23.913.040
Auto and Vehicle Storage	p ²	p ²	p ²	
Auto Parts Sales	p ²	p ²	p ²	
Car Washing and Detailing	C	P	P	
Service Stations	C	C	C	RCMC Section 23.913.030
Vehicle Services, Major	p ²	p ²	p ²	
Vehicle Services, Minor	p ²	p ²	p ²	
Industrial, Manufacturing, and Processing Uses				
Agricultural Products Processing	N	C	P	
Artisanal and Specialty Manufacture, Display and Sales	P	AUP	AUP	
Brewery, Winery, Distillery	N	P	P	
Junk Tire Facility	N	N	P	RCMC Section 23.916.020
Manufacturing, Major	N	AUP^L ²	P	
Manufacturing, Minor	N	p ²	P	
Manufacturing, Small Scale	P	p ²	P	
Printing and Publishing	N	P	P	
Recycling Facility, Processing	N	AUP^L	P	
Recycling Facility, Scrap and Dismantling Facility	N	N	C	
Research and Development	N	P	P	
Storage, Personal Storage Facility	N	p ²	P	
Storage, Warehouse	AUP^L	p ²	P	
Storage, Yards	N	N	p ²	
Wholesaling and Distribution	P	p ²	P	
Special Regulated Uses				
Card Rooms	N	C	C	Section RCMC 23.919.020
Check Cashing Businesses	N	N	N	Section RCMC 23.919.030
Massage Parlor	N	N	C	
Pawnshops	N	N	C	Section RCMC 23.919.040
Recycling Facility, Collection Facility	N	AUP^L	P	Section RCMC 23.919.050
Sexually Oriented Businesses	N	P	P	Section RCMC 23.919.060
Smoke Shops	N	N	C	Section RCMC 23.919.070

Land Use Category	GC	M-1	M-2	Specific Use Regulations
Tattoo Parlors	N	N	C	Section RCMC 23.919.080
Thrift Store	N	AUP	C	Section RCMC 23.919.090

Notes:

- Trade schools permitted by right; all other schools require an [AUP](#).
 - Permitted if the entire operation is conducted within a completely enclosed building or screened from view behind a fence or wall.
 - Off-site sales of alcohol permitted as an allowed use if incidental to a permitted use (e.g., breweries, wineries). Only retail sale of alcohol is permitted as part of the primary use. All other types of off-site sales (e.g., convenience store) require a conditional use permit. See Wholesaling and Distribution for nonretail sales.
 - On-site sales permitted with limited use permit. Off-site requires a conditional use permit.
 - Incidental sales up to 15 percent of developed portion of site are permitted as a by-right use and must be fully screened from view or enclosed within a building. Automotive sales that exceed 15 percent of the developed portion of the site or outdoor display areas that are not screened from view may be permitted with the issuance of a limited use permit.
 - All retail, accessory and office, accessory uses are permitted up to a combined 50 percent of total building square footage.
 - The following limitations apply to retail, accessory and office, accessory in the M-2 district:
 - Sales are allowed when incidental to a permitted use and sales and stock room area do not exceed 25 percent of total floor area;
 - Offices are allowed when incidental to a permitted use and do not exceed 25 percent of total floor area;
 - Cafes/restaurants are allowed up to 15 percent of building square footage (freestanding restaurants require the issuance of a [conditional use permit CUP](#)).
 - Up to 50 percent of total building area may be used for storage, warehousing, distribution or similar use as a permitted use. A [conditional use permit CUP](#) is required to exceed this percentage.
 - This use is permitted if an integral part of the primary use (unrelated, incidental rental operations are not permitted). Additional provisions in [RCMC Section 23.913.040 \(Accessory Automobile Sales and Rental Uses\)](#) apply.
 - Uses which serve alcohol for on-site consumption and which have an "on-sale" license from the California Department of Alcoholic Beverage Control must be located at least 250 feet from any adult live theatre in which live nude dancing is performed and which is subject to section 143.3 of the California Code of Regulations.
 - [On-site urban agriculture stands are allowed up to 120 square feet, on the site of an urban agriculture use consistent with applicable regulations in Section 23.904.030.](#)
- [Ord. 1-2016 § 3; Ord. 15-2015 §§ 4, 5; Ord. 8-2015 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 20-2010 § 3 (Exh. B); Ord. 7-2010 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.6.030)].

23.316.040 Development standards.

The following development standards are applicable to the general commercial and industrial zoning districts. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development.

Table 23.316-2: General Commercial and Industrial Zoning Districts Development Standards

Development Standards	GC	M-1	M-2
Setbacks (minimum):			
Front and Street-Side/Corner	25 ft	25 ft	25 ft
Side and Rear	25 ft	0 ft	0 ft
Side and Rear, Abutting Agricultural or Residential Use or Zone	25 ft	15 ft	15 ft
Height (maximum):			
All Other Parcels	100 ft ¹	40 ft ¹	100 ft ¹

Notes:

- The height may be increased to a maximum of 150 feet as part of design review.

[Ord. 12-2011 § 3 (Exh. A); Ord. 7-2010 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.6.040)].

Chapter 23.319

PUBLIC/QUASI-PUBLIC ZONING DISTRICTS

Sections:

- 23.319.010 Purpose.
- 23.319.020 Characteristics of the public/quasi-public zoning districts.
- 23.319.030 Allowed land uses and permit requirements.
- 23.319.040 Development standards.

23.319.010 Purpose.

The purpose of this chapter is to establish public and quasi-public zoning districts in the city that provide appropriate locations for parks, open space, public service uses, and transportation facilities. These districts are consistent with and implement the city's public/quasi-public, parks and open space, and natural resources General Plan land use categories. The districts provide locations in the city for necessary public services (e.g., fire and police stations) and locations for recreation and community gathering in close proximity to neighborhood residential. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.7.010)].

23.319.020 Characteristics of the public/quasi-public zoning districts.

The following descriptions of each public/quasi-public zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district:

A. Parks and Open Space (POS) Zoning District. This district is intended to provide locations for parks, open space, natural resource areas, and other related compatible public services/uses. Both active and passive recreational activities are permitted.

B. Community Services (CS) Zoning District. This district is intended to provide a zoning district in the city for the establishment of public safety facilities (e.g., police stations, fire stations, hospitals), public schools (schools, colleges, and universities), and utility substations. The intent of this district is to identify appropriate locations for these uses without impacting, disrupting, or otherwise removing other lands for residential or other uses. This district specifically implements the public/quasi-public land use category of the General Plan. In order to meet future community needs, new development projects should include community service sites for future, undetermined uses. Permitted with this zone are a wide range of public park and recreation uses; since, within the city, public parks are often adjacent to public schools to allow co-use of facilities.

C. Transportation Corridor (T) Zoning District. The purpose of ~~the transportation corridor (T)~~ this zoning district is to identify property specifically for transportation purposes (e.g., light rail tracks/station, multi-modal transportation hubs, park and ride facilities). Such properties typically include transportation infrastructure (e.g., rails, catenaries, signals), but may also include related and supporting uses (e.g., stations with transit and services for riders). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.7.020)].

23.319.030 Allowed land uses and permit requirements.

Table 23.319-1 identifies allowed uses and corresponding permit requirements for the public/quasi-public zoning districts subject to compliance with Chapter 23.304 ~~RCMC~~ (Land Use Classification) and all other provisions of this title. Descriptions/definitions of the land uses can be found in Article 11 of this title (Definitions). The specific use regulations column in the table identifies the specific chapter or section where additional regulations for that use type are located within this title.

Use regulations in the table are shown with a representative symbol by use classification listing: "P" symbolizes uses allowed by right, "~~AUPL~~" symbolizes uses that require approval of an ~~limited-administrative~~ use permit, "C" symbolizes uses that require approval of a conditional use permit, and "N" symbolizes uses that are not permitted.

**Table 23.319-1: Allowed Use and Permit Requirements for
Public/Quasi-Public Zoning Districts**

Land Use Category	POS	CS	T	Specific Use Regulations
Residential Uses				
Caretaker Housing	C	C	N	RCMC-Section 23.901.020
Dwelling, Single-Family	N	N	N	
Employee Housing	N	N	N	
Family Day Care Home, Large	N	N	N	
Family Day Care Home, Small	N	N	N	
Home Occupations	N	N	N	Section RCMC 23.901.030
Mobile Home	N	N	N	Section RCMC 23.901.050
Recreation, Education, and Public Assembly Uses				
Cemeteries, Mausoleums	C	C	N	
Clubs, Lodges, and Private Meeting Halls	C	C	N	
Community Centers/Civic Uses	P	P	N	
Community Garden	P	P	N	
Golf Courses/Clubhouses	P	C	N	
Indoor Amusement/Entertainment Facility	C	C	N	
Indoor Fitness and Sports Facility	C	C	N	
Libraries and Museums	P	P	N	
Outdoor Commercial Recreation	C	C	N	
Parks and Public Plazas	P	P	P	
Public Safety Facility	P	P	P	
Recreational Vehicle Parks	C	N	N	
Religious Institutions	C	C	N	
Resource Protection and Restoration	P	N	N	
Resource-Related Recreation	P	N	N	
Schools, Private and Special/Studios	N	C	N	
Schools, Public	N	P	N	
Theaters and Auditoriums	N	C	N	
Utility, Transportation, and Communication Use Listings				
Airport	N	P	P	
Bus and Transit Shelters	P	P	P	
Heliports	N	P	P	

Land Use Category	POS	CS	T	Specific Use Regulations
Park and Ride Facility	N	P	P	
Parking Facility	N	P	P	
Telecommunication Facility	AUPL	AUPL	AUPL	Section RCMC 23.907.020
Transit Stations and Terminals	N	P	P	
Utility Facilities and Infrastructure	P	P	P	Section RCMC 23.907.030
Retail, Service, and Office Uses				
Child Day Care Facility	N	C	N	
Commercial Marijuana Uses	N	N	N	
Medical Services, Hospitals	C	C	N	

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.7.030)].

23.319.040 Development standards.

The following development standards are applicable to the public/quasi-public zoning districts. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development.

Table 23.319-2: Public/Quasi-Public Zoning Districts Development Standards

Development Standard	POS	CS	T
Setbacks (minimum):			
Front	25 ft	25 ft	25 ft
Street-Side	25 ft	25 ft	25 ft
Interior and Rear	10 ft	10 ft	10 ft
Height (maximum)	40 ft	40 ft	45 ft

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.7.040)].

Chapter 23.322

SPECIAL PURPOSE ZONES

(Repealed by Ord. 6-2011)

Chapter 23.325

OVERLAY ZONING DISTRICTS

Sections:

- 23.325.010 Purpose.
- 23.325.020 Convention (CO) overlay zoning district.
- 23.325.030 Transit oriented development (TOD) overlay zoning district.
- 23.325.040 Flood (F) overlay zoning district.
- 23.325.050 Planned development (PD) overlay zoning district.
- 23.325.060 Planned development – County/city initiated (PDC) overlay zoning district.
- 23.325.070 Parkway corridor (PC) overlay zoning district.
- 23.325.080 Surface mining (SM) overlay zoning district.
- 23.325.090 Sunridge general commercial (SGC) overlay zoning district.

23.325.010 Purpose.

The overlay zoning districts established in this chapter are designed to supplement the use regulations and/or development standards of the applicable underlying base zoning district by recognizing distinctive areas of the city that have special and unique social, architectural, or environmental characteristics which require special considerations not otherwise adequately provided by the underlying base zone applicable to the property. The application of these overlay zoning districts emphasizes the need for special attention in planning projects in the area governed by the overlay. The provisions of this chapter shall apply to all parcels of land located within the designed boundaries of an overlay district as illustrated on maps contained in this chapter and on the city zoning map. On the zoning map, overlay zoning districts shall be designated by their representative symbol along with the base zoning district in a format determined by the ~~planning~~ director. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.010)].

23.325.020 Convention (CO) overlay zoning district.

A. Purpose and Intent. The purpose of the convention (CO) overlay zoning district is to establish an area in the city specifically for the development of a convention center with related and supporting uses. The convention district is intended to be a special place in the city that is entertaining, vibrant, and inviting to tourists, visitors, and residents alike. This overlay district supplements the provisions of the underlying zoning districts for the special purposes identified herein. Where there is conflict between this overlay district and the underlying base district, the overlay district regulations prevail.

B. Convention Overlay District Area. The convention overlay zoning district is applied to those parcels described in Figure 23.325-1 (Convention Overlay District Area), consistent with the General Plan's convention overlay. The convention overlay district is generally defined as that area south of Highway 50, east of Kilgore Road, north of Sun Center Drive, and west of Citrus Road.

Figure 23.325-1: Convention Overlay District Area



C. Allowed Uses. ~~Specific to the convention overlay zoning district,~~ Table 23.325-1 identifies the allowed use provisions ~~specific to within~~ the convention overlay zoning district. The allowed use provisions of Table 23.325-1 supersede and replace the allowed use provisions of the underlying base zoning district of the applicable property. Similar uses may be determined as identified in this title. The allowed use provisions are listed in compliance with Chapter 23.304 ~~RCMC~~ (Land Use Classification).

Use regulations in the table are shown with a representative symbol by use classification listing: “P” symbolizes uses allowed by right, “AUP” symbolizes uses that require approval of an administrative use permit, ~~“L” symbolizes uses that require approval of a limited use permit,~~ “C” symbolizes uses that require approval of a conditional use permit, and “N” symbolizes uses that are not permitted.

Table 23.325-1: Allowed Use Provisions in the Convention Overlay Zoning District

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Residential Uses		
Caretaker Housing	C	
Dwelling, Multifamily	P ¹	
Dwelling, Single-Family	C	
Dwelling, Two-Family	C	
Home Occupations	C	RCMC Section 23.901.030
Live/-Work Facility	C	SectionRCMC 23.901.040
Recreation, Education, and Public Assembly Uses		
Clubs, Lodges, and Private Meeting Halls	P	
Convention Center	P	
Indoor Amusement/Entertainment Facility	P	

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Indoor Fitness and Sports Facility	C	
Libraries and Museums	P	
Outdoor Commercial Recreation	C	
Parks and Public Plazas	P	
Public Safety Facility	P	
Religious Institutions	C	
Schools, Private and Special/Studios	P	
Schools, Public	P	
Theaters and Auditoriums	P	
Utility, Transportation, and Communication Use Listings		
Heliports	C	
Park and Ride Facility	C	
Telecommunication Facility	C	Section RCMC 23.907.020
Transit Stations and Terminals	C	
Utility Facilities and Infrastructure	C	Section RCMC 23.907.030
Retail, Service, and Office Uses		
Alcoholic Beverage Sales	C	
Banks and Financial Services	P	
Bars and Nightclubs	C	
Bed and Breakfast Inns	C	
Building Materials Stores and Yards	AUP	
Business Support Services	AUP	
Child Day Care Facility	C	
Commercial Marijuana Uses	N	
Drive-In and Drive-Through Sales and Service	N	Section RCMC 23.910.030
Grocery Stores/Supermarket	P	
Home Improvement Supplies	AUP	
Hotels and Motels	P	
Hotels and Motels, Extended Stay	C	
Medical Services, General	C	
Medical Services, Extended Care	C	
Medical Services, Hospitals	C	
Offices, Business and Professional	P	

Land Use Category	Convention Overlay Zoning District	Special Use Regulations
Offices, Accessory	P	
Personal Services	P	
Restaurants	P	
Retail, Accessory	P	
Retail, General	P	
Veterinary Facility	C	
Automobile and Vehicle Uses		
Auto and Vehicle Sales and Rental	AUP	
Car Washing and Detailing	C	
Service Stations	C	
Vehicle Services, Minor	AUP	
Industrial, Manufacturing, and Processing Uses		
<u>Brewery, Winery, Distillery</u>	<u>P</u>	
Manufacturing – Small Scale	AUP	
Printing and Publishing	AUP	
Research and Development	AUP	

Notes:

1. The use is permitted in conjunction with the predominant use of the underlying base zoning district. In other words, this use is only allowed as part of an integrated development.

D. Development Standards. The following development standards are applicable to the convention overlay zoning district. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other chapters of this code or the underlying zoning district, these standards shall apply. The designated ~~approving authority~~approval authority will review development applications against these standards to determine compliance with applicable zoning regulations.

Table 23.325-2: Development Standards in the Convention Overlay District

Development Standard	Convention Overlay District
Density¹	
Minimum	10 du/ac
Maximum	18.0 du/ac
Floor Area Ratio²	
Minimum	0.4

Development Standard	Convention Overlay District
Maximum	3.0
Setbacks	
Front and Street-Side	0 ft.
Rear	10 ft.
Between Structures	10 ft. ³
Interior	0 ft.
Residential, Stand-Alone Structure ⁴	Refer to setbacks for the MDR zone
Height Limit	
Primary Structures	No maximum ⁵

Notes:

1. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.
2. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).
3. The distance between structures may be modified as part of design review; however, any modifications must be consistent with the Uniform Building Code.
4. For residential units developed as part of an integrated development but not in the same building as the primary use(s), refer to the MDR zone for all setbacks. In all other instances, the setbacks shall be the same as the primary structure(s).
5. While there is no height maximum, the regulations of the Federal Aviation Administration (FAA) limit the height of structures to between 150 and 350 feet based on location. See the safety element of the General Plan for more information. FAA approval is required for all structures over 150 feet in height.

E. Parking Standards. Parking standards for uses in the convention overlay zoning district shall be consistent with Chapter 23.719 [RCMC](#) (Parking and Loading). Required off-street loading/unloading and passenger loading areas shall also be consistent with applicable provisions of Chapter 23.719 [RCMC](#) (Parking and Loading).

F. Exceptions. The [city](#) council desires to provide flexibility for projects within the convention overlay district that will benefit the community in specific, identified ways. In conjunction with a major design review, project-level CEQA review, and any other required entitlements, an applicant may request that the [city](#) council approve an exception to allow a development project that does not strictly adhere to the convention overlay development standards identified in Table 23.325-2. The [city](#) council may grant an exception for any development standard in Table 23.325-2 for projects that are uses ~~that are~~ allowed in Table 23.325-1, and meet at least four of the following six conditions:

1. Will fulfill a compelling community need, as indicated by an existing city goal, General Plan policy, budget priority, or other council adopted policy document.
2. Will improve an existing blighted situation by removing 100 percent of the blight located upon the subject property.
3. Will provide unmet services to a currently underserved community.
4. Will create at least 15 new permanent full-time jobs (or new jobs equivalent to at least 15 ~~FTE~~ [full-time jobs](#)) or a minimum of one job per 500 square feet.
5. Will generate annual sales tax contributions to the city in excess of \$25,000.
6. Investments in the property will increase the property tax revenue for the subject parcel(s) by at least 250 percent.

To the extent practical, development projects should comply with the development standards in Table 23.325-2. All projects remain subject to design review as established in Chapters 23.140 (Minor Design Review) and 23.141 (Major Design Review) RCMC. An exception request must be included and will be reviewed in conjunction with the project's design review application. It is the applicant's responsibility to request relief from the development standards in Table 23.325-2 and provide justifications for why standards cannot be met. It is also the applicant's responsibility to provide evidence of compliance with at least four of the conditions listed in this section to support the exception request. The city council is the approving authority approval authority for all exception requests.

Under no circumstance shall an exception result in any of the following:

1. Allow a land use not otherwise permitted or conditionally permitted in the zone.
2. Allow a detrimental environmental impact not adequately analyzed.
3. Waive payment of applicable impact fees.
4. Waive a specific prohibition.
5. Waive or modify a procedural requirement.

The procedure for granting exceptions allowed under this provision is provided in RCMC Section 23.110.131 23.110.150(D). In granting the exception, the city council shall make the following findings:

1. The proposed project qualifies for an exception by meeting at least four of the six conditions required for granting an exception as defined in this subsection (F).
2. The city council has determined that the proposed project has adhered to the development standards in Table 23.325-2 to the fullest extent practicable.
3. The applicant has provided substantial evidence that the conditions for the exception will be met following construction and operation of the project. Further, the applicant has agreed to conditions of approval guaranteeing these requirements will be met or exceeded throughout the life of the project.
4. Granting the exception will not adversely affect the interests of the public or the interests of the residents and property owners in the vicinity of the premises in question, and shall not establish a precedence for other project requests.
5. Granting the exception will not endanger the public health and safety. [Ord. 11-2015 § 3; Ord. 19-2013 § 3 (Exh. A); Ord. 18-2013 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.020)].

23.325.030 Transit oriented development (TOD) overlay zoning district.

A. Purpose and Intent. The purpose of the transit oriented development (TOD) overlay zoning district is to promote and provide for higher density and intensity uses as part of or in proximity to transit stations. The objective of locating more intensive uses near transit stations is to promote transit services along major transit corridors of the city. The transit oriented development overlay zoning district implements the local transit oriented development and regional transit oriented development land use categories of the General Plan.

B. Applicability.

1. TOD Designation. The transit oriented development overlay zoning district shall be applied to properties that are located within one-quarter mile of an existing or planned light rail/streetcar station or bus rapid transit station. In determining the extent of the applicability, a circle of one-quarter mile in radius shall be drawn from a central point at the designated station location (e.g., station platform). See Figure 23.325-2 (Transit Oriented Development Overlay Zoning District) for a prototypical example of a TOD overlay.

Figure 23.325-2: Transit Oriented Development Overlay Zoning District

2. Properties Partially Located within the TOD Overlay. The provisions of the transit oriented development overlay zoning district shall only apply to those portions of property located within the one-quarter-mile radius circle. Those portions of parcels zoned transit oriented development overlay but not included within the one-quarter-mile radius circle shall have development standards consistent with the underlying base district (see section on integrated development as described later in this chapter) and may only be developed consistent with the development standards of the base district. ~~Qualifying integrated developments as defined in Chapter 23.707 (Integrated Developments) may locate more intense development outside of the one-quarter mile radius circle, provided the provisions of this section are observed.~~

~~3. Special Standards for Integrated Development. When a portion of an integrated development, as defined in Chapter 23.707 (Integrated Developments), includes both an area zoned transit oriented development overlay and an area not subject to the development standards of the transit oriented development overlay zone, the development potential for the site shall be determined on an aggregate basis. For example, if half of a 10 acre site is zoned TOD overlay and the other half is zoned commercial mixed use, then the development potential of the first half is 400 dwelling units (80 du/ac times 5 acres) and the potential of the second half is 90 dwelling units (18 du/ac times 5 acres), resulting in a total potential of 490 dwelling units. Consistent with the provisions for integrated developments, the 490 dwelling units may be located anywhere within the development, except that the majority of the units shall be located within the one-quarter mile radius. The designated approval authority, as part of design review, may allow the majority of the units to be located outside of the one-quarter mile radius; provided, that pedestrian uses and gathering spaces are located within the radius and connect the residential area(s) to the transit station.~~

C. Development Standards. The following development standards are applicable to the transit oriented development overlay zoning district. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and citywide design guidelines, are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. Where site development standards listed herein are in conflict with the site development standards in other chapters of this code or the underlying base zoning district, these standards shall apply. The designated ~~approving authority~~approval authority will review development applications against these standards to determine compliance with applicable zoning regulations.

The table describes development standards for two types of transit oriented developments: ~~—~~TODs generally and TODs as part of regional town centers. For the majority of transit oriented developments, the general development standards of the "TODs Generally" column will apply. In those cases where a transit oriented development overlay is applied to a regional town center base zoning district, the development standards of the "TODs as Part of a

Regional Town Center” shall apply. The intent of these two sets of standards is to implement the unique development standards of the local TOD and regional TOD land use categories under the city’s General Plan.

Table 23.325-3: Transit Oriented Development Overlay Zoning District Development Standards

Development Standard	TODs Generally	TODs as Part of a Regional Town Center
Density ¹		
Minimum	20.0 du/ac	
Maximum	80.0 du/ac	
Floor Area Ratio ²		
Minimum	0.50	0.65
Maximum	2.5	3.0
Height (maximum)	80 feet	No maximum ³

Notes:

1. The minimum and maximum density standards are only applicable to mixed-use and integrated developments that include residential uses. Residential projects shall include a minimum of four units.
2. Includes residential uses and square footage. See Article 11 of this title for definition of floor area ratio (FAR).
3. While there is no height maximum, the regulations of the Federal Aviation Administration (FAA) limit the height of structures to between 150 and 350 feet based on location. See the safety element of the General Plan for more information. FAA approval is required for all structures over 150 feet in height.

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.030)].

23.325.040 Flood (F) overlay zoning district.

A. Purpose and Intent. The flood (F) overlay zoning district as shown on the zoning map is intended to comprise all land covered by rivers, creeks, and streams and land subject to flooding within the city. The city council, in adopting the regulations in this section, recognizes that:

1. The promotion of the orderly development and beneficial use of lands subject to recurrent flooding is necessary if the potential property damage which results from improper development is to be minimized.
2. There is a need to protect current and future occupants of land subject to flooding from the physical damage of flooding.
3. The health, general welfare, and safety of the public of the city as a whole requires that lands subject to flooding be strictly regulated as to the uses permitted on the land and the amount of open space which separates buildings and structures.
4. Inundation frequently causes extensive property damage.
5. Strict regulation of flood lands is necessary to protect prospective buyers of land from deception as to the utility of the land within the flood zones.

B. Prohibition. No building, structure, vehicle, sign, or area in any zone ~~with-to~~ which the flood overlay ~~zone~~ designation is applied shall be used, nor shall any building, structure, sign, or vehicle be erected, altered, moved, enlarged, or stored in any zone ~~with-to~~ which the flood overlay designation ~~zone~~ is applied, except as hereinafter specifically provided in this section or elsewhere in this title; nor shall any area, building, structure, vehicle, or sign be used in any manner so as to create problems detrimental to the public health, safety, or general welfare, or so as to constitute a public nuisance. Any building, structure, vehicle, sign, or lot, or the use of any building, structure, vehicle, or lot, in any zone ~~with-to~~ which the flood overlay ~~zone~~ designation is applied shall be regulated and governed by the provisions of this section, the regulations and provisions applicable to the base zone ~~with-to~~ which the flood overlay ~~zone~~ designation is applied, and the general regulations and conditions of this title. If there are any conflicts between the flood overlay zoning district and the base zone to which it is applied, the provisions of the flood overlay zoning district shall apply.

C. Elevations. No building or structure designed for human habitation shall hereafter be erected, altered, moved, or enlarged with a first floor elevation lower than required by the Sacramento County water agency drainage ordinance and regulations adopted pursuant thereto.

D. Area. Each lot or parcel shall have a minimum lot area and/or density as specified in the base zoning district. If neither a public water supply nor a public sewerage facility is in use, the net lot area for each lot or parcel shall be not less than ~~one~~ 1 acre.

E. Lot Width. Each lot or parcel shall have a minimum lot width as required by the base zoning district.

F. Determination of Zoning Boundaries. For purposes of the flood overlay zoning district, the following rules shall apply when determining the boundaries of the zone:

1. Zoning boundaries of the flood overlay district are intended to represent the 100-year floodplain and protected 200-year floodplain as determined by public works. The 100-year floodplain will be based on the best available information, which may include the National Flood Insurance Program flood insurance rate map, County Drainage Master Plan, historic flooding events, or other available information. The protected 200-year floodplain shall be based on the 200-year floodplain map shown in General Plan Safety Element.

2. When public works revises the 100-year flood and/or the 200-year flood elevations based upon detailed engineering data, the zoning boundaries of the flood overlay zoning district may be adjusted by the planning director so as to accurately reflect the 100-year floodplain.

3. Upon development of a property, the designated approving authority shall determine the exact elevation of the 100-year floodplain based on a topographic survey of the property at one-foot intervals and the 100-year flood elevation as determined by public works. [Ord. 7-2016 § 2 (Exh. 1B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.040)].

23.325.050 Planned development (PD) overlay zoning district.

A. Purpose. The purpose of the planned development (PD) overlay zoning district is to encourage a creative and more efficient approach to the use of land, to maximize choice in the type of environment available to the people of the city, and to encourage more efficient allocation and maintenance of privately controlled common open space through the redistribution of overall density where such rearrangement is desirable and feasible. While this overlay district has been established to reflect previous actions of the county of Sacramento prior to incorporation of the city, subsequent development does not require a planned development overlay zoning district to establish development rights consistent with this title and the city's General Plan. Existing planned development overlay zoning districts are hereby incorporated into this title by reference and are considered consistent with the city's General Plan.

B. Intent of the Planned Development Overlay Zoning District. The intent of the planned development overlay zoning district is to carry out the purpose as set forth above by providing the means of greater creativity and flexibility in design than are provided under the strict application of the zoning and subdivision ordinances, while at the same time preserving the public interest, health, safety, welfare, and property values. Various land uses may be combined in a planned development zone including combinations of residential, commercial, industrial, utility, institutional, educational, cultural, recreational, and other uses, provided the combination of uses results in a

balanced and stable environment. A PD zone may be combined with any other zoning classification except permanent agricultural or agricultural hold zones, provided the underlying base zoning district is consistent with the General Plan.

C. Criteria. The criteria for establishing new planned development overlay zoning districts are as follows:

1. Size. A planned development, or unit thereof, shall be of sufficient size, composition, and arrangement that its composition, marketing, and operation are feasible as a complete unit independent of any subsequent unit.
2. Permitted Uses. All uses which are authorized in the base zone(s) with which the planned development overlay zoning district is combined, ~~which includes~~including uses which are authorized only with a use permit, provided the uses are approved and made part of the development plan as provided in this section. In residential developments, the applicant must show that accessory commercial uses are intended to serve principally the residents of the development.
3. Land Use Intensity. The planned development shall be at a land use intensity which conforms to the city's General Plan and complements existing permitted uses in the neighborhood. If the planned development proposed indicates a greater intensity of land use than is permitted by existing zoning regulations, the applicant shall show that the design of the project merits such a change in zoning and will not:
 - a. Create traffic congestion in the streets which adjoin or are near the planned development;
 - b. Create a burden on parks, schools, and other public facilities and utilities which serve or are proposed to serve the planned development;
 - c. Have an undue and adverse impact on the reasonable enjoyment of neighboring property.

An increase in land use intensity shall be compensated for by additional amenities to be achieved by the amount, location, and proposed use of open space and location, design, and type of development.

4. Design Standards. The ~~city~~council may permit deviations from the standards in the base zones with which the planned development overlay zoning district is combined, provided the developer demonstrates by his design proposal that the objectives of the General Plan, the subdivision ordinance (~~RCMC Title 22~~Chapter 22.150), and this title will be achieved.

5. Common Open Space. The ~~city~~council may adopt regulations to govern the amount, use, and location of open space. After development, the common open space may be conveyed to a public agency or private association. The ~~city~~council, prior to any conveyance of common open space, shall approve all agreements and instruments relating to use, maintenance, and ownership thereof. The ~~city~~council may also require the dedication of development rights or scenic easements to ~~en~~assure that common open space will be maintained. The ~~city~~council may further require that instruments of conveyance or covenants or deed restrictions of associations provide that, in the event the common open space is not maintained in a condition consistent with the approved development plan, the city may, at its option, cause such maintenance to be performed and assess the costs to the affected property owners or responsible association. If the common open space is dedicated, conveyed, or designed for use by the general public and so used, any assessment of maintenance costs shall be made by benefit areas which are not necessarily restricted to the subject planned development overlay zoning district.

D. Preliminary Plan.

1. Purpose. The purpose of the preliminary plan is to require the developer to demonstrate the feasibility and general design concept of a proposed development to the ~~planning~~department. Prior to submitting an application for zone change to the planned development overlay zoning district, the applicant shall submit and receive approval ~~from the director~~ of a preliminary plan for the full area to be covered by the planned development overlay zoning district ~~from the planning director~~. Approval of the preliminary plan does not grant or vest development rights, but rather ensures that the proposed development will comply with the goals and policies of the city's General Plan and other standards and regulations of the city prior to zone change.

2. Procedure. The initial step to be taken by the developer is to submit a preliminary plan to the ~~planning~~ department. The plan shall include:

- a. Maps or drawings which may be schematic in form.;
- b. Proposed land uses, the approximate number of dwelling units, acres and population density for each area of land, ~~and~~ existing uses of surrounding property.;
- c. Proposed circulation system, indicating both public and private streets.;
- d. Public uses including schools, parks, recreation areas, and other open spaces.;
- e. The use and general description of each different type of structure.;
- f. Nature of the applicant's interest in the land proposed to be developed.;
- g. Written explanation of the nature of the proposed development and the deviations from regulations otherwise applicable to the property.;
- h. Proposed sequence and schedule of development; ~~and~~ .
- i. Other contents as deemed necessary by the ~~planning~~ director and ~~city~~ council.

3. Action by the ~~Planning~~ Department. Review and processing of the preliminary plan application shall be consistent with the provisions of Chapter 23.110 ~~RCMC~~ (~~Application Processing~~ ~~Common Procedures~~). The designated approving authority for the preliminary plan shall be the ~~planning~~ director; however, the director shall have the authority to elevate the preliminary plan review to the ~~city~~ council.

E. Proposed Development Plan and Request for Planned Development Overlay Zoning District. Within one year after approval of the preliminary plan, an application may be filed with the ~~planning~~ director for a planned development overlay zoning district. The petitioner shall include with the application for zone change his proposed development plan for all or a portion of the property included within the preliminary plan, which shall include all information required for the preliminary plan and the following:

1. Maps showing existing topography, tree cover, buildings, streets, and other existing physical features.;
2. Detailed breakdown of the proposed land use showing lot lines, location of buildings, parking areas, common grounds, recreation improvements and structures, and open space around buildings and structures.;
3. Elevation drawings of typical proposed structures and improvements for each proposed use, except detached single-family dwellings.;
4. At least one perspective drawing or model which will demonstrate the architectural character of the project.;
5. Proposed agreements, deed restrictions, bylaws, and articles of incorporation which relate to the preservation or maintenance of open space and associations created to preserve and maintain said open space.;
6. A schedule and sequence of development for all of the property included in the preliminary development plan even though the applicant elects to include only a portion of the property in the proposed tentative development plan.

F. Action on the Proposed Development Plan and Request for Planned Development Overlay Zoning District.

1. The process for approving a proposed development plan and request for zone change to the planned development overlay zoning district shall be the same as for zoning amendments as provided for in Chapter 23.146 ~~RCMC~~ (Zoning Amendments).

2. Findings. In addition to the findings for approval of a zoning amendment, the designated approving authority shall also make all of the following findings when approving a zone change to the planned development overlay zoning district:

- a. The proposed development will carry out the intent of the General Plan.
- b. The proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries.
- c. The proposed development is compatible with existing and proposed land uses in the surrounding area.
- d. Any exceptions to the standard requirements of the base zoning district and the provisions of this title are justified by the design of the development. In the case of residential areas, the rearrangement of dwellings and the mixing of dwelling types shall be justified by larger and more usable open spaces.
- e. There is adequate assurance that all public improvements will be installed at the scheduled times as required by the public works department.
- f. There is adequate assurance that the development schedule will be met.
- g. The existing or proposed utility services are adequate for the uses and population densities proposed.

G. Designation of Planned Development Overlay Zoning District. A planned development overlay zoning district shall be delineated on the zoning map in a manner similar to that of any other overlay district by showing a name, number, symbol, or other designation after the base zone for the subject property(ies), as determined by the planning director, which distinguishes it from other overlay zones, base zoning districts, or special purpose zones.

H. Adoption by Reference. The following planned development overlay zoning district(s) has/have been adopted as part of this title by reference and is/are so designated on the zoning map of the city:

- 1. Briarwood Coloma Planned Development (adopted by Ordinance 71-PD-2, amended by Ordinances 71-PD-2A, 71-PD-2A1, 71-PD-2C, and 71-PD-2D).

I. Subsequent Approvals. No subsequent approvals, including tentative maps, conditional use permits, and other discretionary permits, as well as building permits, grading plans, improvement plans, sign permits, temporary sign permits, and other ministerial permits/actions, shall be approved unless they are substantially compliant with the provisions of the adopted planned development and other regulations of this title. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.050)].

23.325.060 Planned development – County/city initiated (PDC) overlay zoning district.

A. Purpose. This section establishes the procedure whereby the city council may initiate proceedings to regulate certain property through the process of a county-initiated planned development overlay zoning district. The city council recognizes that there are areas throughout the city that have unique environmental, economic, historic, or architectural features and that too little attention has been given through the application of standard zone regulations to these special characteristics. It is the purpose of this section to provide for the city to guide the regulation of such areas so as to preserve such unique characteristics. While this overlay district has been established to reflect previous actions of the county of Sacramento prior to incorporation of the city, subsequent development does not require a planned development – county/city initiated overlay zoning district to establish development rights consistent with this title and the city's General Plan. Existing planned development – county/city initiated overlay zoning district zones are hereby incorporated into this title by reference and are considered consistent with the city's General Plan.

B. Designation. A planned development – county/city initiated overlay zoning district shall be delineated on the zoning map in a manner similar to that of any other overlay district by showing a name, number, symbol, or other designation after the base zoning district for the subject property(ies), as determined by the planning director, which distinguishes it from other overlay zoning districts, base zoning districts, or special purpose zones.

C. Initiation of Zone. The ~~city~~ council may initiate proceedings to place parcels within the planned development – county/city initiated overlay zoning district. The procedure for zoning property to the planned development – county/city initiated overlay zoning district shall be the same as for changing the zone as provided in Chapter 23.146 ~~RCMC~~ (Zoning Amendments).

D. Content of County/City Initiated Planned Development Ordinance.

1. The following provisions are mandatory and shall be included in each ~~planned development~~ planned development – county/city initiated overlay zoning district ordinance:

- a. A list of permitted uses.
- b. Performance and development requirements relating to yards, lot area, intensity of development on each lot, parking, landscaping, and signs.
- c. Other design standards appropriate for the specific planned development.
- d. Legal description of property covered by the ordinance.
- e. Reasons for establishment of a planned development – county/city initiated overlay zoning district on the particular property.

2. The following provisions are permissive and are not intended to be an exclusive list of the provisions that could be part of a planned development – county/city initiated overlay zoning district ordinance.

- a. Procedures for review of proposed development. The procedures could include:
 - i. Types of projects that require review.
 - ii. Documents required from developers.
 - iii. Hearing procedures, if any.
- b. Regulations relating to nonconforming lots, uses, structures, and signs.
- c. Time phasing and sequence of development projects.

E. Application for Amendment to the Planned Development – County/City Initiated Overlay Zoning District. The procedures for filing an amendment to the planned development – county/city initiated overlay zoning district adopted pursuant to this title shall be the same as for any amendment to the zoning code.

F. Adoption by Reference. The following planned development – county/city initiated overlay zoning district(s) has/have been adopted as part of this title by reference and is/are so designated on the zoning map of the city:

- 1. Sunriver Planned Development (adopted by Ordinance 77-PDC-4, amended by Ordinance SZC 93-0037). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.060)].

23.325.070 Parkway corridor (PC) overlay zoning district.

A. Purpose. The parkway corridor (PC) overlay zoning district, as shown on the zoning map, shall be used to regulate property along the American River ~~within~~ in the city. The goals promoted by establishment of this zone include:

- 1. Implement the goals and policies of the city's General Plan relative to preservation of the American River parkway.
- 2. Preserve and enhance the American River and its immediate environment consistent with the goals and policies of the American River Parkway Plan.

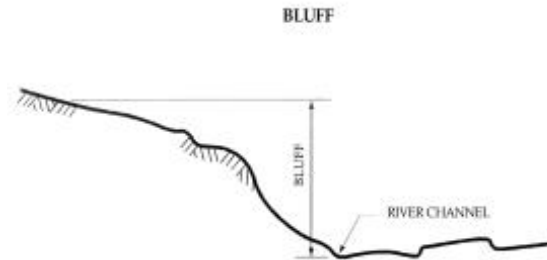
3. Ensure, to the extent possible, the compatibility of land uses within the American River parkway and land adjacent to the parkway for their mutual benefit.
4. Ensure that development with access within and adjacent to the American River parkway is designed to reduce as much as possible visible intrusion into the parkway and to complement the naturalistic amenities of the parkway.
5. Provide flexibility in development requirements such as setback, height, bulk, and landscaping applicable to parcels of property subject to the regulations of the parkway corridor (PC) zone.
6. Minimize risks to public health, safety, and welfare in areas which are potentially threatened by erosional processes.
7. Ensure that bluff development, including related storm~~water~~ runoff, foot traffic, site preparation, construction activity, irrigation, and other activities and facilities accompanying such development, does not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding areas.
8. Ensure that bluff development is sited and designed to ~~en~~assure stability and structural integrity for its expected economic life span while minimizing alteration of natural landform features.
9. Ensure that development within the American River parkway corridor zone occurs in a manner which maintains a safe environment for homes and other improvements and protects the aesthetic and environmental quality of the parkway.

B. Applicability of Parkway Corridor Overlay Zoning District Designation.

1. Property regulated by the parkway corridor overlay zoning district shall be identified in the city zoning map consistent with the provisions of this title.
2. The parkway corridor overlay zoning district may be applied to property within the city adjacent to or near the American River for which the ~~city~~-council determines that land development may affect the stability of bluffs or terraces or have an impact on the preservation or enhancement of scenic, recreational, fishery, or wildlife values along or near the American River.
3. The parkway corridor overlay zoning district contains erosion zones based on geologic hazards resulting from erosional processes. Erosion zones have been defined with development setbacks which identify areas potentially subject to erosion within the next 100 years. Property owners and developers must address the erosion problems associated with the erosion zones prior to development in the applicable erosion zone.

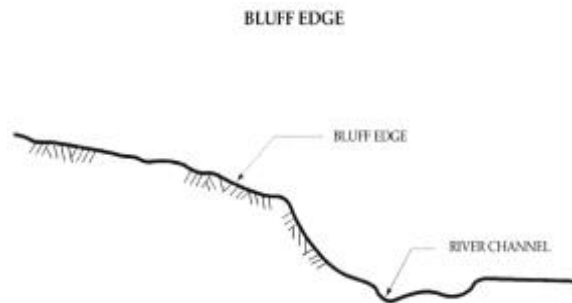
C. Definitions. The following definitions apply to this chapter. The ~~planning~~-director or a designee shall resolve disputes with regard to a determination made establishing a bluff or terrace, the edge of a bluff or terrace, toe of a bluff or terrace, 100-year floodplain, designated floodway, or other significant topographic or geologic feature. Any person dissatisfied with the determination made by the director or a designee may appeal such determination as set forth in Section 23.104.040 (Referrals to council).

1. "Bluff" is an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of a landmass. A bluff may be planar or have a curved surface, or it may be steplike in section. As used in this zone, "bluff" is limited to those features having a vertical relief of 10 feet or more whose toe is subject to river erosion (see Figure 23.325-3).

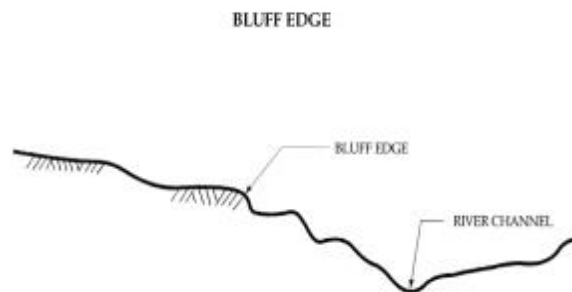
Figure 23.325-3

2. “Bluff edge” is the upper termination of a bluff. The bluff edge can be defined in the following manner:

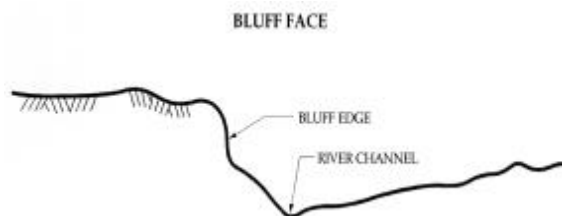
- a. When the top of the bluff is rounded away from the face of the bluff, the edge shall be defined as that point nearest the bluff at which the slope of the land surface becomes more or less continuous with the general slope of the surrounding land area going away from the river (see Figure 23.325-4).

Figure 23.325-4

- b. When there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be defined as the bluff edge (see Figure 23.325-5).

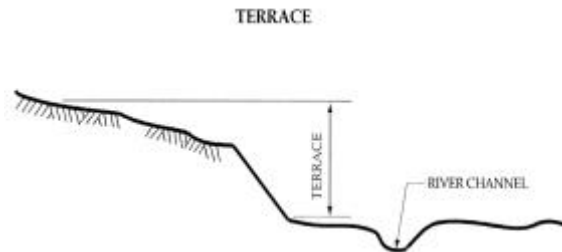
Figure 23.325-5

3. “Bluff face” shall be defined as that portion of the bluff’s land surface which extends in a downward gradient from the bluff edge to the toe (see Figure 23.325-6).

Figure 23.325-6

4. "Terrace" shall be defined as an elevated portion of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of a landmass. A terrace may have a curved surface or it may be steplike in section. As used in this zone, a "terrace" is limited to those features having a vertical relief of 10 feet or more whose toe is not presently subject to river erosion (see Figure 23.325-7).

Figure 23.325-7



D. Use of County-Owned Property. Consistent with the regulations of Sacramento County, property owned or controlled by the county that is subject to the parkway corridor overlay zoning district shall require prior approval of the Sacramento County board of supervisors for any use of the property.

E. Authorized Uses.

1. The following use is permitted in an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback distance as shown on Table 23.325-4 (Development Setbacks) upon submission of geotechnical data as set forth in subsection (J) of this section (Application Requirements) and approval of a conditional use permit by the designated ~~approving authority~~ approval authority:

a. Construction, enlargement, or modification of any building or structure for which a building permit is required.

2. Construction, erection, or installation of any structure, wall, abutment, or similar device intended to reinforce, stabilize, or otherwise protect any bluff or terrace from erosion, mass wasting, or similar land movement is permitted subject to the submission of geotechnical data as set forth in subsection (J) of this section (Application Requirements) and approval of a conditional use permit by the designated ~~approving authority~~ approval authority.

3. Notwithstanding other provisions of this title, the following uses, buildings, and structures, either located outside an erosion zone or within an erosion zone as described in Exhibits A through D at the end of this chapter, but outside the total setback distance as shown in Table 23.325-4 (Development Setbacks), are authorized without the grant of a conditional use permit upon compliance with the provisions of subsection (I) of this section (Submittal of Plans) and provided the buildings or structures meet the development standards specified in subsection (H) of this section (Development Standards); otherwise such uses, buildings, or structures shall not be erected or maintained without first obtaining a conditional use permit as set forth in subsection (E)(4) of this section.

a. One single-family detached dwelling, including mobile home, on each lot.

b. One two-family dwelling, including mobile home, on each lot.

c. Accessory uses, buildings, and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single-family detached and two-family dwellings.

4. Unless otherwise provided in this title, all uses designated as either permitted or conditional uses in the underlying zone shall be authorized in the parkway corridor overlay zoning district provided a conditional use permit is first obtained from the designated ~~approving authority~~ approval authority.

F. Findings. In addition to the findings required by this title, when development is proposed within an erosion zone as described in Exhibits A through D of this section and within the total setback distance as shown on Table

23.325-4 (Development Setbacks), the designated ~~approving authority~~ approval authority shall not grant a conditional use permit pursuant to subsection (E) of this section unless it finds and records in writing that:

1. Development will be sited and designed to ~~en~~ ensure stability and structural integrity for its expected economic life span while minimizing alteration of natural landform features; ~~and~~ .
2. Development will not create or contribute to significant problems of erosion or geologic instability on the site or on surrounding areas; ~~and~~ .
3. Development will maintain a safe environment for homes and other improvements and protect the aesthetics and environmental quality of the American River parkway; ~~and~~ .
4. Development does not preclude or foreclose future recreation or open space potential in the American River parkway; ~~and~~ .
5. There are adequate provisions included in the development proposal for maintenance and revegetation of the project area.

G. Authority of Hearing Body. Generally, development requirements of property including lot area, lot width, or public street frontage applicable to property located in the underlying zone shall apply to the uses authorized by subsection (E) of this section. However, the designated ~~approving authority~~ approval authority, in granting the conditional use permit, may impose any or all of the development requirements specified in this section if, in the judgment of the designated ~~approving authority~~ approval authority, the special requirements specified in this section are necessary to carry out the intent of this title.

The granting authority may:

1. Require a reasonable additional building setback or yard area, particularly in high terrace and bluff areas which overlook the American River.
2. Require the screening of any portion or all of the structure, building, or use through the use of walls or fences, the planting of locally native trees or shrubbery, or combinations thereof.
3. Require the modification of exterior features of structures where necessary to minimize physical or visual intrusion into the parkway.
4. Establish a limitation on the size or bulk of a building or structure.
5. Regulate the design and location of access drives and other features.
6. Regulate the location, design, and capacity of utilities.
7. Require the use of specific colors, lighting, and landscaping features as otherwise required by this chapter.
8. Regulate the design, as well as require the maintenance, of grounds, landscaping, or an irrigation or drainage system.
9. Regulate noise, vibration, odors, and other similar concerns within certain performance standards.
10. Require the phasing of development.
11. Require a bond or deposit of money to ~~en~~ ensure completion of development as authorized by the permit.
12. Require the use of noncombustible roofing and siding materials to minimize structural loss in areas with limited accessibility and which are potentially threatened by the occurrence of fire originating from the parkway.

13. Require a fire-resistant buffer between the open areas of the parkway and structures adjacent to it, or require locally native plant varieties which are drought- and fire-resistant. A list of locally native plant varieties is maintained by the Cordova recreation and park district ~~(CRPD)~~.

14. Require that disruption to natural riparian vegetation be minimized, and no trees which are native to the area and which are ~~six~~ 6 inches in diameter or larger shall be damaged or removed unless in imminent danger of collapse from erosion.

15. Require that the area disrupted by the project be revegetated in accordance with a revegetation program utilizing an approved combination of locally native riparian trees, shrubs, and groundcover. If gabion, riprap, or other structural measures are used, require that they be screened from public view with locally native vegetation.

16. Require that the slope and appearance of the project area be compatible with the natural character of nearby slopes or riverbanks.

17. Require that, where feasible, vegetation be used to prevent further erosion. Gabions, rock and wire mattresses, or wire mesh over stone may be used where vegetative measures alone are insufficient, but the erosion control program shall include measures to minimize damage to riparian vegetation and wildlife. Riprap shall not be used unless slope, stream current, and existing native vegetation are favorable to providing substantial vegetative screening of the riprap. Rubble, gunite, cement or sandbags, bulkheads, fences, used tires, and similar materials or structures are prohibited.

18. Require the review of development at a specified time to ensure compliance with all conditions of approval, zoning agreements, ordinances, statutes, regulations, and procedures applicable at the time of development.

If the granting authority imposes any of the development requirements specified above, the designated ~~approving authority~~ approval authority shall find and record in writing as required by this title the circumstances which it determined necessary to require the imposition of any special development requirement.

H. Development Standards.

1. Development standards for uses, buildings, or structures on lots protected by levees maintained by a public agency.

a. Height. The maximum height of a building or structure shall not exceed the difference between the elevation of the finished grade of the building site and the elevation of that portion of the levee crown closest to the building site, plus ~~five~~ 5 feet, plus ~~one~~ 1 foot for each ~~five~~ 5 feet by which the distance from the building structure to the landward toe of the levee exceeds 35 feet, but in no event greater than the height limitations set forth in the underlying zone.

b. Setback. No building or structure other than an accessory building is located closer than 35 feet, and no accessory building is located closer than 25 feet, to the landward toe of the levee.

2. Development standards for uses, buildings, or structures on lots not protected by levees maintained by a public agency, and also not within the total setback distance in an erosion zone as described on Exhibits A through D at the end of this chapter.

a. Accessory buildings shall not exceed 12 feet in height.

b. Dwellings and other structures shall be screened by live plantings of locally native trees and shrubs to minimize the visual impact of the dwelling or structure from the parkway.

c. Dwellings and structures shall be finished in earth tones as defined in Article 11 of this title (Definitions).

3. Development standards for uses, buildings, or structures on lots which are located within an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback distance for that zone as shown on Table 23.325-4 (Development Setbacks).

- a. Accessory buildings shall not exceed 12 feet in height.
- b. Dwellings and other structures shall be screened by live plantings of locally native trees and shrubs to minimize the visual impact of the dwelling or structure from the parkway.
- c. Dwellings and structures shall be finished in earth tones as defined in Article 11 of this title (Definitions).
- d. Accessory uses, buildings, and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single-family detached and two-family dwellings shall not be located closer than 20 feet from the edge of a bluff or terrace.
- e. Construction, erection, or installation of any fence, wall, abutment, or similar device shall not be located closer than:
 - i. Twenty feet from the edge of a bluff or terrace when proposed in Erosion Zone 1 or 2 ~~and~~
 - ii. Ten feet from the edge of a bluff or terrace when proposed in Erosion Zone 3 or 4.
- f. No form of trenching, grading, earth filling, or similar disturbance of residual or transported soils shall occur within:
 - i. Twenty feet from the edge of a bluff or terrace when proposed in Erosion Zone 1 or 2 ~~and~~
 - ii. Ten feet from the edge of a bluff or terrace when proposed in Erosion Zone 3 or 4.

Table 23.325-4: Development Setbacks

Erosion Zone	Potential Recession Due to Long-Term Channel Migration ¹	Distance of Potential Short-Term Erosion Due to Slope Erosion ²	Buffer Zone ³	Total Setback ⁴
1	0	20 feet	20 feet	40 feet
2	30 feet	20 feet	20 feet	70 feet
3	30 feet	10 feet	20 feet	60 feet
4	30 feet	10 feet	20 feet	60 feet
5	*	*	*	*

Notes:

1. Long-term bluff recession is based on estimated channel migration rate and a 100-year time period.
2. Distance measured from edge of bluff which is potentially subject to erosion within 10 years.
3. Buffer zone added to allow for property remaining at end of 100-year period.
4. The total setback distance is measured from the edge of a bluff or terrace, whichever is closer to the river.

*The entire area within Zone 5 is potentially subject to erosion within a 100-year period.

Any reference to erosion zones in this chapter shall be shown on Exhibits A through D at the end of this chapter, which are hereby incorporated by this reference into this chapter.

I. Submittal of Plans. Any application for a building permit or other entitlement of use, building, or structure subject to the parkway corridor overlay zoning district authorized without a conditional use permit by subsection (E) of this section shall be reviewed by the director for compliance with the provisions of this chapter. The director may require a site plan as provided in subsection (J) of this section (Application Requirements) to make any determination. If, in the opinion of the director, the proposed development will not meet the development requirements provided in this chapter, the director shall inform the applicant that the building permit or other entitlement of use is disapproved. The director's decision is not subject to an appeal. ~~The applicant's sole recourse to the director's decision is to apply for approval of the proposed development as provided in subsection (E) of this section (Authorized Uses).~~

J. Application Requirements. In addition to other data required by this title for conditional use permits, the following information shall be required for any application of a conditional use permit in the parkway corridor overlay zoning district.

1. Site plan showing:

- a. Location of existing and proposed structures, buildings, and signs.
- b. Location of existing trees and shrubs. For trees, the species and dbh (i.e., diameter breast height) shall be indicated.
- c. Location of any proposed off-street parking and loading.
- d. Location of adjacent public rights-of-way and private easements for ingress and egress, if any.
- e. Location of proposed vehicle entrances and internal circulation patterns.
- f. Location of any proposed walls and fences; the height and construction materials thereof.
- g. Proposed exterior lighting, if any.
- h. Finished grade of the site at the building.
- i. Location of an irrigation system, subterranean water lines, drainage facilities, and other appurtenant equipment.

2. Preliminary landscaping plans.

3. Color, materials, and texture of proposed buildings and structures.

4. Location, materials, size and copy of any signs, and illumination thereof, if any.

5. Elevation drawing of all improvements.

6. Other data or materials deemed necessary by the director.

K. Geotechnical Requirements. In addition to other data required pursuant to subsection (J) of this section (Application Requirements) for a conditional use permit, the following information shall be required when development is proposed within an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback distance as shown in Table 23.325-4 (Development Setbacks) in subsection (H) of this section (Development Standards).

- 1. A geotechnical investigation and report shall be filed by the applicant. The report shall be prepared by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, surface and groundwater hydrology, river hydraulics, and erosion control. The report shall evaluate the topographic and geologic conditions of the site and the effect of the development. The report shall be based on an on-site investigation in addition to a review of the general character of the area.

The report shall consider, describe, and analyze the following:

- a. Bluff and site topography, extending the surveying work beyond the site as needed to depict geomorphic conditions that might affect the site.
- b. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features, such as bedding, joints, and faults.
- c. Hydrologic conditions, including surface water drainage, groundwater, and American River 100-year floodplain and designated floodway locations and elevations.
- d. Historic, current, and foreseeable bluff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in channel configuration and sediment transport.
- e. The potential effects of the development on both on-site and off-site erosion.
- f. The impact of the proposed construction activity on both on-site and off-site erosion.
- g. The effect of foreseeable erosion on the development and potential mitigation measures, including maintenance requirements.
- h. Potential effects of seismic forces resulting from a maximum credible earthquake.
- i. Any other factors which may affect slope stability and erosion.

2. The report shall contain a diagram establishing the location of the bluff edge, the toe of the bluff, other significant geologic features, and the 100-year floodplain and designated floodway locations. Distances to each feature shall be identified, with measurements taken from a fixed location.

3. The report shall detail mitigation measures for any potential impacts and shall outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the economic life span of the project.

4. The report shall use a currently acceptable engineering stability analysis method and shall also describe the degree of uncertainty of analytical results due to assumptions and unknowns. The degree of analysis required shall be appropriate to the degree of potential risk presented by the site and the proposed project.

5. An engineered design for the development and/or erosion protection measures shall be filed by the applicant. The design shall be of sufficient detail to ensure compliance with the American River Parkway Plan and to allow for appropriate consideration of all potential erosion problems affected by and affecting the proposed development and its associated construction activity.

L. Exemption. When the procedures set forth in this chapter differ from procedures for review of development set forth in any county or privately initiated planned development, special development permit, or zoning agreement, then the procedures set forth in the planned development ordinance, special development permit, or zoning agreement shall prevail. Notwithstanding the preceding sentence, when this chapter prescribes a procedure for review and issuance for permits within an erosion zone as described on Exhibits A through D at the end of this chapter and within the total setback distance as shown in Table 23.325-4 (Development Setbacks) of subsection (H) of this section (Development Standards), the procedures set forth in this title shall prevail.

Exhibit A

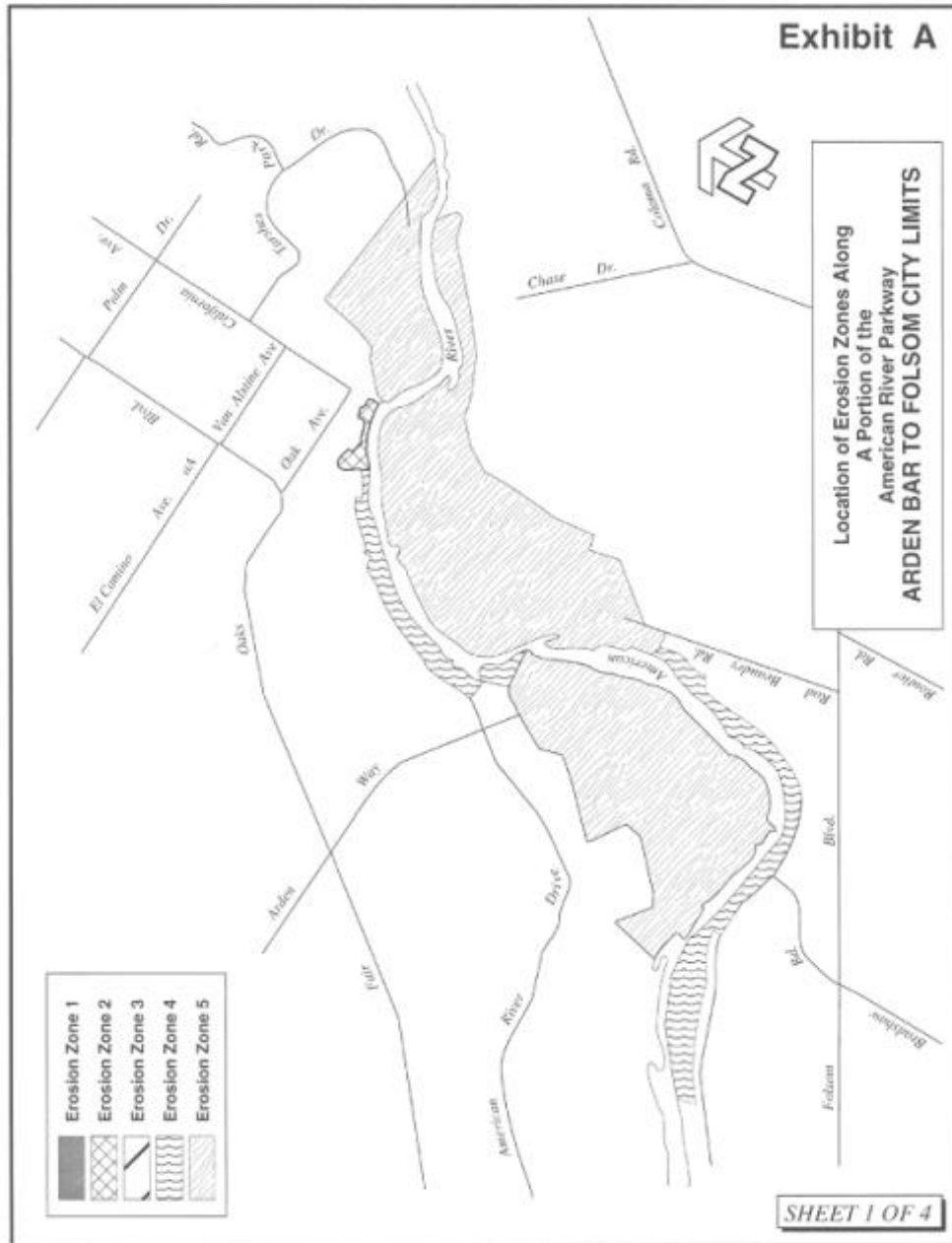


Exhibit B

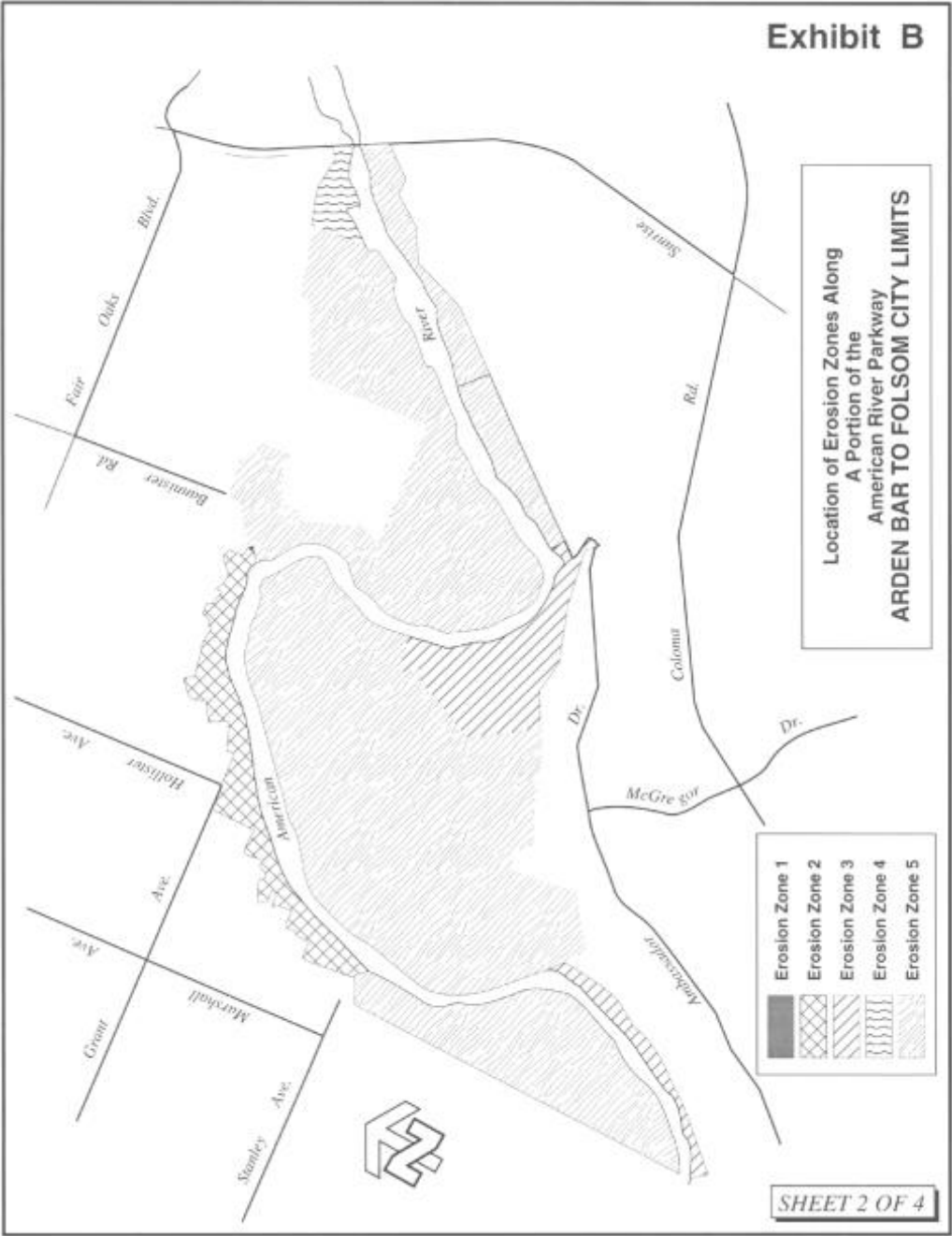


Exhibit C

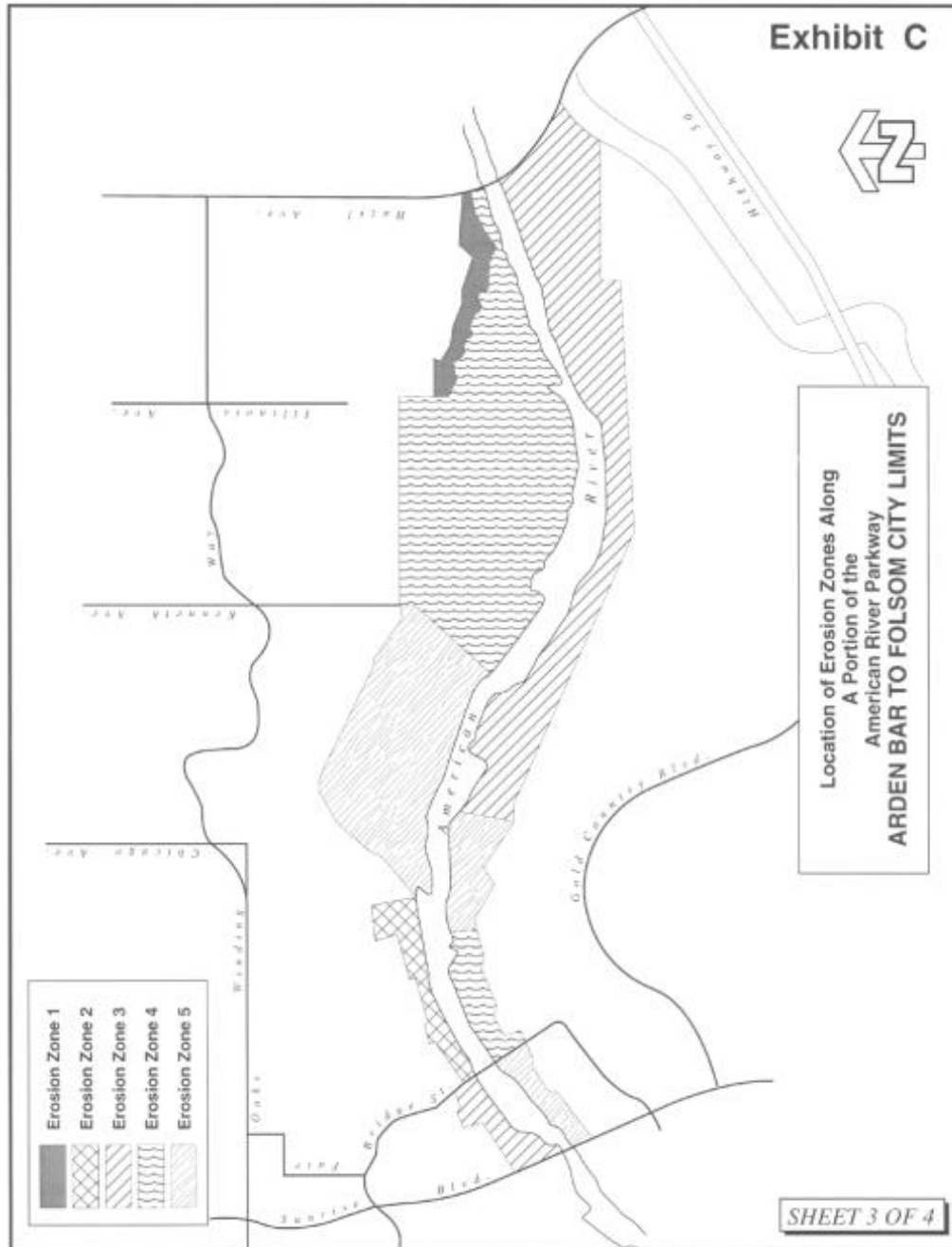
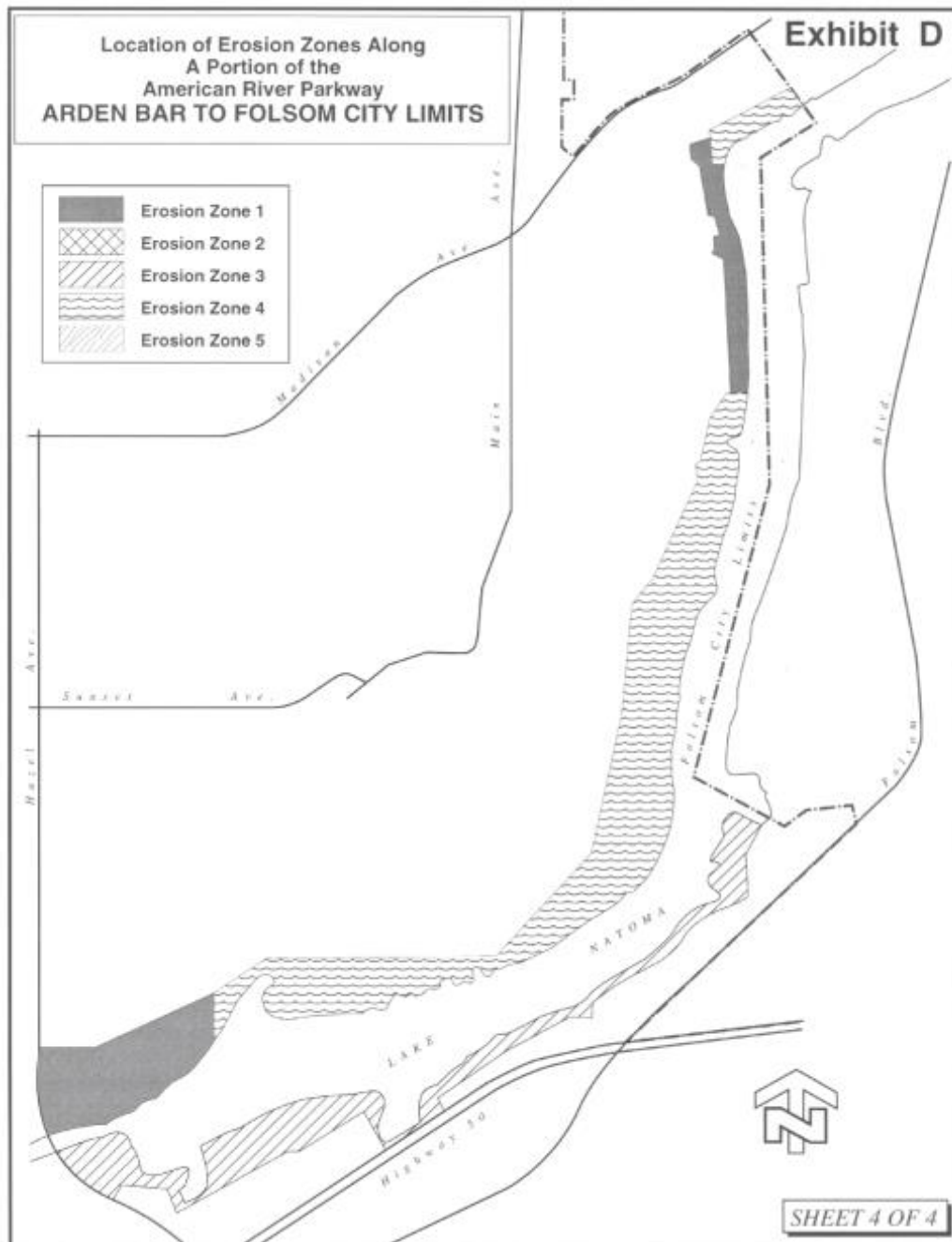


Exhibit D



[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.070)].

23.325.080 Surface mining (SM) overlay zoning district.

A. Purpose and Intent. The city of Rancho Cordova recognizes that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The city also realizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different, and the reclamation operations and the specifications therefore may vary accordingly.

The purpose and intent of this section is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code (PRC) Section 2710 et seq.), as amended, hereinafter referred to as "SMARA" or "the Act," Public Resources Code Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "state regulations") for surface mining and reclamation practices (California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Section 3500 et seq.), to ensure that:

1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
3. Residual hazards to the public health and safety are eliminated.

B. Definitions. The definitions set forth below shall govern the construction of this section:

1. "Area of regional significance" means an area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.
2. "Area of statewide significance" means an area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.
3. "Board" means the State Mining and Geology Board.
4. "Borrow pits" means excavations created by the surface mining of rock, unconsolidated geologic deposits, or soil to provide material (borrow) for fill elsewhere.
5. "Compatible land uses" means land uses inherently compatible with mining and/or that require a minimum public or private investment in structures and land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include ~~but shall not be limited to~~, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.
6. "Haul road" means a road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.
7. "Idle" means surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.
8. "Incompatible land uses" means land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include ~~but shall not be limited to~~, high density residential, low density residential with high unit value, public facilities, geographically limited but impact-intensive industrial, and commercial.
9. "Mined lands" means the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

10. "Minerals" means any naturally occurring chemical element or compound, or group 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.

11. "Operator" means any person who is engaged in surface mining operations or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

12. "Reclamation" means the combined process of land treatment that maximizes post-mining land uses and minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed as rapidly as reasonably feasible to an unusable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

13. "Streambed skimming" means excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher.

14. "Surface mining operation" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).

C. Incorporation by Reference. The provisions of SMARA, ~~(PRC Section 2710 et seq.)~~, PRC Section 2207, and state regulations ~~(CCR Section 3500 et seq.)~~, as those provisions and regulations may be amended from time to time, are made a part of this section by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this chapter are more restrictive than correlative state provisions, this section shall prevail.

D. Scope. Except as provided in this section, no person shall conduct surface mining operations unless a permit, reclamation plan, and financial assurances for reclamation have first been approved by the city. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances, or policies of the city, including, ~~but not limited to~~, the application of CEQA, the requirement of site approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this section shall apply to all lands within the city, public and private.

This section shall not apply to the following activities, subject to the above-referenced exceptions:

1. Excavations or grading related to agricultural activities or on-site construction or for the purpose of restoring land following a flood or natural disaster.

2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, and the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

- a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, ~~the California Environmental Quality Act (CEQA) (-~~ ~~Public Resources Code~~ PRC Division 13, Section 21000 et seq.);

- b. The city's approval of the construction project including consideration of the on-site excavation and on-site earthmoving activities pursuant to CEQA;
 - c. The approved construction project is consistent with the General Plan or zoning of the site; and
 - d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
3. Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:
- a. The plant site is located on lands designated for industrial or commercial uses in the city's General Plan.
 - b. The plant site is located on lands zoned industrial or commercial, or is contained within a zoning category intended exclusively for industrial activities by the city.
 - c. None of the minerals being processed is being extracted on site.
 - d. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on site after January 1, 1976.
4. Prospecting for, or the extraction of, minerals for commercial purposes and removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
6. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
7. Emergency excavations or grading conducted by the Department of Water Resources or the Central Valley Flood Protection Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
8. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to on-site excavation and grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are or have been sold for commercial purposes.
9. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions: (a) the operations are being conducted in accordance with Division 3 (commencing with PRC Section 3000); (b) the operations are consistent with the city's General Plan and the zoning applicable to the site; (c) the earthmoving activities are within oil or gas field properties under a common owner or operator; and (d) no excavated materials are sold for commercial purposes.
- E. Vested Rights. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, state regulations, and this section. Where a person with vested rights has continued surface mining operations in the same area subsequent to January 1, 1976, he/she shall obtain city approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between

pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of state law and this section shall apply to vested mining operations.

F. Process.

1. Applications for a site approval or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the ~~planning~~ department. Said application shall be filed in accord with this section and procedures to be established by the ~~planning~~ director. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (PRC Sections 2772 through 2773) and state regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the ~~planning~~ director. As many copies of the site approval application as may be required by the ~~planning~~ director shall be submitted to the ~~planning~~ department.
2. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all applications for site approvals for surface mining operations. For surface mining operations that are exempt from a site approval pursuant to this section, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the city at one time.
3. Applications shall include all required environmental review forms and information prescribed by the ~~planning~~ director.
4. Upon completion of the environmental review procedure and filing of all documents required by the ~~planning~~ director, consideration of the site approval or reclamation plan for the proposed or existing surface mine shall be completed pursuant to this section at a public hearing before the ~~city~~ council and pursuant to PRC Section 2774 ~~of the Public Resources Code~~.
5. The reclamation plan shall be applicable to a specific property or properties and shall be based upon the character of the surrounding area and such characteristics of the property as the type of overburden, vegetation, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities.
6. All reclamation plans shall contain, at a minimum, the following information and documents:
 - a. The estimated time schedule for the beginning and completion of reclamation activities. If the mining operation is to be accomplished in phases, the time schedule shall indicate the estimated beginning and completion of reclamation activities for each phase.
 - b. An estimate of the cost of completion of reclamation activities, computed at current cost at the time proposed in the time schedule submitted for completion of the reclamation plan.
 - c. A description of the existing vegetation at and surrounding the site.
 - d. A general description of the geology of the surrounding area and a detailed description of the geology at the reclamation site.
 - e. A description of the proposed use or potential uses of land after reclamation, and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.
 - f. A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including:
 - i. The manner in which mining wastes and related contaminants will be controlled and disposed of.
 - ii. The manner in which affected streambed channels and stream banks will be rehabilitated to a condition minimizing erosion and sedimentation.

- g. An assessment of the effect of implementation of the reclamation plan on future mining in the area.
 - h. A statement by the applicant that he/~~she~~ accepts responsibility for reclaiming mined lands in accordance with the approved reclamation plan.
 - i. A statement by the applicant that he/~~she~~ accepts responsibility for all completed reclamation work for a period of two years or such greater period as deemed necessary by the ~~city~~ council to ~~en~~assure the permanency of all features of the reclamation plan. This subsection shall not apply to normal maintenance and repairs unrelated to the reclamation work on public facilities where dedicated to and accepted by the city of Rancho Cordova.
 - j. Such other information as the ~~planning~~ department may require.
 - k. The ~~planning~~ department may waive the filing of one or more of the above items where it is determined unnecessary to process the application subject to the provisions of this chapter.
7. Additional information may be required per a ~~planning~~ department form. Where a reclamation plan is not filed as a part of a surface mining permit, such plan shall be accompanied by an application for separate reclamation plan approval which contains the following information:
- a. The names and addresses of the applicant and the mining operator, if different, and of any persons designated by the applicant as his agents for service of process; ~~and~~
 - b. The names and addresses of all persons owning a possessory and/or mineral interest in any or all of the property to be used for mining operations.
8. The ~~planning~~ department may deny, without a public hearing, an application for a reclamation plan if such application or plan does not contain the information required in subsection (F)(6) of this section. The ~~planning~~ department may permit the applicant to amend such application.
9. Within 10 days of acceptance of an application as complete for a site approval for surface mining operations and/or a reclamation plan, the ~~planning~~ department shall notify the ~~California State~~ Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year floodplain of any stream, as shown in Zone A of the flood insurance rate maps issued by the Federal Emergency Management Agency, and within ~~one~~ 1 mile, upstream or downstream, of any state highway bridge, the ~~planning~~ department shall also notify the ~~California State~~ Department of Transportation that the application has been received.
10. The ~~planning~~ department shall process the application(s) through environmental review pursuant to ~~CEQA~~ the California Environmental Quality Act (~~Public Resources Code~~ PRC Section 21000 et seq.) and the city's environmental review guidelines.
11. Subsequent to the appropriate environmental review, the ~~planning~~ department shall prepare a staff report with recommendations for consideration by the ~~city~~ council.
12. The ~~city~~ council shall hold at least one noticed public hearing on site approval and/or reclamation plan.
13. Prior to final approval of a reclamation plan, financial assurances (as provided in this section), or any amendments to the reclamation plan or existing financial assurances, the ~~city~~ council shall certify to the ~~California State~~ Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of state law, and submit the plan, assurance, or amendments to the ~~California State~~ Department of Conservation for review. The ~~city~~ council may conceptually approve the reclamation plan and financial assurance before submittal to the ~~California State~~ Department of Conservation. If a site approval is being processed concurrently with the reclamation plan, the ~~city~~ council may simultaneously also conceptually approve the site approval. However, the ~~city~~ council may defer action on the site approval until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the ~~city~~ council may conditionally approve the site approval with the condition that the ~~planning~~ department shall not issue the site approval for the mining operations until cost estimates for financial

assurances have been reviewed by the ~~California State~~ Department of Conservation and final action has been taken on the reclamation plan and financial assurances.

Pursuant to PRC Section 2774(d), the ~~California State~~ Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The ~~city~~ council shall evaluate written comments received, if any, from the ~~California State~~ Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the state for the ~~city~~ council's approval. In particular, when the ~~city~~ council's position is at variance with the recommendations and objections raised in the state's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the ~~city~~ council shall be promptly forwarded to the operator/applicant.

14. The ~~city~~ council shall then take action to approve, conditionally approve, or deny the site approval and/or reclamation plan, and to approve the financial assurances pursuant to PRC Section 2770(d).

15. The ~~planning~~ department shall forward a copy of each approved site approval for mining operations and/or approved reclamation plan, and a copy of the approved financial assurances, to the ~~State~~ ~~California~~ Department of Conservation. By July 1~~st~~ of each year, the ~~planning~~ department shall submit to the ~~State~~ Department of Conservation for each active or idle mining operation a copy of the site approval or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.

G. Standards for Reclamation.

1. All reclamation plans shall comply with the provisions of SMARA (Sections 2772 and 2773) and state regulations (CCR Sections 3500 through 3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans shall also comply with the requirements for reclamation performance standards (CCR Sections 3700 through 3713).

2. The city may impose additional performance standards, including without limitation standards beyond those cited to make the findings in this chapter, as developed either in review of individual projects, as warranted, or through the formulation and adoption of citywide performance standards.

3. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations or in connection with approved or proposed development. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the city. Each phase of reclamation shall be specifically described in the reclamation plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

4. Unless otherwise specified in the approved reclamation plan, the reclamation of mined lands shall be carried out in accordance with the following requirements:

a. Reclamation Timing.

i. The reclamation of mined lands shall occur as soon as practical following completion of mining operations at successive locations within the mining site as required by the schedule in the approved reclamation plan.

ii. The reclamation of lands affected by surface mining operations shall be completed within one year of the completion of mining operations, except where the permanent reclaimed condition of mined lands cannot be achieved within one year due to the regulatory approvals (e.g., compliance with ~~the~~ ~~California Environmental Quality Act~~ ~~CEQA~~) required for the ultimate land use contemplated or proposed for the property (e.g., urban development). In such case, only interim reclamation, pursuant

to this chapter, need be accomplished within one year, and final reclamation shall be completed as soon as it is possible to complete the reclamation in compliance with the above regulatory approvals, but in no case shall reclamation take more than three years.

b. Disposal of Overburden and Mining Waste.

i. Permanent piles or dumps of overburden and waste rock placed on the land shall be made stable, shall not restrict natural drainage without provision for diversion, and shall have an overall smooth or even profile subject to the satisfaction of the city engineer. Where practical, such permanent piles or dumps shall be located in the least visible location at the mining site.

ii. Old equipment and inert mining wastes shall be removed or buried subject to the approval of the hearing officer.

iii. Toxic materials shall be removed from the site or permanently protected to prevent leaching into the underlying groundwater, to the satisfaction of the ~~planning~~ department.

iv. Overburden and mining waste placed beneath the existing or potential groundwater level which will reduce the transmissivity or area through which water may flow shall be confined to an area approved by the city engineer.

c. Revegetation.

i. All permanently exposed lands that have been denuded by mining operations shall be revegetated to provide ground cover sufficient to control erosion from such lands.

ii. All plantings shall be established and maintained in good horticultural condition. The revegetation shall be able to survive under natural conditions, with native species used whenever possible.

iii. Revegetation methods shall take into account the topography and existing growth patterns and mixes of flora present at and adjacent to the site of mining operations in order to create a more natural appearance. Plantings shall avoid rigid, geometric patterns and shall utilize natural scatterings.

iv. Where the ultimate intended or proposed use of mined lands would be a level of development inconsistent with extensive permanent vegetation, the amount of vegetation required for reclamation need not be more than is sufficient to prevent erosion.

d. Resoiling.

i. Resoiling measures shall take into consideration the quality of soils which may be required to sustain plant life pursuant to any revegetation that the hearing officer may require in its approval of the applicant's reclamation plan.

ii. Coarse, hard material shall be graded and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Where quantities of available soils are inadequate to provide cover, native materials shall be upgraded to the extent feasible for this purpose.

e. Final Slopes.

i. Final slopes shall be engineered and contoured so as to be geologically stable, to control the drainage therefrom, and to blend with the surrounding topography where practical. On the advice of the city engineer, the ~~planning~~ department may require the establishment of terrace drains to control drainage and erosion.

ii. Final slopes shall not be steeper than ~~two~~2 feet horizontal to ~~one~~1 foot vertical unless the applicant can demonstrate to the ~~planning~~ department's satisfaction that a steeper slope will not:

- (A) Reduce the effectiveness of revegetation and erosion control measures where they are necessary; and
- (B) Be incompatible with the alternate future uses approved by the ~~city~~ council for the site; and
- (C) Be hazardous to persons that may utilize the site under the alternate future uses approved for the site.

f. Drainage, Erosion, and Sediment Control.

- i. Any temporary stream or watershed diversion shall be restored to its state prior to any surface mining activities unless the ~~planning~~ department deems otherwise based on recommendations from the city engineer.
- ii. Streambed channels and stream banks affected by surface mining shall be rehabilitated to a condition which would minimize erosion and sedimentation, except that such rehabilitation need not attempt to restore or mimic natural conditions where the contemplated or proposed ultimate use of the reclaimed property would be inconsistent with the maintenance of restored or rehabilitated streambed channels and stream banks.
- iii. Revegetation and regrading techniques shall be designed and executed so as to minimize erosion and sedimentation. Drainage shall be provided to natural outlets or interior basins designed for water storage, with such basins subject to the approval of the city engineer. In addition, final excavation shall eliminate potholes and similar catchments so as to prevent potential breeding areas for mosquitoes.
- iv. The final grading and drainage of the site shall be designed in a manner to prevent discharge of sediment above natural levels existent prior to mining operations.
- v. Silt basins which will store water during periods of surface runoff shall be equipped with sediment control and removal facilities and protected spillways designed to minimize erosion when such basins have outlet to lower ground.
- vi. No condition shall remain after reclamation which will or could lead to degradation of groundwater quality below applicable standards of the regional water quality control board or any other agency with jurisdiction over water quality.

g. Backfilling and Grading.

- i. Subject to the approval of the city engineer, backfilled and graded areas shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses.
- ii. Materials used in the refilling shall be of a quality suitable to prevent contamination and/or pollution of groundwater. If materials for backfilling and grading are obtained from an area other than the site of surface mining operations, such materials shall be included and the approximate quantities identified in the applicant's reclamation plan.

h. Reservoirs, ponds, lakes, or any body of water created as a feature of the reclamation plan shall be approved by the city engineer and the ~~planning~~ department.

- i. The periodic review of the conditions contained in approved reclamation plans shall be conducted by the ~~planning~~ department in accordance with the schedule adopted at the time such plans were approved. At the time of approval of a permit to mine, the city shall determine whether future public hearings are necessary to consider such new or changed circumstances as physical development near the mining site and improved technological innovations in the field of reclamation which may significantly improve the reclamation process. The city may set a term for such reviews on a case-by-case basis as a condition of the permit if it deems such a review to be necessary. Should a permit be modified pursuant to such a review, the modified permit and/or reclamation plan shall be binding upon the operator and all successors, heirs, and assigns of the applicant.

H. Statement of Responsibility. The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the ~~planning~~ department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the ~~planning~~ department for placement in the permanent record.

I. Findings for Approval.

1. Site Approvals. In addition to any findings required by this section, site approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and state regulations.
2. Reclamation Plans. For reclamation plans, the following findings shall be required:
 - a. That the reclamation plan complies with SMARA Sections 2772 and 2773 and any other applicable provisions.
 - b. That the reclamation plan complies with applicable requirements of state regulations (CCR Sections 3500 through 3505 and 3700 through 3713).
 - c. That the reclamation plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses that are consistent with this section and either (i) the city's General Plan and any applicable resource plan or element, or (ii) probable future uses anticipated by the city to be adopted in future amendments to the city's General Plan, which uses are identified in findings made on approval of the reclamation plan.
 - d. That the reclamation plan has been reviewed pursuant to CEQA and the city environmental review guidelines, and any significant adverse impacts from reclamation of the surface mining operations are mitigated to the extent feasible.
 - e. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
 - f. That a written response to the ~~California State~~ Department of Conservation has been prepared, describing the disposition of major issues raised by that department. Where the city's position is at variance with the recommendations and objections raised by the ~~SCalifornia tate~~ Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

J. Financial Assurances.

1. To ensure that the reclamation will proceed in accordance with the approved reclamation plan, the city shall require as a condition of approval security in the form of a surety bond, trust fund, or irrevocable letter of credit from an accredited financial institution, or other method acceptable to the city and the State Mining and Geology Board as specified in state regulations, and which the city reasonably determines is adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the city of Rancho Cordova and the ~~California State~~ Department of Conservation.
2. Financial assurance will be required to ensure compliance with elements of the reclamation plan, including ~~but not limited to,~~ revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.
3. Cost estimates for the financial assurance shall be submitted to the ~~planning~~ department for review and approval prior to the operator securing financial assurances. The ~~planning~~ director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the

~~State~~ California Department of Conservation for review. If the California ~~State~~ Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the city has reason to determine that additional costs may be incurred. The ~~planning~~ director shall have the discretion to approve the financial assurance, if it meets the requirements of this section, SMARA, and state regulations.

4. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of 10 percent shall be added to the cost of the financial assurance.

5. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the city or California ~~State~~ Department of Conservation may need to contract with a third-party commercial company for reclamation of the site.

6. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

7. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

8. Revisions to financial assurances shall be submitted to the ~~planning~~ director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

K. Interim Management Plans.

1. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the ~~planning~~ department a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all site approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the ~~planning~~ department and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered projects for the purposes of environmental review.

2. Financial assurances for idle operations shall be maintained as though the operation were active.

3. Upon receipt of a complete proposed IMP, the ~~planning~~ department shall forward the IMP to the California ~~State~~ Department of Conservation for review. The IMP shall be submitted to the California ~~State~~ Department of Conservation at least 30 days prior to approval by the ~~city~~ council.

4. Within 60 days of receipt of the proposed IMP, or a longer period as mutually agreed upon by the ~~planning~~ director and the operator, the ~~city~~ council shall review and approve or deny the IMP in accordance with this section. The operator shall have 30 days, or a longer period as mutually agreed upon by the ~~planning~~ director

and the operator, to submit a revised IMP. The ~~city~~ council shall approve or deny the revised IMP within 60 days of receipt.

5. The IMP may remain in effect for a period not to exceed five years, at which time the ~~city~~ council may renew the IMP for another period not to exceed five years or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.

L. Annual Report Requirements. Surface mining operators shall forward an annual surface mining report to the ~~California State~~ Department of Conservation and to the city ~~planning~~ department on a date established by the ~~California State~~ Department of Conservation, on forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the ~~California State~~ Department of Conservation within 30 days of permit approval or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the ~~California State~~ Department of Conservation at the time of filing the annual surface mining report.

M. Inspections. The ~~planning~~ department shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in subsection (L) of this section (Annual Report Requirements) to determine whether the surface mining operation is in compliance with the approved site approval and/or reclamation plan, approved financial assurances, and state regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the ~~planning~~ director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The ~~planning~~ department shall notify the ~~California State~~ Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

N. Violations and Penalties. If the ~~planning~~ director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this section, the applicable site approval, any required permit, and/or the reclamation plan, the city shall follow the procedures set forth in ~~Public Resources Code~~PRC Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of the city development code for revocation and/or abandonment of site approval which are not preempted by SMARA.

O. Appeals. Any person aggrieved by an act or determination of the ~~planning~~ department in the exercise of the authority granted herein shall have the right to appeal to the ~~city~~ council. An appeal shall be filed on forms provided, within 15 calendar days after the rendition, in writing, of the appealed decision.

P. Fees. The city shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this section and the state regulations, including, but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement, and compliance. Such fees shall be paid by the operator, as required by the city, at the time of filing of the site approval application, reclamation plan application, and at such other times as are determined by the city to be appropriate in order to ensure that all reasonable costs of implementing this section are borne by the mining operator.

Q. Mineral Resource Protection. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Except as provided by ~~Public Resources Code~~PRC Section 2763, mineral resource areas that have been classified by the ~~California State~~ Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this section, shall be protected from the intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the city's General Plan.

In accordance with PRC Section 2762, the city's General Plan and resource maps will be prepared to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and

Geology Board of such information. Land use decisions within the city will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 2.9.080)].

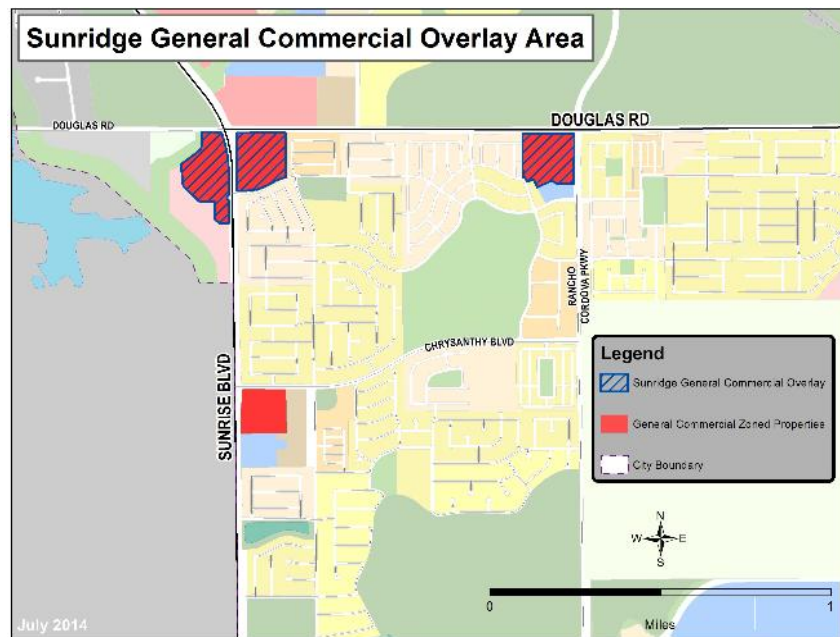
23.325.090 Sunridge general commercial (SGC) overlay zoning district.

A. Purpose and Intent. The purpose of the Sunridge general commercial (SGC) overlay is to ensure commercial development sites will be available to meet the retail and commercial demands of residents in the southern portion of the city. The SGC overlay district is intended to provide ample opportunity for a variety of community-serving commercial endeavors while limiting those land uses that may detract from successful retail, grocery, and restaurant users. Where there is a conflict between this overlay district and the underlying base district, the overlay district regulations prevail.

B. The Sunridge general commercial overlay zoning district is applied to those parcels described in Figure 23.325-8 (Sunridge General Commercial Overlay District). The district is generally defined as those parcels zoned general commercial (GC) located south of Douglas Road within the Sunridge Specific Plan Area.

C. The SGC overlay shall expire January 14, 2022, unless the city council approves an extension of the SGC overlay district.

Figure 23.325-8 Sunridge General Commercial Overlay District



D. Allowed Uses. The permitted uses in the GC zone are set forth in Table 23.316-1, Allowed Use and Permit Requirements for General Commercial and Industrial Zoning Districts, except that in the SGC overlay zone the following additional restrictions apply:

Land Use Category	Sunridge General Commercial Overlay Zoning District ¹
Dwelling, Multifamily	N/P
Recreational Vehicle Parks	N

Land Use Category	Sunridge General Commercial Overlay Zoning District ¹
Equipment Sales and Rental	C
Maintenance and Repair, Small Equipment	C
Auto and Vehicle Sales	C
Auto and Vehicle Rental	C
Auto and Vehicle Storage	N
Vehicle Services, Major	C
Vehicle Services, Minor	C
Manufacturing, Small Scale	C
Storage, Warehouse	N
Wholesaling and Distribution	N
¹ No residential development will be allowed on properties within the SGC overlay until 180,000 square feet of predominantly retail commercial development is built on GC-zoned properties identified on Figure 23.325-8; such development must include a neighborhood grocery store. Once 180,000 square feet of predominantly retail commercial development (including a grocery store) has been constructed upon one or more of the GC sites identified on Figure 23.325-8, residential development would be allowed by right on remaining SGC overlay sites, subject to the regulations of the GC zoning district.	

[Ord. 23-2014 § 3 (Exh. A)].

Chapter 23.328**SUPPLEMENTAL INFORMATION**

Sections:

23.328.010 — Purpose.

23.328.060 — Industrial land use equivalency table.

23.328.010 — Purpose.

The purpose of this chapter is to provide additional information related to this article of the zoning code. This information is typically not needed for day-to-day implementation of the code but can be used to help clarify certain provisions and provide more detailed information where necessary. [Ord. 12-2011 § 3 (Exh. A); Ord. 7-2010 § 3 (Exh. A)].

23.328.060 — Industrial land use equivalency table.

Table 23.328-1 provides a detailed list of commercial and industrial uses that may be permitted in the light industrial (M-1) and heavy industrial (M-2) zoning districts. The purpose of this table is to help determine whether or not certain specific uses are:

A. Permitted (P);

B. Permitted with an administrative use permit (AUP);

C. Permitted with a limited use permit (L);

D. Permitted with a conditional use permit (C);

E. Not permitted (N); or

F. Allowed with a temporary use permit (T);

Table 23.328-1 is arranged to match Table 23.316-1 to help identify land uses that were permitted under Sacramento County jurisdiction and the equivalent land use permit requirement under Rancho Cordova jurisdiction. This table should always be used in conjunction with Table 23.316-1, Allowed Use and Permit Requirements for General Commercial and Industrial Zoning Districts.

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Table 23.328-1: Land Use Category Equivalents in M-1 and M-2 with Sacramento County Designations

Land Use Category	M-1	M-2
Residential Uses		
Caretaker Housing		
Residence for night watchman or caretaker	P	AUP
Recreation, Education, and Public Assembly Uses		
Clubs, Lodges, and Private Meeting Halls		
Labor union hall	P	P
Community Center/Civic Uses (e.g., Utility Facility, Offices — Business and Professional, Auto and Vehicle Storage)		
Buildings and facilities owned by the federal and state governments and located on grounds	Based on use type	

Land Use Category	M-1	M-2
owned by the federal and state governments		
Local agency building, grounds (defined, Government Code Section 53090)	Based on use type	
Other government and public buildings, facilities, and grounds	Based on use type	
Privately owned uses within public and government-owned buildings, facilities, and grounds	Based on use type	
Public and government uses within privately-owned buildings, facilities, and grounds	Based on use type	
School district nonclassroom facilities	Based on use type	
Indoor Amusement/Entertainment Facility		
Dance halls	AUP	AUP
Shooting galleries	AUP	AUP
Outdoor Commercial Recreation		
Drive-in theater	C	C
Driving ranges	C	C
Race tracks	C	C
Shooting ranges	C	C
Stadiums	C	C
Schools, private and special/studios		
Trade school (permitted by right, all other private schools require LUP)	P	P
Utility, Transportation, and Communication Use Listings		
Freight Yard/Truck Terminal		
Bus and freight depot and truck terminal	P ²	P ²
Draying and freight yard	P ²	P ²
Freight classification yard	P ²	P ²
Truck terminal yard	P ²	P ²
Fuel Storage and Distribution		
Petroleum storage	P ²	P
Feed and fuel yard	P ²	P
Parking facility		
Parking lot as a primary use subject to off-street parking development standards	P	P
Parking lot/garage (primary use)	P	P
Utility Facility and Infrastructure		
Public utility and public service facility	P	P

Land Use Category	M-1	M-2
Public utility service yard	P	P
Retail, Service, and Office Uses		
Building Materials Stores and Yards		
Building materials sales yard	P ²	P ²
Lumber yard	P ²	P ²
Lumber yard—new and used, sales and storage	P ²	P ²
Business Support Services		
Armored car service	P ²	P ²
Appliance, radio and television, repair shop	P ²	P ²
Blueprinting/photostating service	P ²	P ²
Delivery service	P ²	P ²
Disinfecting or fumigating	P ²	P ²
Drafting service	P ²	P ²
Equipment rental agency	P ²	P ²
Gardening and landscaping; service yard and work shop	P ²	P ²
Grinding/sharpening service	P ²	P ²
Gunsmith	P ²	P ²
Janitorial	P ²	P ²
Laboratory, materials testing	P ²	P ²
Laboratory, medical, dental, or optical	P ²	P ²
Laboratory, research, experimental	P ²	P ²
Locksmith, safe repair shop	P ²	P ²
Mail order business	P ²	P ²
Pest control	P ²	P ²
Pool service	P ²	P ²
Security service	P ²	P ²
Taxicab service and storage	P ²	P ²
Towing service	P ²	P ²
Trailer sale, rental service (utility trailers only/not for habitation)	P ²	P ²
Tree service	P ²	P ²
Upholstery, furniture cleaning	P ²	P ²
Video tape editing, processing	P ²	P ²

Land Use Category	M-1	M-2
Equipment Sales and Rental		
Hay, seed, grain and farm equipment store	P ²	P
Heavy equipment storage, sales, rental, service and repair yard	P ²	P
Machinery rental yard	P ²	P
Military surplus equipment and goods	P ²	P
Retail, Accessory		
Cafe/restaurant, freestanding or occupying more than 15% of a building	P ⁵	P ⁶
Manufacturing and distribution of pools, spas—sales and display permitted as an incidental use provided it does not exceed 25% of the total floor area	P ⁵	P ⁶
Retail, General		
Certified farmers market (if located within a building)	AUP	L
Firewood, fuel sales and storage	AUP	L
Hay, seed, grain and farm equipment store	AUP	L
Automobile and Vehicle Uses		
Auto and Vehicle Storage		
Auto storage, indoor	P ²	P ²
Auto storage, outdoor	P ²	P ²
Parking yard for damaged vehicles	P ²	P ²
Parking yard for towed operable vehicles (requires on-site office for vehicle retrieval)	P ²	P ²
Recreational vehicle and boat storage—outdoor	P ²	P ²
Recreational vehicle and boat storage—indoor	P ²	P ²
Storage of dismantled vehicles	P ²	P ²
Vehicle Services, Major		
Antique auto, storage and rebuilding	P ²	P ²
Boat service and repair	P ²	P ²
Heavy equipment storage, sales, rental, service and repair yard	P ²	P ²
Painting	P ²	P ²
Reconditioning	P ²	P ²
Repair and overhauling	P ²	P ²
Repair garage, machine repair and overhaul	P ²	P ²
Upholstering	P ²	P ²

Land Use Category	M-1	M-2
Vehicle Services, Minor		
Heavy equipment storage, sales, rental, service and repair yard	P ²	P ²
Inspection station	P ²	P ²
Motorcycle repair, dismantling	P ²	P ²
Tire shop, including sales and installation	P ²	P ²
Industrial, Manufacturing, and Processing Uses		
Agricultural Products Processing		
Agricultural uses-	C	P
Honey extraction	C	P
Olive processing plants	C	P
Manufacturing, Major		
Aircraft engine testing	L ²	P
Alcohol, industrial or grain manufacture	L ²	P
Ammonia, bleaching powder or chlorine manufacture	L ²	P
Animal slaughter	L ²	P
Asphalt manufacture or refining	L ²	P
Blast furnace or coke oven	L ²	P
Boiler works	L ²	P
Brick, adobe, tile, terra cotta or concrete products	L ²	P
Canneries	L ²	P
Chemical manufacture	L ²	P
Concrete or cement products manufacture	L ²	P
Dead animal reduction	L ²	P
Distillation of bones	L ²	P
Drop forge industry manufacturing, including forges with power hammers	L ²	P
Fat rendering, except as an incidental use	L ²	P
Garbage or offal reduction	L ²	P
Fish smoking, curing or canning	L ²	P
Iron or steel foundry or fabrication plant and heavyweight casting	L ²	P
Lampblack manufacture	L ²	P
Lightweight nonferrous metal casting foundry	L ²	P
Linoleum and oilcloth manufacture	L ²	P

Land Use Category	M-1	M-2
Manufacture of sauerkraut, vinegar, yeast	L ²	P
Milk products plant, dairy	L ²	P
Ore reduction	L ²	P
Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture	L ²	P
Paper and pulp manufacture	L ²	P
Petroleum products manufacture	L ²	P
Plastic manufacture	L ²	P
Potash works	L ²	P
Quarry or stone mills	L ²	P
Railroad repair shops	L ²	P
Rocket testing facilities	L ²	P
Rolling mills	L ²	P
Rubber fabrication or products made from finished rubber	L ²	P
Smelting of tin, copper, zinc, or iron ore	L ²	P
Soap manufacture	L ²	P
Sodium compound manufacture	L ²	P
Tannery or the curing or storing of raw hides	L ²	P
Tar distillation or tar products manufacture	L ²	P
Tire retreading, recapping and rebuilding	L ²	P
Wool pulling or scouring	L ²	P
Manufacturing, Minor		
Air separation plant	P ²	P
Assembly of plastic items from finished plastic	P ²	P
Assembly of small electrical and electronic equipment	P ²	P
Boat building	P ²	P
Book binding	P ²	P
Bottling plants	P ²	P
Butcher, wholesale (excluding slaughterhouse)	P ²	P
Carpet and rug cleaning plants	P ²	P
Ceramic products using only previously pulverized clay and fired in kilns using electricity or gas only	P ²	P
Egg processing facilities	P ²	P

Land Use Category	M-1	M-2
Electric or neon sign manufacture	P ²	P
Garment manufacture	P ²	P
Ice manufacture and cold storage	P ²	P
Laundries, cleaning and dyeing plants	P ²	P
Machinery shop uses: • Blacksmith shops • Cabinet or carpenter shops • Electric motor rebuilding • Machine shops • Manufacturing, compounding, assembly, or treatment of articles or merchandise from previously prepared metals • Plumbing shops • Sheet metal shops • Welding shops	P ²	P
Manufactured home sales, rental, storage, and assembly	P ²	P
Manufacturing and distribution of pools, spas—sales and display permitted as an incidental use provided it does not exceed 25% of the total floor area	P ²	P
Manufacturing, compounding or processing of such products as: • Bakery goods • Candy • Cosmetics • Dairy products • Drugs • Fruits and vegetables (packing only) • Meat products • Other food products (excluding fish, meat, sauerkraut, wine, yeast, and rendering of fats and oils) • Perfume • Toiletries	P ²	P
Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials: • Bone • Canvas • Cellophane • Cloth • Cork • Feathers • Felt • Fiber • Fur • Hair • Horn • Glass • Leather • Paper, no milling • Precious or semiprecious stones or metals • Plaster • Plastic • Shells • Textiles • Tobacco • Wood • Yarns	P ²	P

Land Use Category	M-1	M-2
Mixing, batching, and compounding of paint, adhesives and resins	P ²	P
Photographic chemical processing and wholesale distribution	P ²	P
Planing and sawmills	P ²	P
Printing shops, lithography, publishing	P ²	P
Rubber and metal stamps, musical instruments, toys and novelties	P ²	P
Winery, brandy distillery or brewery	P ²	P
Recycling Facility, Processing		
Recycling plant	L	P
Recycling Facility, Scrap and Dismantling Facility		
Automobile wrecking yard	N	C
Junk tire handling, including: junk tire recycling, shredding, cutting, splitting, and/or storage	N	C
Machinery wrecking yard	N	C
Storage, Personal Storage Facility		
Moving and storage	P ²	P
Storage building, mini	P ²	P
Storage, warehouse		
Commercial grain elevators	P ²	P
Frozen food lockers, cold storage	P ²	P
General storage	P ²	P
Storage, Yards (note: storage yards are permitted if incidental to a permitted use and screened)		
Brick yard	N	P ²
Contractor's storage yard	N	P ²
General storage	N	P ²
Moved building storage (long term)	N	P ²
Moved building storage, temporary (7 days or less)	N	P ²
Public utility service yard	N	P ²
Used building materials scrap or junk yard	N	P ²
Wholesale and Distribution		
Bottled gas sale and related storage	P ²	P
Nursery, wholesale	P ²	P
Storage and distribution of bottled gas	P ²	P

Land Use Category	M-1	M-2
Wholesaling and warehousing	p ²	P
Special Regulated Uses		
Recycling Facility, Collection Facility		
Recycling center	L	P
Sexually-Oriented Businesses	-	-
Adult book stores	P	P
Adult motion picture theater	P	P
Adult live theater	P	P
Adult video tape stores	P	P
Miscellaneous		
Classified as an accessory use		
Coffee shop, snack bar, delicatessen, cafeteria, when located as one tenant in a building	p ⁵	p ⁶
Offices, when incidental to a permitted use	p ⁵	p ⁶
Parts sales when incidental to a permitted use	p ⁵	p ⁶
Not Listed		
Gas and oil wells	N	N
Hazardous waste storage, disposal facility	N	N
Irrigation disposal of wastewater	N	N
Lagoon disposal of wastewater	N	N
Private airports, landing fields and heliports approved by CAD and FAA	N	N
Public use airports, aircraft landing fields, and heliports	N	N
Stock yard or feeding pens	N	N
See Signs (Chapter 23.743-RCMC)		
Signs, off-site	-	-
Sign relocation, off-site	-	-
Signs, on-site	-	-
Temporary Use Permit Required		
Certified farmers market	TUP	TUP
Temporary concession stand	TUP	TUP
Circus	TUP	TUP

Notes:

1. — Trade schools permitted by right; all other schools require an LUP.

2. Permitted if the entire operation is conducted within a completely enclosed building or screened from view behind a fence or wall.
 3. Off-site sales of alcohol permitted as an allowed use if incidental to a permitted use (e.g., breweries, wineries). Only retail sale of alcohol is permitted as part of the primary use. All other types of off-site sales (e.g., convenience store) require a conditional use permit. See Wholesale and Distribution for non-retail sales.
 4. On-site sales permitted with limited use permit. Off-site requires a conditional use permit.
 5. Incidental sales up to 15 percent of developed portion of site are permitted as a by-right use and must be fully screened from view or enclosed within a building. Automotive sales that exceed 15 percent of the developed portion of the site or outdoor display areas that are not screened from view may be permitted with the issuance of a limited use permit.
 6. All retail, accessory and office, accessory uses are permitted up to a combined 50 percent of total building square footage.
 7. The following limitations apply to retail, accessory and office, accessory in the M-2 district:
 - a. Sales are allowed when incidental to a permitted use and sales and stock room area do not exceed 25 percent of total floor area;
 - b. Offices are allowed when incidental to a permitted use and do not exceed 25 percent of total floor area;
 - c. Cafes/restaurants are allowed up to 15 percent of building square footage (freestanding restaurants require the issuance of a CUP);
 8. Up to 50 percent of total building area may be used for storage, warehousing, distribution or similar use as a permitted use. A CUP is required to exceed this percentage.
 9. This use is permitted if an integral part of the primary use (unrelated, incidental rental operations are not permitted). Additional provisions in RCMC 23.913.040 apply.
- [Ord. 12-2011 § 3 (Exh. A); Ord. 7-2010 § 3 (Exh. A)].

RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 – ZONING CODE

Public Hearing Draft November 14, 2016

Article 5

Form Based Zoning Provisions

Overview

This Article establishes form based provisions for three zoning districts: the Village Center Zone, the Local Town Center Zone, and the Regional Town Center Zone. These districts implement the General Plan vision to create vibrant activity nodes serving a more sustainable and livable system of neighborhoods, villages, and districts (Rancho Cordova's building blocks model). The provisions contained within this Article include target development standards for more urban-style, multi-modal development at key locations within the City. The form based provisions are intended to facilitate the development of mixed-use projects and discourage isolated single-use projects that are not integrated with surrounding neighborhoods.

Article 5. Form-Based Zoning Provisions

Overview

This article establishes form-based provisions for three “center” zoning districts: the Village Center zone, the Local Town Center zone, and the Regional Town Center zone. These districts implement the General Plan vision to create vibrant activity nodes serving a more sustainable and livable system of neighborhoods, villages, and districts (Rancho Cordova’s building blocks model). The provisions in this article include target development standards for more urban-style, multimodal development at key locations in the city. The form-based provisions are intended to facilitate the development of horizontal (e.g., a grocery store next to a residential building) or vertical (e.g., a grocery store as the ground floor use with residential units above) mixed-use projects and discourage isolated single-use projects that are not integrated with surrounding neighborhoods. Vertical and/or horizontal mixed-use projects are encouraged in the Village and Local Town Center zones and vertical and/or horizontal mixed-use projects are required in the Regional Town Center zones.

Chapter 23.501**INTRODUCTION TO FORM-BASED PROVISIONS**

Sections:

- 23.501.010 Purpose.
- 23.501.020 Definition.
- 23.501.030 Applicability.
- 23.501.040 Organization.

23.501.010 Purpose.

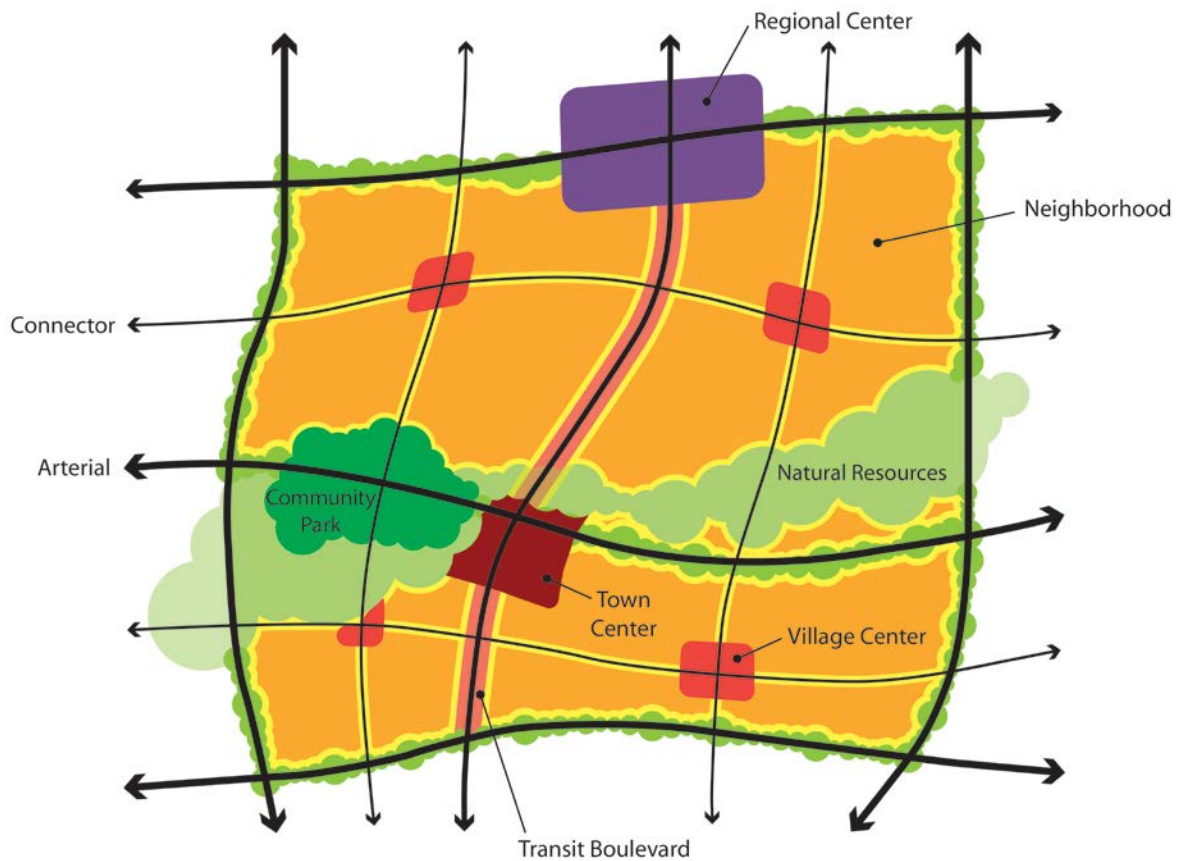
This chapter establishes form-based zoning provisions to implement key components of the city's building blocks of neighborhoods, villages, and districts. Specifically, this chapter establishes unique development standards to guide subsequent development and redevelopment of village centers, local town centers, and regional town centers throughout the city. Form-based zoning provisions herein are intended to guide design of vibrant, pedestrian-friendly neighborhood and community cores by addressing form and function of development patterns, rather than individual allowed uses and strict adherence to traditional development standards. [Ord. 27-2008 § 1 (Exh. A § 3.1.010)].

23.501.020 Definition.

Form-based zoning provides a method of regulating development to achieve a desired urban form characterized by a uniform street and circulation system, building typologies, and street frontage requirements. Form-based provisions address the relationship between building facades and the public realm (e.g., streets and sidewalks); the form and mass of buildings; and the size, character, and type of streets and blocks. The central focus of form-based provisions is that they designate the appropriate form (and character) of development rather than only distinctions in land use types, which is the basis of conventional zoning.

23.501.030 Applicability.

This chapter applies to three form-based "center" zones (village center, local town center, and regional center) as identified on the zoning map and/or as subsequently created through the rezoning process. Each of these districts has a specific purpose and character with appropriate development at a unique scale. As described in the General Plan, existing and future development patterns in Rancho Cordova are based on a series of neighborhoods, villages, and districts, each with core gathering places and supporting services in the form of "centers." There are three distinct center types, as described below and illustrated in Figure 23.501-1.

Figure 23.501-1: Center Types

A. **Village Centers.** Village centers are at the core of three to four neighborhoods (village) with approximately 12,000 to 15,000 total persons. Village centers are walking distance from most of the residents they serve and are often surrounded by higher-density housing. Village centers are typically 5- to 15-acre pedestrian-oriented developments with smaller parking fields and buildings located in proximity to the street. Village center uses may include small- and medium-size grocery stores, drug stores, restaurants, banks, and other similar uses. Typically, no single tenant in a village center is larger than 50,000 square feet to ensure a local, rather than a citywide or regional, retail focus. Village centers are sized and located to encourage local markets and support services in proximity to all residents of the village. Vertical and/or horizontal mixed-use projects are encouraged in this zone.

B. **Local Town Centers.** Local town centers provide services to three or four villages (district) with a total population of approximately 45,000 persons. They provide most of the commercial shopping needs of the district and are designed to supplement village centers with retail, service, and entertainment needs for a larger population. Local town centers are typically between 15 and 30 acres in size and will probably not include uses such as grocery stores that are provided in the village centers. Rather, general retail and restaurant uses are envisioned for the local town center (e.g., clothing stores, book/music stores). Vertical and/or horizontal mixed-use projects are encouraged in this zone.

C. **Regional Town Centers.** Regional town centers are designed to meet a regional need for shopping, entertainment, and other large destination uses (e.g., sports arena). They serve the entire city and surrounding communities. As such, they are strategically located for visibility and accessibility from freeways and major roadways and range in size from 25 to 100 acres. Vertical and/or horizontal mixed-use projects are required in this zone.

The form-based provisions apply to all property zoned as village center, local town center, or regional town center on the city's zoning map. These provisions may also be applied to specific plans adopted by the city where reference to compliance with these standards is specified. Otherwise, the specific plan may contain unique development standards for a particular project area that meet the intent of the corresponding General Plan land use designation. [Ord. 27-2008 § 1 (Exh. A § 3.1.030)].

A Form-Based Code Design Supplement demonstrates acceptable, enhanced, and ideal design standards for each of the three center types. These are available upon request.

23.501.040 Organization.

This article is organized into the following five chapters.

A. Chapter 23.501 RCMC – Introduction to Form-Based Provisions. Chapter 23.501 RCMC defines form-based zoning and identifies where the provisions apply.

B. Chapter 23.504 RCMC – Village Center Zone Standards. Chapter 23.504 RCMC introduces the village center zone. Special form-based zoning provisions are established for connectivity and density, building placement, building profile and type, and parking.

C. Chapter 23.507 RCMC – Local Town Center Zone Standards. Chapter 23.507 RCMC introduces the town center zone. Special form-based zoning provisions are established for connectivity and density, building placement, building profile and type, and parking.

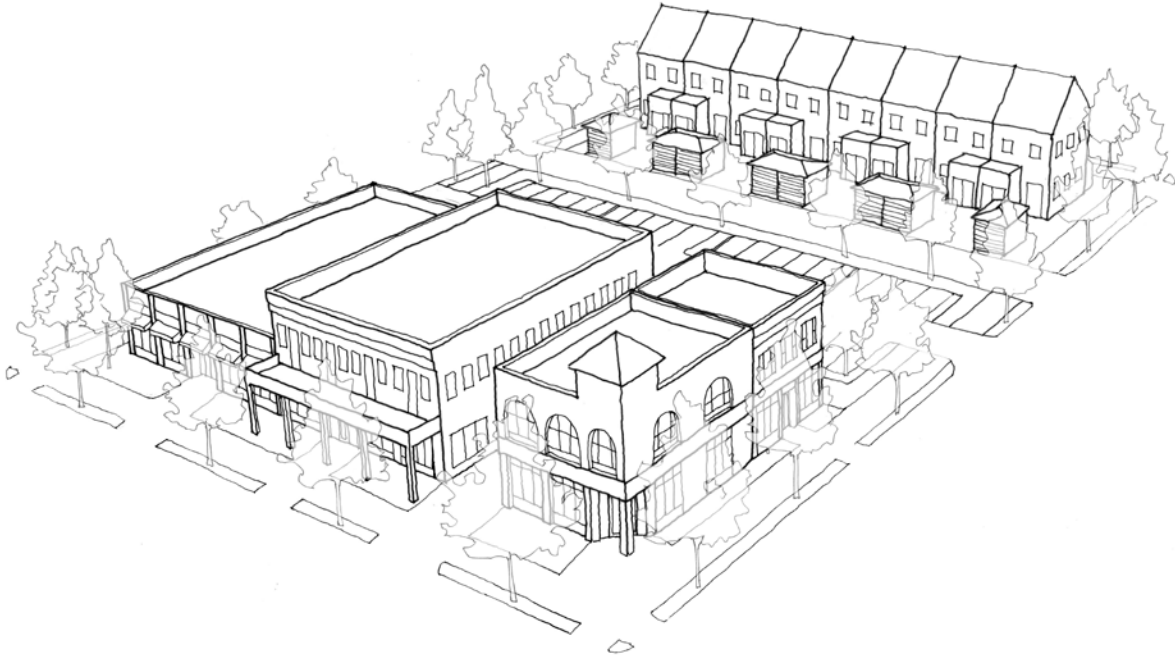
D. Chapter 23.510 RCMC – Regional Town Center Zone Standards. Chapter 23.510 RCMC introduces the regional town center zone. Special form-based zoning provisions are established for connectivity and density, building placement, building profile and type, and parking. [Ord. 27-2008 § 1 (Exh. A § 3.1.040)].

E. Chapter 23.513 RCMC – Streetscape Type and Frontage Type Standards. Chapter 23.513 RCMC defines the specific standards for each frontage type, and the enhanced streetscape design standards for city street types allowed in each of the three zones.

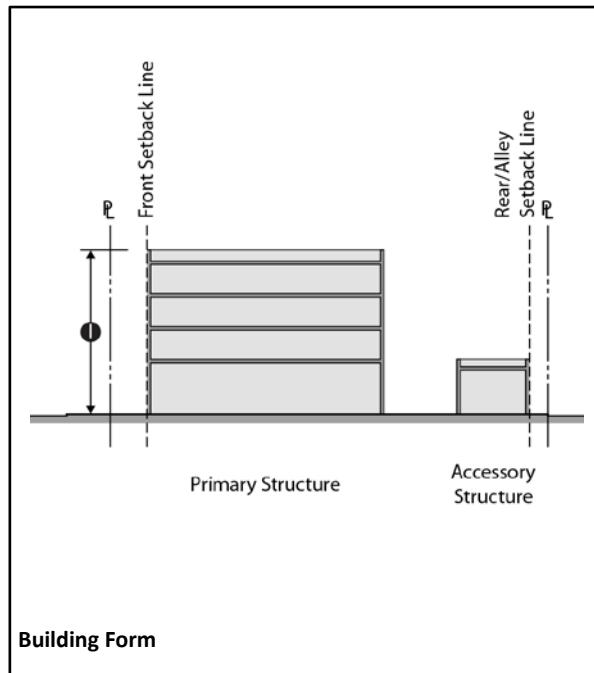
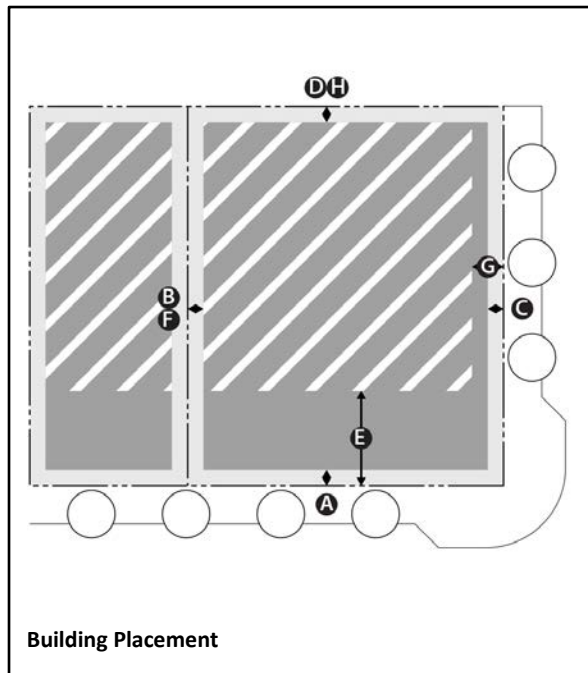
Where there are conflicting or overlapping provisions, form-based provisions in this chapter supersede other provisions in the zoning code.

Chapter 23.504

VILLAGE CENTER ZONE STANDARDS

**Purpose**

The purpose of the village center zone is to provide centers of activity that are within an easy walking distance from neighborhood homes and to provide local-serving commercial opportunities. A network of sidewalks, bicycle trails, and transit routes provides easy nonvehicular access to these centers. Buildings in this zone are appropriately scaled to fit in the neighborhood context. Buildings are placed close to the public sidewalk, and plazas and other public spaces encourage the active use of public spaces and pedestrian activity. Parking is provided on-street, in small lots, and/or located behind or to the side of buildings. Transit-supportive development is encouraged when located in proximity to a transit station. Vertical and/or horizontal mixed-use projects are encouraged in this zone.



Building Placement

Setback

Primary Building Setback (build-to line)

Front setback (A)	10 feet min./ 20 feet max.
-------------------	-------------------------------

Side yard (B)	5 feet min.
---------------	-------------

Side street or internal circulation street (C)	0 feet min. 10 feet max.
---	-----------------------------

Rear yard and alley (D)	5 feet min.
-------------------------	-------------

Accessory Building Placement

Front yard (E)	30 feet min.
----------------	--------------

Side street (F)	10 feet min.
-----------------	--------------

Side yard (F)	5 feet min.
---------------	-------------

Rear yard and alley (H)	5 feet min.
-------------------------	-------------

Building Form

Building Frontage

Primary street	50%
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Side street ¹	40%
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Floor Area Ratio (FAR)

Minimum FAR	0.25
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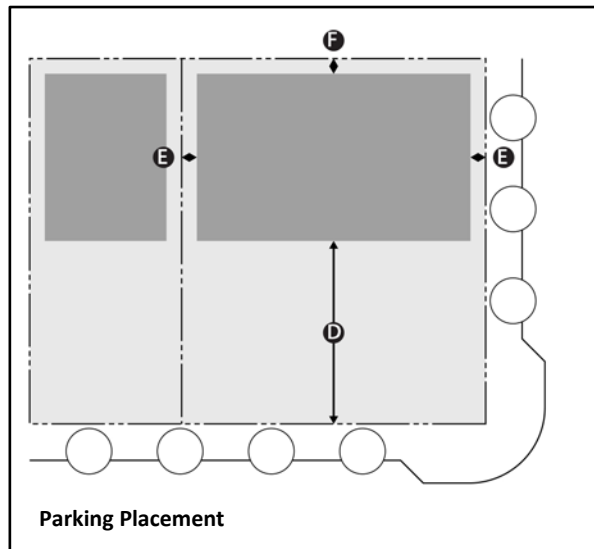
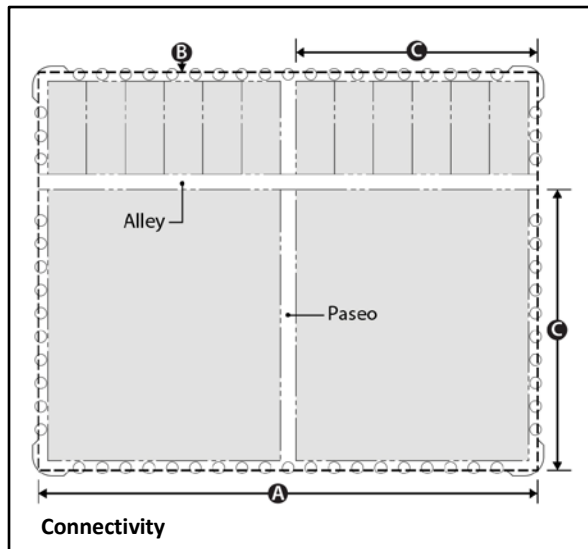
Maximum FAR	1.0
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Building Height

Minimum height	n/a
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Maximum height (I)	45 feet
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¹Building is located within required side yard or side street or circulation street area.



Allowed Use Types

Neighborhood-serving commercial (generally smaller grocery stores, drug stores, dry cleaners, coffee shops, etc.).

Community centers

Public/quasi-public uses that incorporate community gathering places

Public/quasi-public uses without gathering places (as secondary uses)

Office uses (as secondary uses)

Medium density residential (as secondary uses, 6.1 to 18.0 units per acre)

Allowed Frontage Types

Allowed Frontage Types are associated with each streetscape type. See allowed streetscape types below and Chapter 23.513 Streetscape Type and Frontage Type standards.

Allowed Streetscape Types

Minor Arterial

Nonresidential Collector Street

Residential Collector Street

Main Street

Nonresidential Local Street

Standard Residential Street

Minor Residential Street

Alley

Paseo

Multi-use Path

Density

Minimum density 6.1 du/acre

Maximum density 18 du/acre

Connectivity and Parking

Connectivity³

Maximum block length (A) 600 feet

Maximum block perimeter (B) 2,000 feet

Maximum pedestrian block length (C) 350 feet

Parking Placement

Setbacks from public or private streets (D) Rear 50% of lot

Side yard setback (E) 5 feet min. (except for shared parking)

Rear yard and alley setback (F) 5 feet min.

Required Spaces

Parking ratios must meet City standards as identified in Municipal Code Title 23 Chapter 23.719.

3. Pedestrian connections must comply with the specifications for paseos or multi-use paths outlined in RCMC 23.513 (Streetscape type and frontage type standards).

Internal circulation streets are private or public streets on commercial or residential lots which access either buildings or parking areas. Internal circulation streets must be provided every 350 feet along any one block face (minimum) and must comply with the specifications for main street, nonresidential collector street (commercial), standard residential street, or minor residential street outlined in RCMC 23.513 (Streetscape type and frontage type standards).

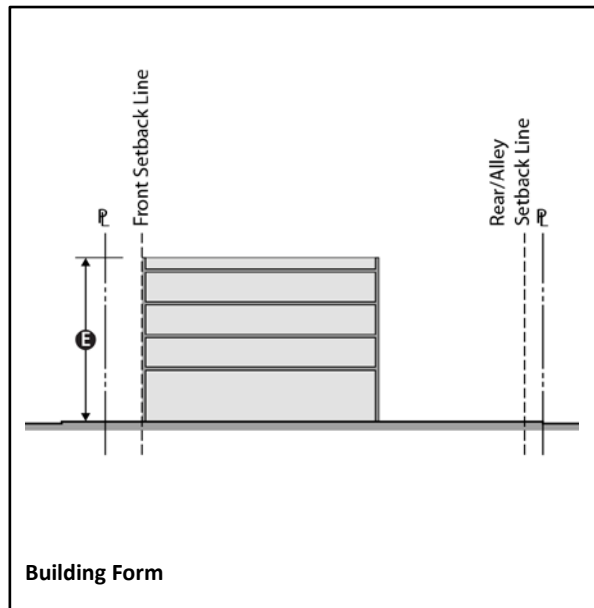
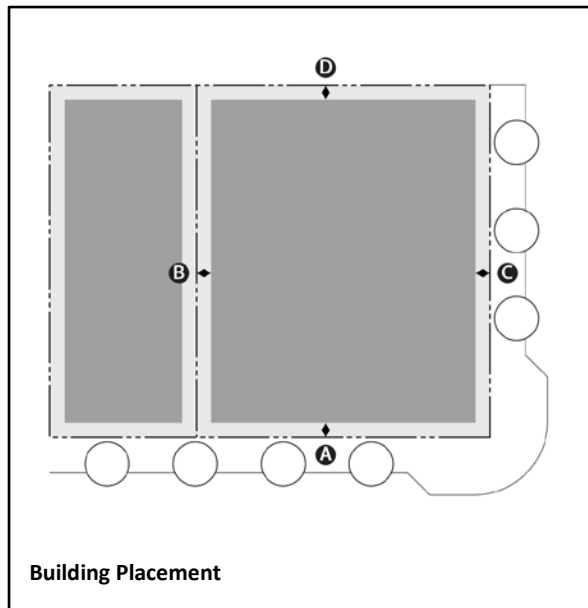
Pedestrian connections and internal circulation streets must connect on at least two ends to public or private pedestrian or vehicular routes.

Chapter 23.507

LOCAL TOWN CENTER ZONE STANDARDS

**Purpose**

The purpose of this zone is to provide vibrant activity centers that serve the major retail and entertainment needs for a collection of neighborhoods that form districts as defined by the city's community building block concept of the General Plan. Nightlife is an important component of this district. An extensive network of sidewalks, bicycle trails, and transit routes will connect these centers to the neighborhoods. The local town centers created in this zone will provide pedestrian-oriented gathering places. When located near transit stations (light rail or BRT), the intensity of development will increase and character of development will shift to a greater mix of uses to support transit service. Vertical and/or horizontal mixed-use projects are encouraged in this zone.



Building Placement

Setback

Primary Building Setback (build-to line)

Front setback (A)	0 feet min./ 10 feet max.
-------------------	------------------------------

Side yard (B)	0 feet min.
---------------	-------------

Side street or internal circulation street (C)	0 feet max.
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Rear yard and alley (D)	0 feet min.
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Accessory Building Placement

Front yard	n/a
------------	-----

Side street	n/a
-------------	-----

Side yard	n/a
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Rear yard and alley	n/a
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Building Form

Building Frontage

Primary street	70% min
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Side street ¹	50% min
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Floor Area Ratio (FAR)

Minimum FAR	0.3
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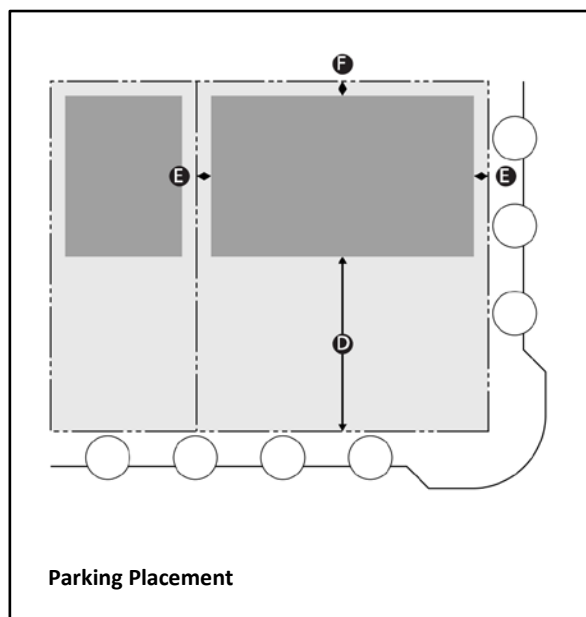
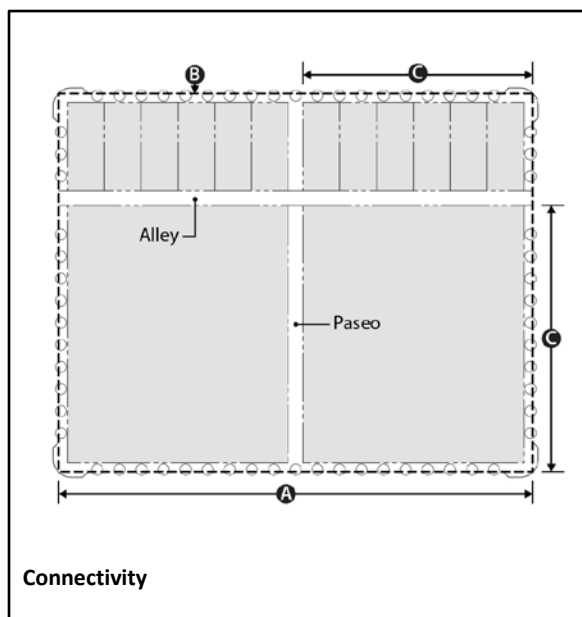
Maximum FAR	1.5
-------------	-----

Building Height

Minimum height	20 feet
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Maximum height(E)	65 feet
-------------------	---------

¹Building is located within required side yard or side street or circulation street area.



Allowed Use Types

- Moderate-sized entertainment venues
- Uses that facilitate positive evening and nighttime activity
- Office uses (as secondary uses)
- Medium-density residential (as secondary uses, 6.1 to 18.0 units per acre)
- High-density residential (as secondary uses, 20 to 40 units per acre)
- Transit-oriented development when adjacent to fixed station locations

Allowed Frontage Types

Allowed frontage types are associated with each streetscape type. See preferred streetscape types below and Chapter 23.513 (Streetscape type and frontage type standards).

Streetscape Types

- Major Arterial (preferably no more than one fronting an edge of each town center)
- Minor Arterial
- Nonresidential Collector Street
- Residential Collector Street
- Main Street
- Nonresidential Local Street
- Standard Residential Street
- Minor Residential Street

Density

- Minimum density 6.1 du/acre
- Maximum density 18 du/acre

Connectivity and Parking

Connectivity²

- Maximum block length (A) 600 feet
- Maximum block perimeter 2,000 feet
- (B)
- Maximum pedestrian 350 feet
- block length (C)

Parking Placement

- Setbacks from public or private streets (D) Rear 75% of lot
- Side yard setback (E) 0 feet min.
- Rear yard and alley setback (F) 5 feet min.

Required Spaces

Parking ratios must meet City standards as identified in Municipal Code Title 23 Chapter 23.719.

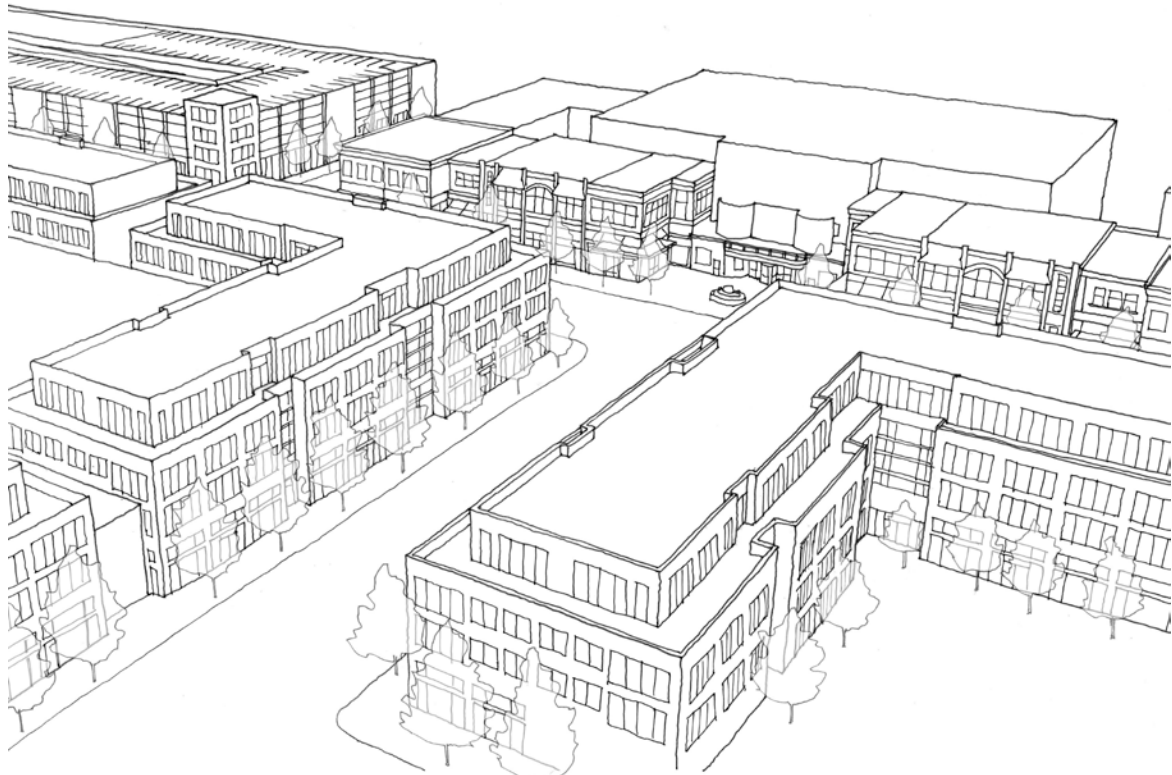
2. Pedestrian connections must comply with the specifications for paseos or multi-use paths outlined in RCMC 23.513 (Streetscape type and frontage type standards).

Internal circulation streets are private or public streets on commercial or residential lots which access either buildings or parking areas. Internal circulation streets must be provided every 350 feet along any one block face (minimum) and must comply with the specifications for main street, nonresidential collector street (commercial), standard residential street, or minor residential street outlined in RCMC 23.513 (Streetscape type and frontage type standards).

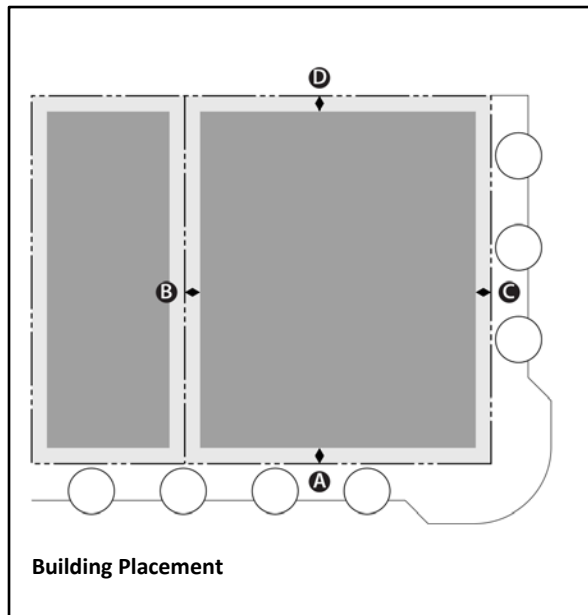
Pedestrian connections and internal circulation streets must connect on at least two ends to public or private pedestrian or vehicular routes.

Chapter 23.510

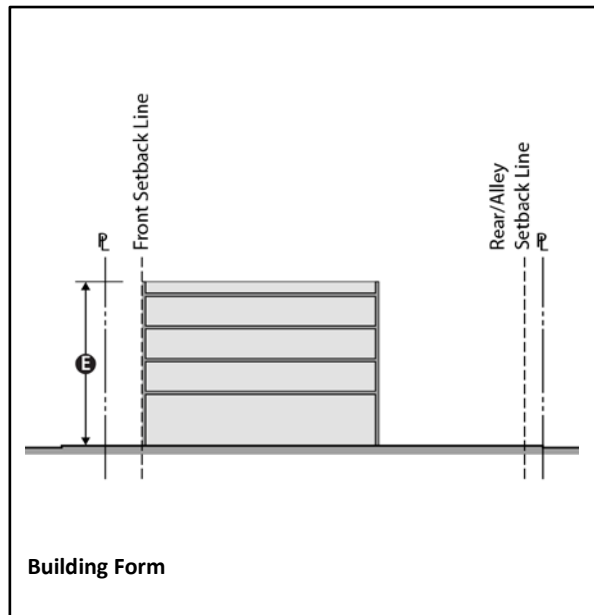
REGIONAL TOWN CENTER ZONE STANDARDS

**Purpose**

The purpose of this zone is to provide locations for regional-serving retail, office, and residential uses that provide a vibrant mixed-use setting that fosters positive day and nighttime activity. Development may feature dynamic taller buildings and building complexes (over four stories in height) that are scaled appropriately to create a comfortable pedestrian environment and be compatible with adjacent neighborhoods. Mixed-use development is required and can be designed horizontally or vertically. Design characteristics include public plazas and other gathering places, open storefronts with expansive windows, and a rich mix of uses and tenants. Centers will be designed to provide connections into the surrounding neighborhoods and located to provide easy access to automobiles and public transportation from across the region.



Building Placement



Building Form

Building Placement**Setback****Primary Building Setback (build-to line)**

Front setback (A)	0 feet min./ 10 feet max.
-------------------	------------------------------

Side yard (B)	0 feet min.
---------------	-------------

Side street or internal circulation street (C)	0 feet min. 0 feet max.
---	----------------------------

Rear yard and alley (D)	0 feet min.
-------------------------	-------------

Accessory Building Placement

Front yard	n/a
------------	-----

Side street	n/a
-------------	-----

Side yard	n/a
-----------	-----

Rear yard and alley	n/a
---------------------	-----

Building Form**Building Frontage**

Primary street	70% min
----------------	---------

Side street ¹	50% min
--------------------------	---------

Floor Area Ratio (FAR)

Minimum FAR	0.3 ²
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Maximum FAR	1.5 ²
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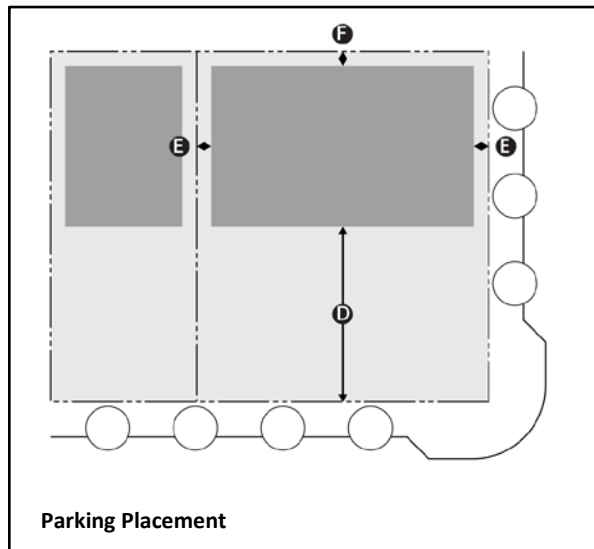
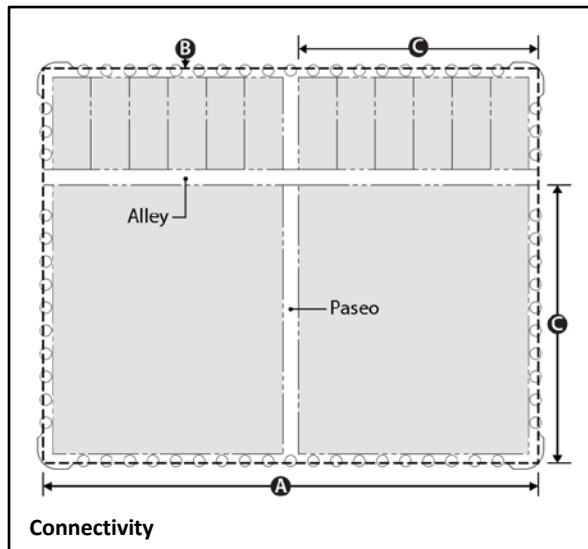
Building Height

Minimum height	20 feet
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Maximum height (E)	65 feet
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¹Building is located within required side yard or side street or circulation street area.

²Parcels within one-half mile of US 50 are permitted a minimum FAR of 0.35 and a maximum FAR of 2.0.



Allowed Use Types

Large regional commercial establishments (retail stores, restaurants, entertainment venues, and other citywide-serving retail)

Moderate to large entertainment venues

Office uses (primary or secondary uses)

Medium density residential (6.1 to 18 units per acre)

High density residential (20.1 to 40 units per acre)

High density residential with transit bonus (20.1 to 80 units per acre)

Transit-oriented developments when adjacent to fixed station locations

Allowed Frontage Types

Allowed frontage types are associated with each streetscape type. See preferred streetscape types below and in Chapter 23.513 (Streetscape type and frontage type standards).

Streetscape Types

Major Arterial

Minor Arterial

Nonresidential Collector Street

Residential Collector Street

Main Street

Nonresidential Local Street

Standard Residential Street

Minor Residential Street

Alley

Paseo

Multi-use Path

Density

Minimum density 6.1 du/acre

Maximum density 20 du/acre

Connectivity and Parking

Connectivity³

Maximum block length (A) 660 feet

Maximum block perimeter (B) 2,640 feet

Maximum pedestrian block length (C) 350 feet

Parking Placement

Setbacks from public or private streets (D) Rear 50% of lot

Side yard setback (E) 0 feet min.

Rear yard and alley setback (F) 5 feet min.

Required Spaces

Parking ratios must meet City standards as identified in Municipal Code Title 23 Chapter 23.719.

3. Pedestrian connections must comply with the specifications for paseos or multi-use paths outlined in RCMC 23.513 (Streetscape type and frontage type standards).

Internal circulation streets are private or public streets on commercial or residential lots which access either buildings or parking areas. Internal circulation streets must be provided every 350 feet along any one block face (minimum) and must comply with the specifications for main street, nonresidential collector street (commercial), standard residential street, or minor residential street outlined in RCMC 23.513 (Streetscape type and frontage type standards).

Pedestrian connections and internal circulation streets must connect on at least two ends to public or private pedestrian or vehicular routes.

Chapter 23.513

STREETSCAPE TYPE AND FRONTAGE TYPE STANDARDS

23.513.010 Enhanced Design Standards for City Street Types. The purpose of this section is to provide roadway standards that will facilitate the creation of streets that are inviting, multimodal public places. This will provide pedestrians and bicyclists with safe and easy access throughout centers and into adjoining villages and neighborhoods. The intent of this section is to strengthen the city's adopted street standards by making them compatible with development occurring within centers and to include new typologies that further facilitate the creation of a pedestrian-oriented street network.

The streetscape typologies allowed in one or more of the form-based districts as described in the following subsections are listed below. In addition, two new pathway types, identified below as "new," are recommended to be included in each of the three center types. Otherwise, the street standards are consistent with the city's adopted street standards.

- Major Arterial
- Minor Arterial
- Nonresidential Collector Street (Commercial)
- Residential Collector Street
- Main Street
- Nonresidential Local Street (Commercial)
- Standard Residential Street
- Minor Residential Street
- Alley
- Paseo – New pathway type
- Multi-Use Path – New pathway type

A. Major Arterial. Characteristics of a major arterial:

1. Consistent with the city's adopted street standards, a major arterial is a six-lane high-volume roadway with a center median, bike lanes, and sidewalks. On-street parking is not permitted.

2. Regional town centers will be generally located adjacent to at least one major arterial, since these centers serve the entire community and surrounding areas. Local town centers may be located along a major arterial, but preferably not more than one and preferably not bifurcating or running through the local town center. Village centers should not be located along major arterials. This typology is not ideally suited to supporting a pedestrian-oriented retail environment, so commercial frontages should be located along other street typologies whenever possible.

3. The median in the center of the roadway should be utilized to facilitate the safe passage of pedestrians along and across a major arterial. Suggested treatments include landscaping and pedestrian refuges at crossings.



Buildings face the street along major arterials

4. The landscaping strip along the sides of the roadway should be designed to provide a comfortable separation between pedestrians and vehicles traveling along a major arterial. It is suggested that the strip include a continuous landscaped area between the edge of the curb and the sidewalk. Street trees and lighting should be provided and designed at a pedestrian scale.
5. Where right-turn lanes are required, the sidewalk and landscape strip widths should not be diminished.
6. Wherever buildings are situated near the public right-of-way, storefront frontage types are preferred due to the high traffic volumes. It is preferred that building frontages approach the sidewalk near intersections, especially those anchoring the intersection between an arterial and a nonresidential collector street or main street.

B. Minor Arterial. Characteristics of a minor arterial:

1. Consistent with the city's adopted street standards, a minor arterial is a four-lane high-volume roadway with a center median, bike lanes, and sidewalks.
2. On-street parking may be permitted in commercial areas to help limit the speed of traffic, create a safer pedestrian environment, and provide parking immediately in front of commercial storefronts.
3. Regional town centers may be located along minor arterials since these centers serve the entire community and surrounding areas. Local town centers and village centers may also be located along at least one minor arterial. Where minor arterials run through a local town center or village center, the roadway design should be modified to include on-street parking and design elements to facilitate a safe pedestrian environment. This typology is not ideally suited to supporting a pedestrian-oriented retail environment, so commercial frontages should be located along other street typologies when possible. However, commercial buildings facing a minor arterial should front the street with front door entries toward the street.
4. The median in the center of the roadway should be utilized to facilitate the safe passage of pedestrians along and across a minor arterial. Suggested treatments include landscaping and pedestrian refuges at crossings.
5. The landscaping strip along the sides of the roadway should be designed to create a separation between pedestrians and fast-moving vehicles. The strip should include a landscaped area between the edge of the curb and the sidewalk. Street trees and lighting should be provided and designed at a pedestrian scale.
6. Where right-turn lanes are required, the quality of the pedestrian environment should not be diminished with the width of sidewalks and landscape strips maintained.
7. The facades of buildings located at the required "build-to line" in fulfillment of the minimum building frontage requirement should be storefront frontage types. It is preferred that building frontages approach the sidewalk near intersections.



Median with pedestrian refuge along minor arterials

C. Nonresidential Collector Street (Commercial). Characteristics of a nonresidential collector street (commercial):

1. Consistent with the city's adopted street standards, a nonresidential collector street is a two-lane roadway with bike lanes, on-street parking, and detached sidewalks.
2. This street typology may be used in any of the center zones.
3. The typology may include a median in the center of the roadway. Whenever a median is present, it should be utilized to facilitate the safe crossing of pedestrians along and across the street. Suggested treatments include landscaping and pedestrian refuges at crossings.
4. The landscape strip areas should be designed to enhance the pedestrian environment by providing a landscape separation between pedestrians and fast-moving vehicles. Motorists should have adequate views of the storefronts located along the street. It is recommended that street trees and lights designed to the pedestrian scale be placed within landscape strips. The strips may comprise a continuous landscaped area or intermittent tree wells surrounded by paving materials that are compatible with the sidewalk's materials. Canopy street trees should be used to maintain views of storefronts beneath the tree canopy. 4. Intersections should be designed to provide a safe and pleasant pedestrian environment. To improve the safety and visibility of pedestrians crossing the street, features may include pedestrian bulbouts, differentiated accent paving within the intersection, pedestrian refuge areas within the medians of arterials, and in-street crossing lights.
5. Turning movements typically occur from within the main travel lanes; however, short (one- to two-car-length) turn pockets may be provided at some intersections in lieu of parking on one side of the street.
6. Door yard/terrace or light court, stoop, storefront, gallery, and arcade frontage types are preferred due to the urban character of the street.



Continuously landscaped area between sidewalk and street along nonresidential collector streets

D. Residential Collector Street. Characteristics of a residential collector street:

1. Consistent with the city's adopted street standards, a residential collector street is a two-lane roadway with bike lanes, and landscape strip between sidewalk and roadway.
2. This street typology may be used in any of the center zones.
3. The landscape strip areas should be designed to provide pedestrians with secure passage along the roadway. It is recommended that street trees and lights designed to the pedestrian scale be placed within continuous landscape strips to provide a barrier between the roadway and sidewalk. Larger canopy trees should be used where possible to shade the sidewalk and the street.
4. Intersections should be designed to provide pedestrians with safe passage and adequate visibility from motorists. Features may include pedestrian bulbouts, differentiated accent paving within the intersection, pedestrian refuge areas within the medians of arterials, and in-street crossing lights.
5. Turning movements typically occur from within the main travel lanes; however, short (one- to two-car-length) turn pockets may be provided at some intersections in lieu of parking on one side of the street.
6. Common yard, porch, door yard/terrace or light court, and stoop frontage types are preferred.



Residential Collector Street with bike lanes and landscaping between sidewalk and roadway

E. Main Street. Characteristics of a main street:

1. Consistent with the city's adopted street standards, a main street is a two-lane roadway with diagonal or parallel on-street parking, and sidewalks.
2. This street typology may be used in any of the center zones.
3. Landscaping and larger trees should frequently interrupt the parking lanes to soften the visual impact of the parked vehicles and to help cool the air heated by the pavement.
4. Intersections should be designed to provide pedestrians with safe passage. Features may include pedestrian bulbouts, differentiated accent paving within the intersection, pedestrian refuge areas within the medians of arterials, and in-street crossing lights.
5. Turning movements typically occur from within the main travel lanes; however, short (one- to two-car-length) turn pockets may be provided at some intersections in lieu of parking on one side of the street.
6. Storefront, gallery, arcade, and discontinuous arcade frontage types are preferred due to the urban and retail character of the street.



Main Street with on-street parking, sidewalks, landscaping and pedestrian bulbouts

F. Nonresidential Local Street (Commercial). Characteristics of a nonresidential local street (commercial):

1. Consistent with the city's adopted street standards, a nonresidential local street is a two-lane, low-speed roadway with on-street parking and detached sidewalks, but no bike lanes.
2. This street typology may be used in any of the center zones.
3. The landscape strip areas should be designed to provide pedestrians with secure passage along the roadway and motorists with adequate views of the storefronts located along the street. It is recommended that street trees and lights designed to the pedestrian scale be placed within strips to provide a barrier between the roadway and sidewalk. The strips may comprise a continuous landscaped area or intermittent tree wells surrounded by paving materials that are compatible with the sidewalk's materials. Smaller canopy street trees should be used to maintain views of storefronts.
4. Wherever a nonresidential local street intersects with an arterial, a collector street, or a main street, the intersection should be designed to provide pedestrians with safe passage and adequate visibility from motorists. Features may include pedestrian bulbouts, differentiated accent paving within the intersection, pedestrian refuge areas within the medians of arterials, and in-street crossing lights.
5. Turning movements typically occur from within the main travel lanes; however, short (one to two car-length) turn pockets may be provided at some intersections in lieu of parking on one side of the street.
6. Porch, door yard/terrace or light court, stoop, courtyard, and storefront frontage types are preferred due to the urban, but more intimate, scale of the street.



Nonresidential Local Street with tree wells and lighting placed in the landscape strip

G. Standard Residential Street. Characteristics of a standard residential street:

1. Consistent with the city's adopted street standards, a standard residential street is a two-lane roadway with on-street parking and detached sidewalks, but no bicycle lanes.
2. This street typology may be used in any of the center zones.
3. It is recommended that street trees and lights designed to the pedestrian scale be placed within the landscape strips. The strips should comprise a continuous landscaped area. Larger canopy trees should be used where possible to shade the sidewalk and the street.
4. Wherever a standard residential street intersects with a collector street, a main street, or a nonresidential local street, the intersection should be designed to provide pedestrians with safe passage and adequate visibility from motorists. Features may include pedestrian bulbouts and differentiated accent paving within the intersection.
5. Turning movements typically occur from within the main travel lanes; however, short (one to two car-length) turn pockets may be provided at some intersections in lieu of parking on one side of the street.
6. Porch, door yard/terrace or light court, stoop, courtyard, and storefront frontage types are preferred due to the urban character of the street.



Standard Residential Street with on-street parking and pedestrian scaled lighting in the landscape strip

H. Minor Residential Street. Characteristics of a minor residential street:

1. Consistent with the city's adopted street standards, a minor residential street is a two-lane roadway with on-street parking and detached sidewalks, but no bicycle lanes.
2. This street typology may be used in any of the center zones.
3. It is recommended that street trees and lights designed to the pedestrian scale be placed within the landscape strips or in bulbouts or tree wells between parking spaces. The strips should comprise a continuous landscaped area. Larger canopy trees should be used where possible to shade the sidewalk and the street.
4. Wherever a minor residential street intersects with a collector street, a main street, or a nonresidential local street, the intersection should be designed to provide pedestrians with safe passage and adequate visibility from motorists. Features may include pedestrian bulbouts and differentiated accent paving within the intersection.
5. Turning movements typically occur from within the main travel lanes; however, short (one to two car-length) turn pockets may be provided at some intersections in lieu of parking on one side of the street.
6. Porch, door yard/terrace or light court, stoop, courtyard, and storefront frontage types are preferred due to the urban character of the street.



Minor Residential Street with landscaped bulbouts and pedestrian-scale lighting

I. Alley. Characteristics of an alley:

1. Consistent with the city's adopted street standards, an alley is a narrow roadway that provides access from the rear of a lot onto a public street.
2. This street typology may be used in any of the center zones.
3. Porch and stoop frontages are preferred for use in accessory dwelling units facing the alley.



Alley provides rear access

J. Paseo – New pathway type. Characteristics of a paseo:

1. Paseos are typically private (but may be public) pathways serving pedestrians and bicyclists only. This new street typology may also provide some limited service access during specified periods of the day. A paseo includes a wide paved area between two building frontages.
2. This street typology may be used in any of the center zones.
3. Street lighting and landscaping should be designed at a pedestrian scale. Larger canopy trees should be used where possible to shade the paseo.
4. Porch, door yard/terrace or light court, stoop, courtyard, storefront, gallery, and arcade frontage types are preferred due to the urban and intimate scale of the street.



Paseo with landscaping and storefronts

K. Multi-Use Path – New pathway type. Characteristics of a multi-use path:

1. Multi-use paths are pathways that connect neighborhoods, districts, and regions and serve pedestrians and bicyclists only. A multi-use path includes two bicycle lanes, one in each direction.
2. This street typology may be used in any of the center zones.
3. Street lighting and landscaping should be designed at a pedestrian scale. Larger canopy trees should be used where possible to shade the pathway.
4. Porch, door yard/terrace or light court, and courtyard frontage types are preferred due to the intimate scale of the pathway. [Ord. 27-2008 § 1 (Exh. A § 3.2.040)].



Multi-use path with two bike lanes

Table 1 Preferred Frontage Type by Street Type

Street Type	Common yard	Porch	Door Yard/ Terrace or Light Court	Courtyard	Stoop	Storefront	Gallery	Arcade	Discontinuous Arcade
Minor and Major Arterial						x			
Non-residential Collector			x	x	x	x	x	x	
Residential Collector	x	x	x		x				
Main Street						x	x	x	x
Non-residential Local		x	x	x	x	x			
Standard Residential		x	x	x		x			
Minor Residential		x	x	x	x	x			
Alley		x			x				
Paseo		x	x	x	x	x	x	x	
Multi-Use Path		x	x	x					

23.513.020 Frontage types.

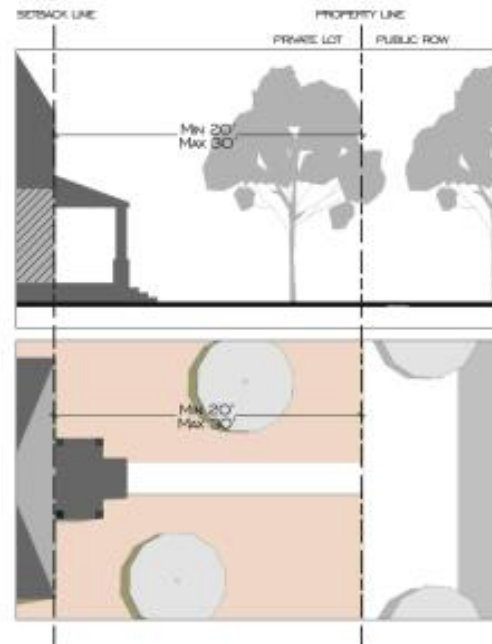
The purpose of this section is to provide appropriate building frontage types for construction in the form-based zones. The frontage types will ensure a proper transition from the public to the private realm by defining the edge of the streetscape, while perpetuating the character of individual centers. The intent of this section is to introduce a limited number of common building frontages that may be broadly applied along the streetscape typologies. Specific permitted frontage types for each streetscape typology may be found in RCMC 23.513.010 (Enhanced Design Standards for City Street Types).

The frontage types allowed along one or more of streetscape typologies are as follows:

- Common Yard
- Porch
- Door Yard/Terrace or Light Court
- Courtyard
- Stoop
- Storefront
- Gallery
- Arcade
- Discontinuous Arcade

A. Common Yard Standards and Characteristics

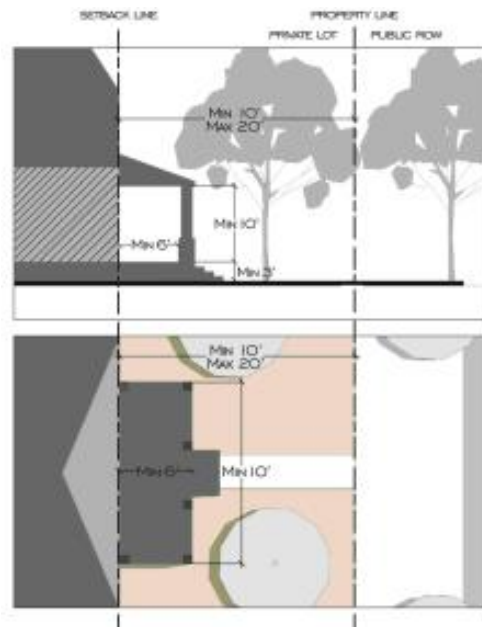
1. As shown in the section and plan drawings, a common yard frontage is characterized by deep front yard setbacks. Front yards do not contain fences and are visually continuous with one another, thereby creating a “strip” of green between the building frontage and the public right-of-way. Porches and/or stoops are not required, though they are recommended. This frontage type is appropriate where residential development is incorporated into a center.
2. Primary Street Setback. The front facade of the structure must be set back a minimum of 20 feet behind the front property line and a maximum of 30 feet. Porches and stoops may project into the required setback.
3. Fences are prohibited within the front setback.



Source: SERA Architects, 2008

B. Porch Standards and Characteristics.

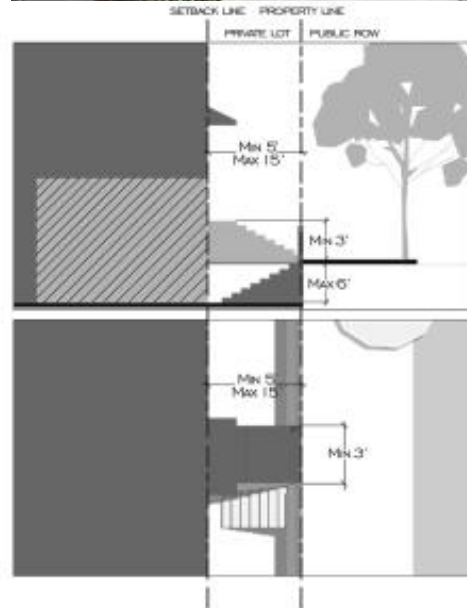
1. As shown in the section and plan drawings, a porch frontage is characterized by a facade which is set back from the property line with a front yard and by a porch which is appended to the front facade (the porch may encroach into the front setback). The frontage type is appropriate where residential development is incorporated into a center.
2. Primary Street Setback. The front facade of the structure must be set back a minimum of 10 feet behind the front property line and a maximum of 20 feet. Porches may project into the required front setback.
3. Porches must conform with the following:
 - i. Minimum of 10 feet tall (clear).
 - ii. Minimum of 6 feet deep (clear).
 - iii. Porch height must be a minimum of 3 feet above grade.
 - iv. Minimum of 10 feet wide.
4. Fences are permitted within the front setback, but may be no greater than 4 feet in height.



Source: SERA Architects, 2008

C. Door Yard/Terrace or Light Court Standards and Characteristics

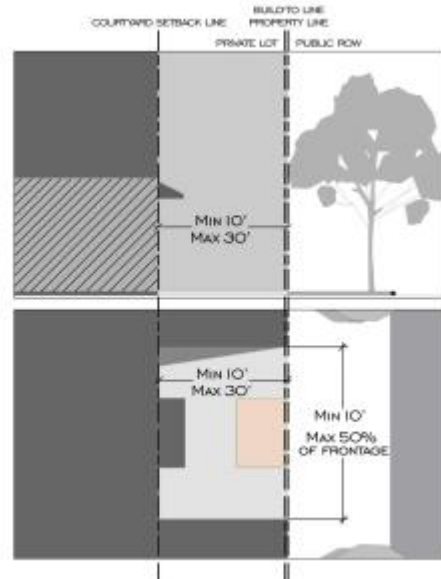
1. As shown in the section and plan drawings, a door yard/terrace or a light court frontage is a facade that is set back from the street property line by an elevated terrace or a sunken light court. This buffers residential uses from the sidewalk and removes the private yard from public encroachment. The door yard/terrace or light court is suitable for outdoor dining and is appropriate where residential, professional office, and retail development is incorporated into a center.
2. Primary Street Setback. The front facade of the building must be set back a minimum of 5 feet and a maximum of 15 feet behind an elevated terrace or sunken light court. The terrace and/or sunken light court must directly abut the front property line.
3. Sub-basements accessed by a light court may not be more than 6 feet below the sidewalk.
4. The stoop above the light court must be a minimum of 3 feet above grade and a minimum of 3 feet wide.
5. Above-grade commercial building entrances at the stoop level must either be covered by an awning or canopy, or be recessed behind the front building facade. If an awning or canopy is provided, it must meet the dimensional standards provided in subsection (F) of this section (Storefront). If a recessed entry is provided, it must be recessed behind the front facade a minimum of 3 feet and a maximum of 5 feet.



Source: SERA Architects, 2008

D. Courtyard Standards and Characteristics.

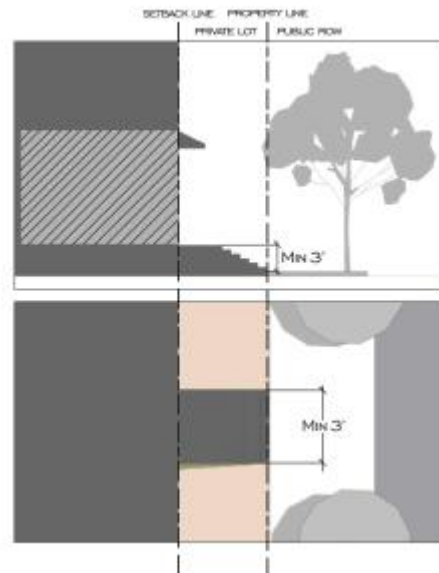
1. As shown in the section and plan drawings, a courtyard frontage may be created by recessing a central portion of the facade for a portion of the building frontage. The courtyard frontage should be allocated with other frontage types (typically storefront, stoop, gallery, or arcade). A low fence or wall, with a pedestrian opening in all cases, may be provided along the setback line to define the space of the courtyard/forecourt. A courtyard may be suitable for gardens, outdoor dining, and vehicle dropoffs and is appropriate where residential, office, retail, and institutional uses are incorporated into a center.
2. Primary Street Setback. The front facade of the building must be built to the front property line for at least 50 percent of the overall building frontage. The remaining 50 percent of building frontage may be used to create a recessed courtyard in the central portion of the facade.
3. Courtyards must be set back from the build-to line/front building facade a minimum of 10 feet and a maximum of 30 feet.
4. Courtyards must span a minimum of 10 feet along the front facade and may comprise no more than 50 percent of the overall building frontage.
5. The courtyard frontage may choose to incorporate other frontage types (typically storefront, stoop, gallery, or arcade), but is not expressly required to do so.
6. Courtyards may not be covered.
7. Fences and walls with pedestrian openings are permitted within the courtyard setback, but may be no greater than 4 feet in height.



Source: SERA Architects, 2008

E. Stoop Standards and Characteristics.

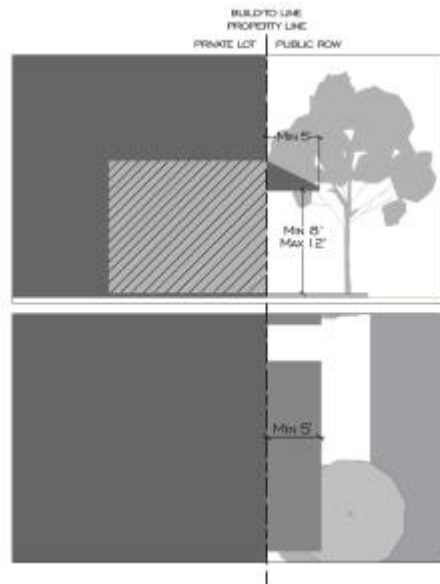
1. As shown in the section and plan drawings, a stoop frontage is characterized by a facade which is aligned close to the frontage line with the ground story elevated from the sidewalk to provide privacy for the ground floor uses. The entrance is usually an exterior stair or landing which may be combined with a small porch or roof. The stoop frontage type is appropriate where ground floor residential and office professional uses are incorporated into a center.
2. Primary Street Setback. The front facade of the building must be set back behind an elevated stoop, which must be aligned with and directly about the front property line.
3. Stoops must conform with the following:
 - i. Stoops must rise to a minimum of 3 feet above grade.
 - ii. Minimum 3 feet wide.
4. Stoop frontages may be combined with a small roof or porch.
5. Commercial building entrances at the stoop level must either be covered by an awning or canopy or be recessed behind the front building facade. If an awning or canopy is provided, it must meet the dimensional standards provided in subsection (F) of this section (Storefront). If a recessed entry is provided, it must be recessed behind the front facade a minimum of 3 feet and a maximum of 5 feet.



Source: SERA Architects, 2008

F. Storefront Standards and Characteristics.

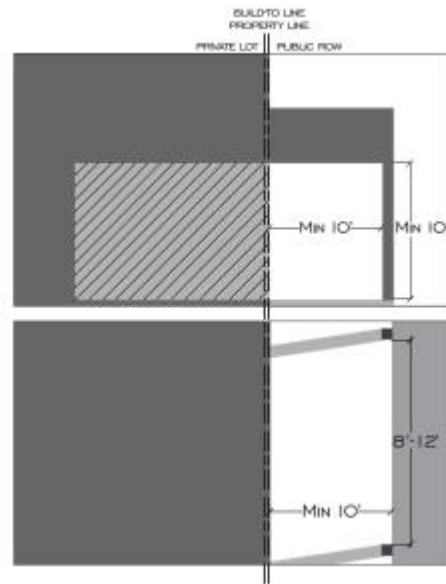
1. As shown in the section and plan drawings, a storefront frontage is characterized by a facade which is aligned close to or directly on the right-of-way line with the building entrance at sidewalk grade. Storefront frontages have substantial glazing on the ground floor and provide awnings or canopies cantilevered over the sidewalk. Building entries may either provide a canopy or awning, or alternatively, may be recessed behind the front building facade. The frontage type is appropriate where ground floor retail or office uses are incorporated into a center.
2. Primary Street Setback. The front facade of the building must be built to the front property line.
3. Awnings/canopies must be provided for a minimum of 50 percent of the overall building frontage and must comply with the following:
 - i. Awnings/canopies must project a minimum of 5 feet over the sidewalk.
 - ii. Awnings/canopies must provide a minimum of 8 feet and a maximum of 12 feet of vertical clearance over the sidewalk.
4. Building entrances must either be covered by an awning or canopy, or be recessed behind the front building facade. If an awning or canopy is provided, it must meet the dimensional standards provided above. If a recessed entry is provided, it must be recessed behind the front facade a minimum of 3 feet and a maximum of 5 feet.



Source: SERA Architects, 2008

G. Gallery Standards and Characteristics.

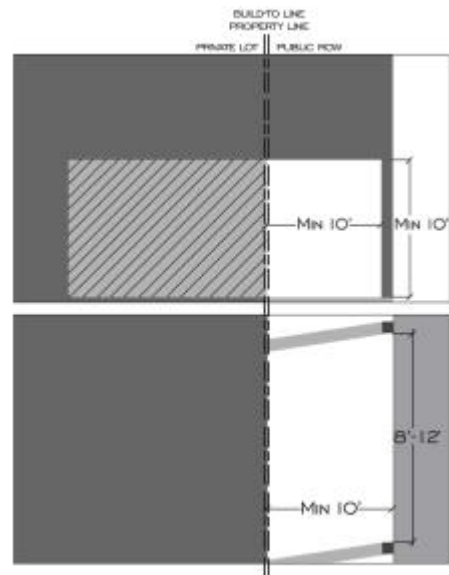
1. As shown in the section and plan drawings, a gallery frontage is characterized by a facade which is aligned with the back of the sidewalk, with the building entrance at sidewalk grade and with an attached colonnade that projects over the sidewalk. The sidewalk must be fully absorbed within the colonnade so that a pedestrian may not bypass it. This frontage is conventional for retail use.
2. Primary Street Setback. The front facade of the building must be set back a minimum of 10 feet behind a colonnade. The colonnade may be located no more than 3 feet behind the curb.
3. The gallery must provide a minimum of 10 feet of vertical clearance from the sidewalk.
4. There must be a minimum of 10 feet of clearance between the columns and the front facade of the building.
5. Columns must be spaced a minimum of 8 feet and a maximum of 12 feet apart.



Source: SERA Architects, 2008

H. Arcade Standards and Characteristics.

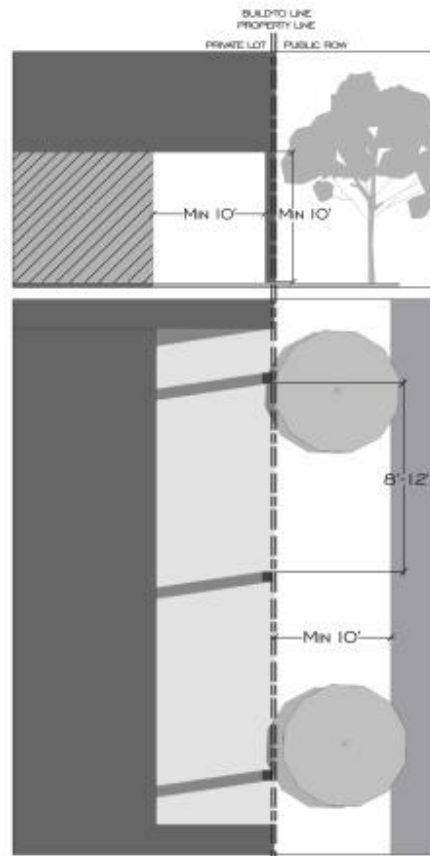
1. As shown in the section and plan drawings, an arcade frontage is nearly identical in character to the gallery frontage except that the upper stories of the building may project over the public sidewalk way. The sidewalk must be fully absorbed within the colonnade so that a pedestrian may not bypass it. This frontage is conventional for retail use.
2. Primary Street Setback. The front facade of the building must be set back a minimum of 10 feet behind a colonnade. The colonnade may be located no more than 3 feet behind the curb.
3. The arcade must provide a minimum of 10 feet of vertical clearance from the sidewalk.
4. There must be a minimum of 10 feet of clearance between the columns and the front facade of the building.
5. Columns must be spaced a minimum of 8 feet and a maximum of 12 feet apart.



Source: SERA Architects, 2008

I. Discontinuous Arcade Standards and Characteristics.

1. As shown in the section and plan drawings, a discontinuous arcade frontage is nearly identical in character to the arcade frontage except that the colonnade is set back behind the right-of-way. This frontage should not be used for long stretches of the facade and should ideally be flanked on either side by building frontages built to the right-of-way line. This frontage is conventional for retail use.
2. Primary Street Setback. The front facade of the building must be set back a minimum of 10 feet behind a colonnade. The colonnade must be aligned with and directly abut the front property line.
3. The arcade must provide a minimum of 10 feet of vertical clearance from the sidewalk.
4. There must be a minimum of 10 feet of clearance between the columns and the front facade of the building.
5. Buildings with a discontinuous arcade must be adjacent to a sidewalk with a minimum width of 10 feet. Columns must be spaced a minimum of 8 feet and a maximum of 12 feet apart. [Ord. 27-2008 § 1 (Exh. A § 3.2.050)].



Source: SERA Architects, 2008

RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 – ZONING CODE

Public Hearing Draft November 14, 2016

Article 7

Site Planning and Development Standards

Overview

This Article provides standards to ensure that properties are developed consistent with the General Plan vision of a quality built environment, reflected in the character of neighborhoods, walkable developments, unified architectural details, landscaping and integrated public spaces. This Article will also ensure that development is safe and functional, interconnected with adjacent properties and the surrounding neighborhood, and visually consistent with the community. To achieve these objectives, this Article provides development regulations related to site-specific components of projects, such as landscaping, parking, loading, lighting, pedestrian facilities, public spaces, accessory structures, and signage.

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Article 7 Contents

Chapter 23.701 – Height Measurement and Exceptions

Chapter 23.704 – Yard Measurement and Projections

Chapter 23.710 – Housing Incentives/Density Bonus Provisions

Chapter 23.713 – Condominium Conversion

Chapter 23.716 – Landscaping

Chapter 23.719 – Parking and Loading

Chapter 23.722 – Standards for Pedestrian-Oriented Spaces

Chapter 23.725 – Outdoor Lighting

Chapter 23.728 – Outdoor Display, Sales, and Storage

Chapter 23.731 – Fences, Walls, and Screening

Chapter 23.734 – Accessory Structures

Chapter 23.737 – Noise, Odor, and Vibration Performance Standards

Chapter 23.740 – Public Utilities

Chapter 23.743 – Signs

Chapter 23.701

HEIGHT MEASUREMENT AND EXCEPTIONS

Sections:

- 23.701.010 Purpose.
~~23.701.020 Definitions.~~
 23.701.0~~2~~³⁰ Height regulations.
 23.701.0~~3~~⁴⁰ Height measurement.
 23.701.0~~4~~⁵⁰ Height exceptions.

23.701.010 Purpose.

The purpose of this chapter is to provide the rules for determining and calculating height of structures ~~within~~ in the city. Additionally, it includes exceptions to the height requirements of the underlying zoning district based on use type and features. The intent of these regulations is to provide for compatibility of building height when adjacent lots have different maximum height limits or there are different grade levels between a development site and its adjacent roadway. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.1.010)].

~~23.701.020 Definitions.~~

~~For the purpose of this chapter, the following terms shall have the definitions set forth herein:~~

~~A. "Basement" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above which is partly below grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to the floor above.~~

~~B. "Grade" is the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet distant from said wall, or the lowest point of elevation on the finished surface of the ground between the exterior wall of a building and the property line if it is less than five feet distant from said wall. In cases where walls and fences are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way. In the case of signs, "grade" is the lowest point of elevation of the finished surface of the ground at the base of the sign, or in the case of a double support, the lowest point of elevation of the finished surface of the ground at the supports.~~

~~C. Grade, Existing. "Existing grade" shall mean the natural grade in place prior to the preparation of property for development. For individual recorded lots, "existing grade" shall mean natural grade or the grade established as a part of the development of the subdivision.~~

~~D. Grade, Finish. "Finish grade" shall mean the final contour of the ground surface of a site that conforms to the approved grading plan inclusive of cut and fill when not part of master grading of a subdivision. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.1.020)].~~

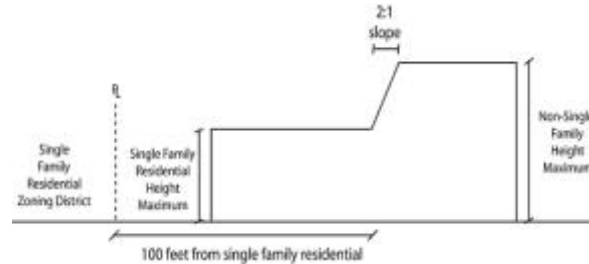
23.701.0~~2~~³⁰ Height regulations.

A. Generally. Except as otherwise provided by this chapter or any other provisions of this title, all structures shall be limited to the maximum height identified in the underlying (or applicable overlay) zoning district as identified in Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards), to the maximum height allowed for accessory structures as identified in Chapter 23.734 ~~RCMC~~ (Residential Accessory Structures), or to the maximum height allowed for telecommunication facilities as identified in ~~RCMC~~ Section 23.907.020 (Telecommunication facilities). The height provisions for buildings or structures shall be interpreted so that both the limitation as to the number of stories and the limitation of the height in feet shall both apply when both standards are listed.

B. Height Compatibility with Single-Family Development. Whenever a structure is proposed on a lot that is adjacent to a single-family residential zone (e.g., CMU adjacent to RD-5), the proposed structure shall maintain the same maximum height allowed in the adjacent single-family residential zone (i.e., e.g., the RD-5 lot) within 100 feet of the shared property line. From that point measured 100 feet from the shared line, the maximum height of the proposed structure may increase to the maximum allowed by its underlying zoning at a two-to-one ratio. See Figure 23.701-1

(Height Compatibility with Single-Family Development). In the instance where the zones are separated by a public right-of-way, this rule shall still apply and the 100-foot distance measurement shall begin from the property line of the residential zone adjacent to the right-of-way.

Figure 23.701-1: Height Compatibility with Single-Family Development

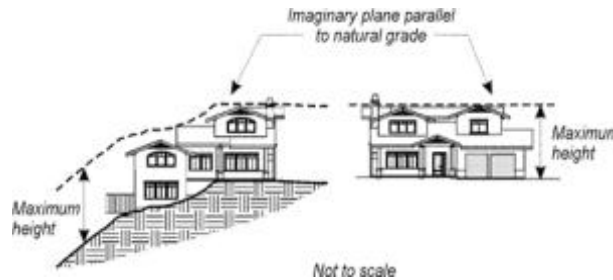


C. Height Limits in Aircraft Approach Zones. In any zone, no tree or other object of natural growth shall be allowed to grow and no building or appurtenance thereon, tower, or other structure shall be erected or maintained to exceed the height limits developed for aircraft approach and take-off areas, nor the imaginary surfaces as defined by the Federal Aviation Administration. Such approach and take-off areas may be depicted on the zoning map for reference. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.1.030)].

23.701.0340 Height measurement.

The height of a structure shall be measured as the vertical distance from the finish grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade (see Figure 23.701-2, Measurement of Height).

Figure 23.701-2: Measurement of Height



[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.1.040)].

23.701.0450 Height exceptions.

Exceptions to the height regulations are as follows:

A. General Height Exceptions. Towers, penthouses, and other roof structures for the purpose of shelter for mechanical equipment, cupolas, water tanks, church steeples, carillon towers, radio/television antennas, and similar structures and necessary mechanical appurtenances may be erected on a building, or on the ground, to a height greater than the limit otherwise established within the underlying zone, or for that use; provided, that no such exception shall cover at any level more than 15 percent of the area of the lot nor have an area at the base greater than 1,600 square feet. (See [RCMC Section 23.907.020](#) (Telecommunication facilities) for dish antenna regulations.) All construction is subject to approval of building inspection. Signs may not be placed on such structures at any height exceeding the height of an otherwise permitted building. Fences or walls may be required and conditioned to exceed ~~six~~ 6 feet in height for a project, as determined by the ~~approving authority~~ [approval authority](#) hearing related planning matters on the same parcel of land.

B. Height Exceptions for Residential Zones. As part of design review, the designated ~~approving authority~~ [approval authority](#) may allow apartment houses, schools, churches, public buildings, and other similar buildings to be erected to a height not to exceed 75 feet; provided, that the required yards are increased ~~one~~ 1 foot for each ~~one~~ 1 foot of height increase of said building.

C. Mixed-Use, Automotive, and Industrial Zones. As part of design review, the designated ~~approving authority~~approval authority may permit the maximum height for buildings in the mixed-use, automotive, and industrial zones to be increased to a maximum of 150 feet; provided, that all portions of the building exceeding the underlying height maximum are set back from the ultimate right-of-way line of all abutting streets and freeways a distance at least equal to the height of that portion of the building. For any residential portion of a hotel or a residential use, all required yards and courts shall be increased ~~one~~1 square foot for each foot that such building exceeds the maximum height of the underlying zoning district. In any case, the floor area to lot area ratio shall not exceed that allowed in the underlying zoning district or two-and-one-half to one when no maximum is specified. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.1.050)].

¹ Code reviser's note: Ordinance 13-2013 Exhibit B sets out all of Article 7 without intending to amend the entire article. Only sections intended to be amended by the ordinance cite the ordinance in the section's legislative history.

Chapter 23.704

YARD MEASUREMENT AND PROJECTIONS

Sections:

23.704.010 Purpose.

~~23.704.020 Definitions.~~

23.704.0~~23~~³⁰ Yard and setback regulations.

23.704.0~~34~~⁴⁰ Allowed encroachments/projections into required yards.

23.704.010 Purpose.

The purpose of this chapter is to establish rules and regulations for setback measurement, yard areas, and encroachments. These provisions, in conjunction with other applicable provisions of this title, are intended to ensure open areas around primary structures, maintain clear visibility for traffic safety and pedestrian access, buffer between property and land uses, and establish natural and visual light and air space privacy, landscaping, and recreation. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.2.010)].

~~23.704.020 Definitions.~~

~~For the purpose of this chapter, the following terms shall have the definitions set forth herein:~~

~~“Lot” means a parcel of land shown on a subdivision map, parcel map, certificate of compliance, or a record of survey map, or described by metes and bounds and recorded in the office of the county recorder of Sacramento County, or a site under one ownership having an area for each main building or use as required in the applicable zone and having a frontage upon or access by adequate public easement to a public street, road, or highway. Types of lots include the following and are described in Figure 23.704 1 (Lot and Yard Types):–~~

~~A. “Lot, corner” means a lot situated at the intersection of two or more public streets having an angle of intersection of not more than 135 degrees.–~~

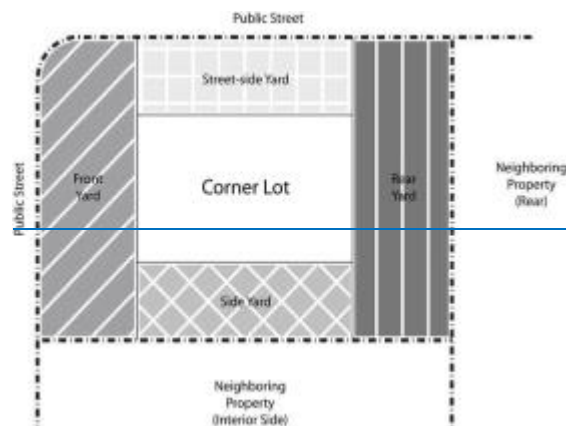
~~B. “Lot, interior” means a lot other than a corner lot.–~~

~~C. “Lot, through” means a lot having a frontage on two parallel or approximately parallel streets.–~~

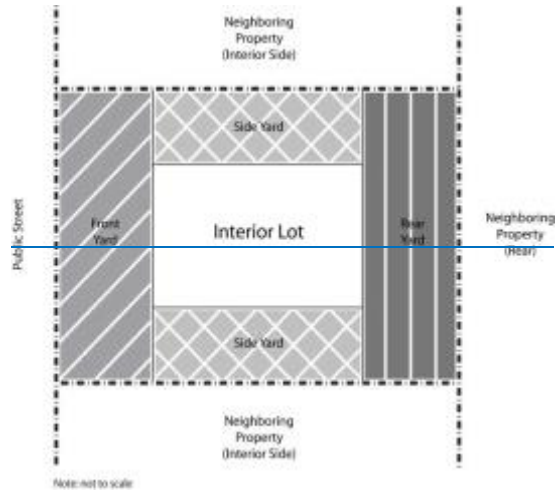
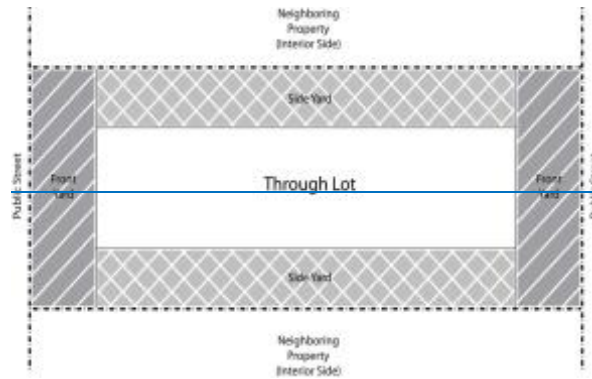
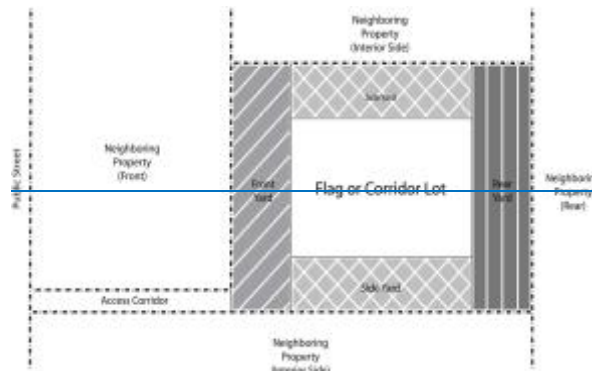
~~D. “Lot, flag” means a parcel of land shaped like a flag; the staff (access corridor) is a narrow strip of land providing vehicular and pedestrian access to the street with the bulk of the property lying to the rear of other lots.–~~

Figure 23.704 1: Lot and Yard Types

Corner Lot



Interior Lot

*Through Lot**Flag Lot*

“Lot depth” means the horizontal distance between the front and rear lot lines measured on the longitudinal center line.

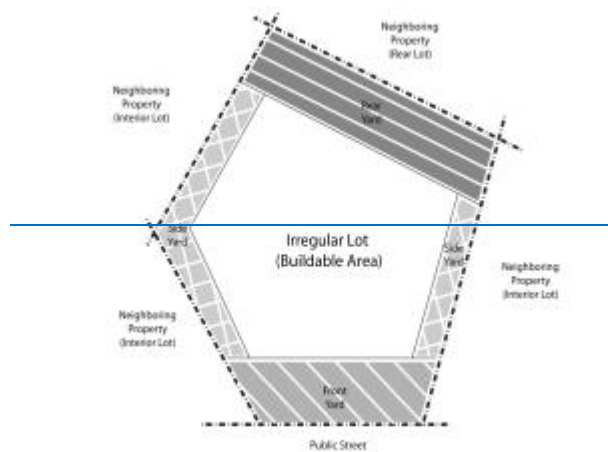
“Lot frontage” means the portion of a property that abuts one side of a public street which allows primary access to the property. The public street frontage for lots fronting on a curved street, or on the curved portion of a cul de sac street, shall be measured along an arc located within the front 50 feet of the lot and based on a center point coincidental with the center point of the street curve. If such arc is farther than 20 feet from the right-of-way line of the street, that arc will be considered the front yard setback line of the lot.

“Lot line, front” means, in the case of an interior lot, a line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street. In the case of a square or

nearly square-shaped corner lot, the owner may choose which street shall be designated as the front of the lot. Once the choice of frontage has been made, it cannot be changed unless all requirements for yard space are complied with.

“Lot line, rear” means a lot line which is opposite and most distant from the front lot line and, in case of an irregular, triangular, or gore shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line. See Figure 23.704-2 (Setbacks for Irregular Lots).

Figure 23.704-2: Setbacks for Irregular Lots



“Lot line, side” means any lot boundary line not a front lot line or a rear lot line.

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

“Right of way line” means the future right of way line or plan lines of any highway or street as shown on the current circulation plan roadway system and sizing map of the city’s General Plan.

“Setback” means the minimum distance between a structure and a property line of the lot, measured at a right angle from the designated property line.

“Yard” means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this code. Types of yards include the following and are described in Figure 23.704-1 (Lot and Yard Types):

A. “Yard, front” means a yard extending across the full width of the lot between the front of the main building and the front lot line. The depth of the required front yard shall be measured horizontally between the nearest part of the closest building and the nearest point of the front lot line.

B. “Yard, rear” means a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

C. “Yard, side” means a yard between a building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the closest building.

D. “Yard, side street” means a yard between a building and the side lot line adjacent to the street right of way, extending from the front yard to the rear yard. The depth of the required side street yard shall be measured horizontally between the nearest part of the closest building and the nearest point of the side lot line adjacent to the street.

~~Yard Area, Actual. The actual yard area of a lot is the horizontal area between the property line and a parallel line along the nearest structure located outside of the required setback area.~~

~~Yard Area, Required. The required yard area (front, interior side, street side, and/or rear) of a lot is the horizontal area between the property line and the minimum setback distance for the respective yard pursuant to Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.2.020)].~~

23.704.0230 Yard and setback regulations.

A. Required Yard Area. Except as otherwise specified in this zoning code, required yard areas shall be kept free of buildings and structures.

B. Vertical Clearance. Except as otherwise provided in this title, every part of a required yard shall be open from its lowest point to the sky unobstructed. Building overhangs, bay windows, and other such elements may intrude as permitted.

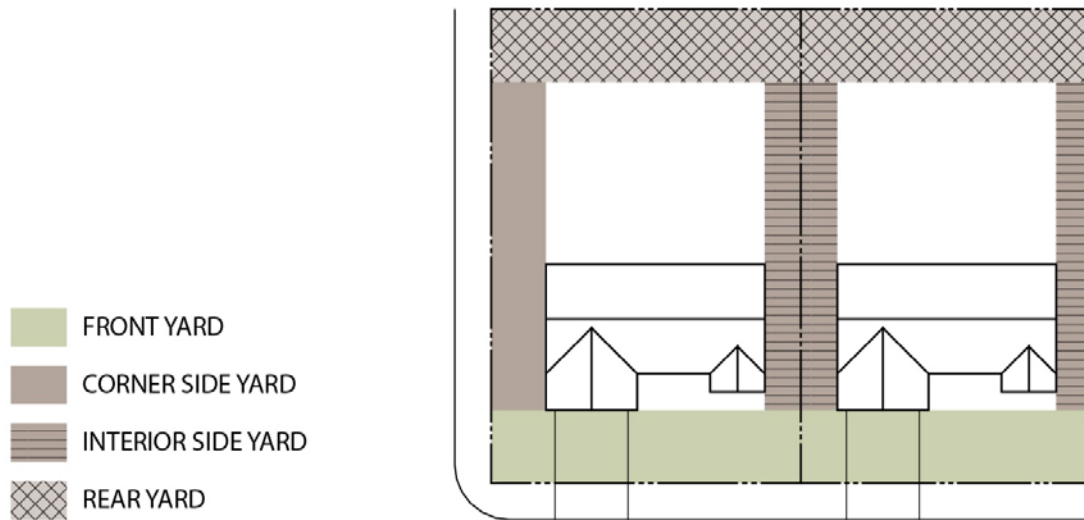
C. Lots Abutting Two or More Streets. In the case of a lot abutting two or more streets, the main buildings and accessory buildings shall be erected so as not to encroach upon the required setback of any of the streets.

D. Through Lots. Where a through lot has a depth of 125 feet or more, said lot shall be subject to front yard setback requirements, and other requirements related to a front yard along the secondary frontage.

E. Lot Area, Depth, Width, and Setback Reduction. Where a lot area or a lot width, depth, or setback has been reduced for an existing legally created lot by not more than 15 percent as a result of acquisition or dedication for a highway, road, drain, or other public purpose or as a result of dedication pursuant to a condition of approval, the lot area or yard so reduced may be included in determining compliance with lot area or yard requirements in the same manner as if the acquisition or dedication had not taken place.

F. Setback Measurement. The setbacks of all buildings and structures shall be ~~determined by~~ measured at right angles from the designated property line, and the building setback line shall be drawn parallel to the designated property line at the required building setback distance. ~~the exterior boundaries of the streets and highways and their proposed widening and extensions as indicated on the circulation plan roadway system and sizing map of the city's General Plan. The width of any street or highway which does not appear in the circulation plan shall be determined from the standards for street widths and improvements set forth in the city's development standards.~~ Setbacks shall be measured from lot lines as detailed below. There shall be, at a minimum, one front property line and one rear property line. The rear property line shall be the lot line parallel, or most nearly parallel, to the front property line. See Figure 23.704-1 (Setback Measurement).

Figure 23.704-1
Setback Measurement



G. Flag Lots. Flag lots shall have a minimum frontage width at the entrance to the parcel from the public right-of-way of 20 feet. No portion of the access corridor shall have a width less than 20 feet. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.2.030)].

23.704.0340 Allowed encroachments/projections into required yards.

The following encroachments shall be permitted; provided, that all such features and structures maintain a minimum ~~three~~3-foot setback from all property lines and a minimum distance of ~~six~~6 feet from any other structure. Detached accessory structures standards and setbacks are stated in Chapter 23.734 (Accessory Structures).

~~A. Detached accessory structures as identified in Chapter 23.734 RCMC (Residential Accessory Structures).~~

~~A~~B. Cornices, sills, eaves, canopies, awnings, and similar features may encroach into any required yard area a distance not to exceed 24 inches.

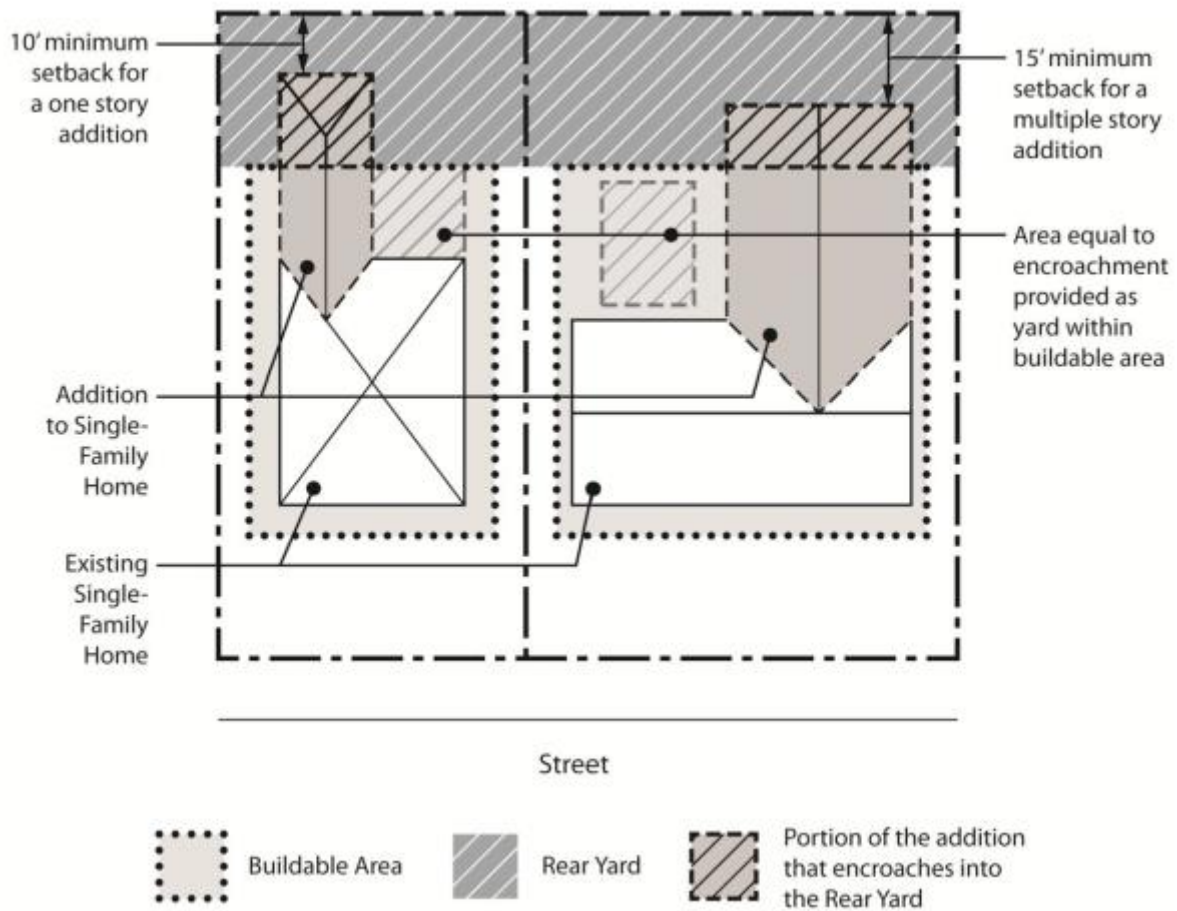
~~B~~C. Window bays, including roof overhangs, having a minimum surface area of 50 percent glass, may encroach 24 inches into the required yard area when the finished floor of the window bay is at least 15 inches above the finished floor of the room.

~~C~~D. Fire escapes, outside stairways, balconies, and water heater enclosures projecting into a yard, court, or place not more than 36 inches and the ordinary projections of chimneys and flues may be permitted by the chief building official where the same are so placed as not to obstruct the light and ventilation of the subject property.

~~D~~E. For single-family residential development, a portion of the main building may project into the required rear yard area; provided, that an equal area of the buildable portion of the lot (this area can be anywhere on the lot) is provided as a yard or court. See Figure 23.704-~~23~~ (Single-Family Encroachment). Minimum setbacks are required as follows:

1. One-story additions shall be set back a minimum of 10 feet from the rear property line.
2. Additions exceeding one story shall be set back a minimum of 15 feet from the rear property line.

Figure 23.704-23: Single-Family Encroachment



[Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.2.040)].

~~Chapter 23.707~~

~~INTEGRATED DEVELOPMENTS~~

~~Sections:-~~

- ~~23.707.010 — Purpose.~~
- ~~23.707.020 — Definition of integrated developments.~~
- ~~23.707.030 — Objective of integrated developments.~~
- ~~23.707.040 — Applicability.~~
- ~~23.707.050 — Review of integrated developments.~~
- ~~23.707.060 — Types of integrated developments.~~

~~23.707.010 — Purpose.~~

~~The purpose of this chapter is to create special regulations for projects with multiple parcels and/or buildings. The intent is to encourage the integration of uses (vertically and horizontally) and to establish flexibility in the strict zoning regulations as they apply. [Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 4.3.010)].~~

~~23.707.020 — Definition of integrated developments.~~

~~For purposes of this title, an “integrated development” is a group of two or more adjacent parcels or uses planned and/or developed in a joint manner which may include shared buildings, public spaces, landscape, and/or parking facilities. Integrated developments may be under single or multiple ownership. [Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 4.3.020)].~~

~~23.707.030 — Objective of integrated developments.~~

~~The objective of an integrated development is to maximize development opportunities and minimize site constraints for a dynamic mix of uses (horizontally and/or vertically) with high quality and compatible design. Integrated developments are often governed by a common business, tenant, homeowner or other association, or by common conditions, covenants, and restrictions (CC&Rs), regardless of whether such uses or entities are located on the same lot or parcel. Individual parcels and pieces of the development act as puzzle pieces that connect and work together to create a seamless picture. [Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 4.3.030)].~~

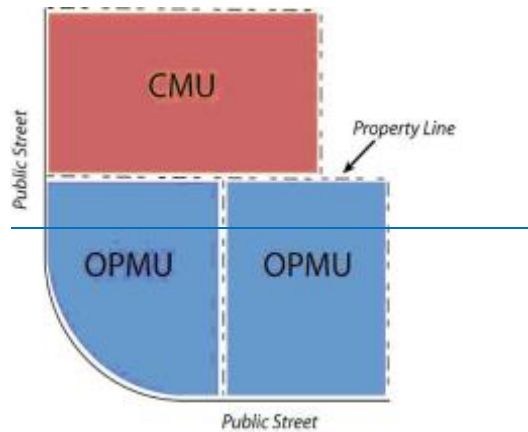
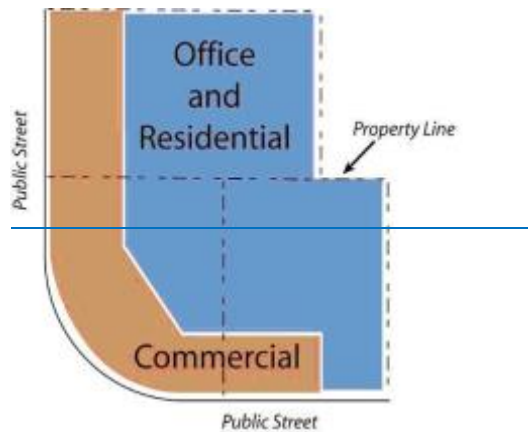
~~23.707.040 — Applicability.~~

~~The provisions for integrated developments herein are only applicable to the medium density residential (MDR), high density residential (HDR), and mixed use districts (RMU, CMU, OPMU, OIMU, LIBP, VC, LTC, RTC). [Ord. 12 2011 § 3 (Exh. A); Ord. 27 2008 § 1 (Exh. A § 4.3.040)].~~

~~23.707.050 — Review of integrated developments.~~

~~The city encourages integrated developments as a means to maximize development opportunities and to create dynamic and high quality projects throughout the community. The purpose requiring design review for integrated developments is to ensure quality design, but also to allow flexibility in development standards for vertical and/or horizontal integration of uses. Integrated developments may also require a conditional use permit, depending upon the proposed uses, as outlined in RCMC 23.707.060 (Types of integrated developments). In reviewing integrated developments, the city will analyze the combined development rights applicable to the individual subject parcels that comprise the integrated development. The development rights of each parcel are available, on an aggregate basis, to the entire integrated development.~~

~~For example, if an integrated development includes parcels zoned office professional mixed use (OPMU) and parcels zoned commercial mixed use (CMU), the corresponding development rights are not constrained to each individual parcel, respectively. Rather, the integrated development may redistribute the development rights available in the CMU zone in some portion of the integrated development other than just the property(ies) zoned CMU. The intent is to provide design flexibility and promote a better integration of uses than would otherwise be available for “nonintegrated” or “stand alone” developments. Figure 23.707 1 (Example Integrated Development) illustrates this concept. The city will also review the relationship of the uses to ensure the different pieces of the development are integrated together (e.g., pedestrian circulation and spaces, parking, lighting, access).~~

Figure 23.707-1: Example Integrated Development*Zoning**Integrated Development*

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.3.050)].

23.707.060—Types of integrated developments.

Integrated developments can be achieved in a number of ways. This section is intended to explain a variety of scenarios in which integrated developments may be considered. In all cases, the individual pieces work together to create the integrated development. Integrated developments may include a combination of developed and undeveloped parcels.

A. **Common Ownership of Multiple Parcels.** In instances where multiple parcels (either contiguous with shared property lines or located across the street from one another) are under the sole ownership of one party or ownership entity, a design review application may be submitted that involves all of the subject properties and as such will be considered together with respect to the design consideration and development rights.

B. **Multiple Ownership of Multiple Parcels.** Multiple property owners may bring forward a design review application for an integrated development where subject parcels are contiguous or are located across the street from one another. As with common ownership, the application will be considered with respect to the zoning districts of the collective properties.

C. **Single Parcel with Multiple Uses.** A property owner of a single parcel may submit a design review application for an integrated development which includes multiple uses in a single building or in multiple buildings on the site. The city may grant a conditional use permit to deviate from the predominant use of a mixed-use designation by up to 10 percent (e.g., to allow 41, rather than 51, percent office use in an office professional mixed-use district).

~~D. Single Parcel with Supportive Use. A property owner may submit a design review application for a single parcel integrated development that includes a use(s) that would normally be supported within the zone but is not proposed in conjunction with a primary use (e.g., restaurant use within the OIMU zone). In such instances, the city will consider a conditional use permit application on a case by case basis to determine if the proposed use can function as an integrated use with surrounding uses. In addition to the standard CUP finding in RCMC 23.134.030, the designated approving authority shall make the following findings:—~~

- ~~1. That the proposed use supports the activities of the surrounding uses;—~~
- ~~2. That the proposed use does not cause the character or overall development pattern of the area to change contrary to the development characteristics of the underlying zoning district; and—~~
- ~~3. That the intensity of the proposed use does not create a use that is predominant within the integrated development and, as such, would otherwise require a rezoning. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.3.060)].~~

Chapter 23.710

HOUSING INCENTIVES/DENSITY BONUS PROVISIONS

Sections:

- 23.710.010 Purpose.
~~23.710.020 Definitions.~~
 23.710.0~~2~~³0 Eligibility for incentives and bonuses.
 23.710.0~~3~~⁴0 General provisions for incentives and bonuses.
 23.710.0~~4~~⁵0 Number and types of incentives and bonuses allowed.
 23.710.0~~5~~⁶0 Location of bonus units.
 23.710.0~~6~~⁷0 Continued availability.
 23.710.0~~7~~⁸0 Process for approval or denial.

23.710.010 Purpose.

The purpose of this chapter is to provide incentives for the production of housing for very low, low, and moderate income, special needs, and senior households in accordance with Government Code Sections 65915 through 65918. In enacting this chapter, it is the intent of the ~~city~~ council to facilitate the development of affordable housing and to implement the goals and policies of the city's General Plan housing element. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.4.010)].

~~23.710.020 Definitions.~~

~~For the purpose of this chapter, the following terms shall have the definitions set forth herein:~~

~~“Affordable rent” means monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low or lower income households, not exceeding the following calculations:—~~

~~A. Very low income: 50 percent of HUD determined area median income for Sacramento County, adjusted for household size, multiplied by 30 percent and divided by 12.—~~

~~B. Lower income: 80 percent of the HUD determined area median income for Sacramento County, adjusted for household size, multiplied by 30 percent and divided by 12.—~~

~~“Affordable sales price” means a sales price at which lower or very low income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.—~~

~~“Child care facility” means a facility installed, operated, and maintained for the nonresidential care of children as defined under applicable state licensing requirements for the facility. Such facilities include, but are not limited to, infant centers, preschools, extended day care facilities, school age child care centers, or family day care homes as defined in this title.—~~

~~“Density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable zoning district and the land use element of the General Plan.—~~

~~“Density bonus housing agreement” means a legally binding agreement between a developer and the city to ensure that the requirements of this chapter are satisfied.—~~

~~“Density bonus units” means those residential units granted pursuant to the provisions of this chapter which exceed the otherwise maximum residential density for the development site.—~~

~~“Equivalent financial incentive” means a monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:—~~

~~A. A density bonus and an incentive(s); or—~~

~~B. A density bonus, where an incentive(s) is not requested or is determined to be unnecessary.~~

~~“Housing cost” means the sum of actual or projected monthly payments for all of the following associated with for sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities. Adjustments should be made as necessary for down payment assistance.~~

~~“Housing development” means one or more groups of projects for residential units planned for construction in the city. It includes a subdivision or common interest development as defined in Section 1351 of the Civil Code, residential units or unimproved residential lots, the rehabilitation of existing multifamily dwellings where the rehabilitation would result in a net increase in available units, and the conversion and rehabilitation of an existing commercial building to residential use.~~

~~“Incentive and concession” means such regulatory concessions as specified in subdivision (I) of Government Code Section 65915 which include, but are not limited to, the following:~~

~~A. The reduction of 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 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;~~

~~B. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the 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;~~

~~C. Direct financial assistance; and/or~~

~~D. Other regulatory incentives or concessions which result in identifiable cost reductions or avoidance.~~

~~“Lower income household” means a household whose income does not exceed the lower income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.~~

~~“Maximum residential density” means the maximum number of residential units permitted by the city’s General Plan land use element and zoning ordinance at the time of application.~~

~~“Moderate income household” means a household whose income does not exceed the moderate income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.~~

~~“Nonrestricted unit” means all units within a housing development excluding the target units.~~

~~“Persons and families of moderate income” shall mean households whose income does not exceed the moderate limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.~~

~~“Qualifying housing development” is a housing development where the applicant or developer of the housing development agrees to provide one or more of the following:~~

~~A. At least 10 percent of the total units of the housing development as target units affordable to lower income households;~~

~~B. At least five percent of the total units of the housing development as target units affordable to very low income households;~~

~~C. At least 10 percent of the total dwelling units in a common interest development project (as defined by subsection (f) of Section 1351 of the California Civil Code) or in a planned development (as defined in subsection (k) of Section 1351 of the California Civil Code) for persons of moderate income; or~~

~~D. Senior citizen housing.~~

~~“Qualifying senior resident” means senior citizens or other persons eligible to reside in a senior citizen housing development.~~

~~“Senior citizen housing development” means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units and complies with the requirements of California Civil Code Section 51.3.~~

~~“Special needs population” means persons identified as having special needs related to any of the following:~~

~~A. Mental health;~~

~~B. Physical disabilities;~~

~~C. Developmental disabilities, including, but not limited to, mental retardation, cerebral palsy, epilepsy, and autism;~~

~~D. The risk of homelessness; or~~

~~E. Persons eligible for mental health services funded in whole or in part by the mental health services fund, created by Section 5890 of the Welfare and Institutions Code.~~

~~“Target unit” means a dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low or lower income households or qualifying senior residents.~~

~~“Very low income household” means a household whose income does not exceed the very low income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.4.020)].~~

23.710.0230 Eligibility for incentives and bonuses.

The city of Rancho Cordova shall grant one density bonus, with concessions or incentives, as specified in ~~RCMC-Section 23.710.050-040~~ (Number and types of incentives and bonuses allowed), or provide other incentives or concessions of equivalent financial value based upon the land cost per dwelling unit, when the applicant for the 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:

A. Ten percent of the total units of a housing development for lower income households.;

B. Five percent of the total units of a housing development for very low income households.;

C. Housing for special needs populations;.

D. A senior citizen housing development;.

E. Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the California Civil Code for persons and families of moderate income; provided, that all units in the development are offered to the public for purchase. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.4.030)].

23.710.0340 General provisions for incentives and bonuses.

The following general provisions apply to the application and determination of all incentives and bonuses:

A. All density calculations resulting in fractional units shall be rounded up to the next whole number.

B. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, rezone, or other discretionary approval.

C. The density bonus shall not be included when determining the number of housing units that is equal to ~~five~~ 5 or 10 percent of the total.

D. Upon request by the applicant, the city shall not require that a housing development meeting the requirements of ~~RCMG Section 23.710.030~~ RCMG Section 23.710.020 (Eligibility for incentives and bonuses) provide a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following:

1. Zero (studio) to one bedrooms: one on-site parking space per unit.
2. Two to three bedrooms: two on-site parking spaces per unit.
3. Four and more bedrooms: two and one-half parking spaces per unit.

E. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

F. The city shall not apply any development standard that would have the effect of precluding the construction of a housing development meeting the requirements of ~~RCMG Section 23.710.030~~ RCMG Section 23.710.020 (Eligibility for incentives and bonuses) at the densities or with the incentives permitted by this chapter. An applicant may submit to the city a proposal for the waiver or reduction of development standards. Nothing in this subsection, however, shall be interpreted to require the city to waive or reduce development standards if the waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the target units economically feasible. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.4.040)].

23.710.0450 Number and types of incentives and bonuses allowed.

A. General Project Density Bonus. A housing development that satisfies all applicable provisions of this chapter shall be entitled to the following density bonus:

1. For developments providing lower income target units, a 20 percent base density bonus plus a ~~one and one-half~~ 1.5 percent supplemental increase over that base for every ~~one~~ 1 percent increase in low income units above 10 percent. The maximum density bonus allowed including supplemental increases is 35 percent.
2. For developments providing very low income target units, a 20 percent base density bonus plus a ~~two and one-half~~ 2.5 percent supplemental increase over that base for every ~~one~~ 1 percent increase in very low income units above ~~five~~ 5 percent. The maximum density bonus allowed including supplemental increases is 35 percent.
3. For senior citizen housing developments, a flat 20 percent density bonus.
4. For common interest developments providing moderate income target units, a ~~five~~ 5 percent base density bonus plus a ~~one~~ 1 percent increase in moderate-income units above 10 percent. The maximum density bonus allowed including supplemental increases is 35 percent.

B. Number of Incentives or Concessions. In addition to the eligible density bonus percentage described in this section, an applicant may request one or more incentives or concessions in connection with its application for a density bonus as follows:

1. One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least ~~five~~5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.
2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.
3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

C. Available Incentives and Concessions. The following incentives and concessions are available for compliance with this chapter:

1. A reduction in the 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, Section 18907 of Division 13 of the Health and Safety Code, including but not limited to a reduction in setback and square footage requirements and in ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.
2. Approval of mixed-use development in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and surrounding development.
3. Other regulatory incentives or concessions proposed by the applicant or that the city determines will result in identifiable, financially sufficient, and actual cost reductions.
4. Priority processing of a housing development that provides income-restricted units.

D. Additional Density Bonus and Incentives and Concessions for Donation of Land to the City.

1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city and agrees to include a minimum of 10 percent of the total units before the density bonus for very low income households, as provided for in this subsection, the applicant shall be entitled to a 15 percent base density bonus plus a ~~one~~1 percent supplemental increase for each additional percentage of very low income units, to a maximum density bonus of 35 percent.
2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this chapter to a maximum combined density bonus of 35 percent.
3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:
 - a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application. ~~;~~
 - b. The developable acreage and zoning designation 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. ~~;~~
 - c. The transferred land is at least ~~one~~1 acre in size or is of sufficient size to permit development of at least 40 units, has the appropriate General Plan land use and zoning designations, and is or will be served by all required public facilities and infrastructure. ~~;~~
 - d. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this chapter. ~~;~~

e. The land is transferred to the city or to a housing developer approved by the city, ~~and~~

f. The transferred land shall be within the boundary of the proposed development or, at the city's approval, within one-quarter mile of the boundary of the proposed development.

4. Nothing in this subsection shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

E. Additional Density Bonus and Incentives and Concessions for Development of Child Care Facility.

1. Housing developments meeting the requirements of ~~RCMG Section 23.710.0230~~ (Eligibility for incentives and bonuses) and including a child care facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:

a. An additional density bonus that is an amount of square footage of residential space that is equal to or greater than the amount of square footage in the child care facility.

b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

2. The density bonus housing agreement for the housing development shall ensure that:

a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable; and

b. Of the children who attend the child care facility, the children of very low income households, lower income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to ~~RCMG Section 23.710.030-020~~ (Eligibility for incentives and bonuses).

3. The city shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.4.050)].

23.710.0560 Location of bonus units.

As required by state law, the location of density bonus units ~~within in~~ the housing development may be at the discretion of the developer. However, the inclusionary units shall be dispersed throughout the development (where feasible); ~~and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish.~~ [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.4.060)].

23.710.0670 Continued availability.

A. If a housing development providing low or very low income target units receives only a density bonus, the target units must remain restricted to low or very low income households for a minimum of 30 years from the date of issuance of the certificate of occupancy.

B. If a housing development providing low or very low income target units receives both a density bonus and an additional incentive, the target units must remain restricted to low or very low income households for a minimum of 50 years from the date of issuance of the certificate of occupancy.

C. In the case of a common interest housing development providing moderate income target units, the initial occupant of the target unit must be a person or family of moderate income. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, which shall be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership. The city's proportionate share shall be equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of the initial sale. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.4.070)].

23.710.0780 Process for approval or denial.

A. Process for Approval. The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project. The designated ~~approving authority~~ **approval authority** for density bonuses shall be the ~~city~~ council. In approving the density bonus and any related incentives or concessions, the city and applicant shall enter into a density bonus agreement. The form and content of the density bonus agreement shall be determined by the city.

B. Approval Required Unless Denial Findings Made. The city shall grant the density bonus, incentive(s), and concession(s) requested by the applicant unless the city makes a written finding, based upon substantial evidence, of either of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rents.
2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or any real property that is listed in the California Register of Historical Resources and for which the city determines 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. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.4.080)].

Chapter 23.713

CONDOMINIUM CONVERSION

Sections:

23.713.010	Purpose.
23.713.020	Definitions.
23.713.0 2 ³ 0	Application acceptance.
23.713.0 3 ⁴ 0	Permit required.
23.713.0 4 ⁵ 0	Application content.
23.713.0 5 ⁶ 0	Vacancy rate limitations.
23.713.0 6 ⁷ 0	Building code requirements.
23.713.0 7 ⁸ 0	Consumer protection provisions.
23.713.0 8 ⁹ 0	Anti-discrimination.
23.713.0 9 ¹⁰ 0	Preconversion protection.
23.713.1 0 ¹ 0	Appliance warranties.
23.713.1 1 ² 0	Development standards.
23.713.1 2 ³ 0	Lapse of condominium conversion permit.
23.713.1 3 ⁴ 0	Right to terminate conversion.

23.713.010 Purpose.

The provisions of this section shall apply to the development of all residential condominiums and stock cooperatives including the conversion of existing dwelling units to condominiums, row houses, townhouses, and stock cooperatives. The purpose of this chapter is to establish procedures for the conversion as well as to ensure that rental apartments being converted meet applicable physical standards. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.010)].

~~23.713.020 Definitions.~~

~~For the purpose of this chapter, the following terms shall have the definitions set forth herein:-~~

~~“Applicant” means the owner(s) or subdivider(s) with a controlling interest in the proposed project and any successors in interest.-~~

~~“Condominium” specifically includes, but is not limited to, the conversion of any existing structure for sale pursuant to a method described in subsections (A) through (D) of this definition:-~~

~~A. “Condominium” as defined by Section 783 of the Civil Code;-~~

~~B. “Community apartment project” as defined by Section 11004 of the Business and Professions Code;-~~

~~C. “Stock cooperative” as defined by Section 11003.2 of the Business and Professions Code; and-~~

~~D. “Planned development” as defined by Section 11003 of the Business and Professions Code.-~~

~~“Condominium conversion” or “conversion” means a change in the ownership of a parcel or parcels of property, together with structures thereon, whereby the parcel or parcels and structures previously used as rental units are changed to condominium ownership. “Condominium conversion” includes projects which have previously obtained final map approval, but have not proceeded to sell any of the apartment units to individual unit owners.-~~

~~“Condominium project” or “project” includes the real property and any structures thereon, or any structures to be constructed thereon, which are to be divided into condominium ownership.-~~

~~“Condominium unit or units” means the individual spaces with a condominium project owned as individual estates.-~~

~~“Eligible tenant” means any tenant who is a resident of the project proposed for conversion on the date notice of intent to convert is given as required by state law.-~~

~~“Low income,” when used by itself or as a modifier of “person” or “household” or other term, means a household whose income does not exceed 80 percent of the median income applicable to Sacramento County, adjusted for family size, as published and annually updated by the United States Department of Housing and Urban Development.~~

~~“Moderate income,” when used by itself or as a modifier of “person” or “household” or other term, means a household whose income does not exceed 81 percent to 120 percent of the median income applicable to Sacramento County, adjusted for family size, as published and annually updated by the United States Department of Housing and Urban Development.~~

~~“Notice of intent to convert” means a notice required to be served upon tenants or prospective tenants pursuant to the requirements of Section 66427.1, 66452.8, 66452.9, or 66459 of the Subdivision Map Act. The definition includes both 60 and 180 day notices as further defined in the applicable section.~~

~~“Special category tenants” refers to persons or tenants who fall within one or more of the following categories:~~

~~A. “Elderly” means individuals 62 years of age or older;~~

~~B. “Handicapped or permanently disabled” as defined in Section 50072 of the California Health and Safety Code or 42 USC 423 and 24 CFR 8.3;~~

~~C. “Low income” or “very low income” as defined in this section.~~

~~“Vacancy rate” means the actual physical vacancy rate of nonrented apartments in the project.~~

~~“Very low income,” when used by itself or as a modifier of “person” or “household” or other term, means a household whose income does not exceed 50 percent of the median income applicable to Sacramento County, adjusted for family size, as published and annually updated by the United States Department of Housing and Urban Development. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.020)].~~

23.713.0230 Application acceptance.

An application for a ~~condominium conversion~~conditional use permit is required and shall apply to the whole multifamily housing project and partial conversions shall not be permitted. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.030)].

23.713.0340 Permit required.

All condominium conversion projects require a ~~condominium conversion~~conditional use permit ~~permit~~ as outlined in this chapter. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.040)].

23.713.0450 Application content.

Recognizing that the conversion of existing structures which have been previously occupied and constructed as rental units presents unique problems to present tenants and future buyers, the application for a conditional use permit for a condominium conversion project shall include the following information:

A. The proposed organizational documents, including the covenants, conditions and restrictions, to be recorded pursuant to Section 1350 et seq. of the Civil Code. The organizational documents shall provide for the following:

1. Transfer of title to each unit;~~;~~
2. Assignment of parking for each owner, and provisions for parking of recreational vehicles;~~;~~
3. The management of common areas within the project and the complex generally;~~;~~
4. The anti-discrimination provisions set forth in this chapter;~~;~~
5. A copy of the maintenance program and proposed budget by a homeowners association or other enforceable means to ensure maintenance of common areas, landscaping, private streets, parking areas, and recreational facilities.

B. A property report prepared by a licensed engineer ~~and~~ that shall describe the condition and structural integrity, and estimate the remaining useful life of each of the following elements of each structure situated within the project proposed for conversion: roofs, foundations, exterior paint, insulation, paved surfaces, mechanical systems, electrical systems, plumbing systems, sewage systems, sprinkler systems for landscaping, utility delivery systems, central or community heating and air conditioning systems, fire protection systems including any automatic sprinkler systems, alarm systems, or standpipe systems, structural elements, and drainage systems.

1. The property report shall state what the Sound Transmission Class and Sound Impact Class of the existing floor-to-ceiling and wall-to-wall assemblies of sample units are. The report shall also explain, in nontechnical terms, what the class ratings mean and state what measure, if any, the applicant will take to improve sound attenuation between units.
2. The property report shall list each fixed appliance to be contained in each or any unit offered for sale and shall state whether the appliance is or will be new or used when the unit is first offered for sale. The report shall also state the terms and nature of the warranty offered by the applicant on each such appliance.
3. Each portion of the property report shall be prepared by an appropriately licensed engineer, and each unit shall be fully inspected. Upon completion and submittal of the report, the city's neighborhood services rental inspection team shall confirm the findings of the property report in writing subsequent to their independent review of conditions.
4. The property report should include an estimate of the cost to improve all of the systems so that a new buyer could reasonably expect a 30-year life from the structure and grounds involved.

C. A structural pest control report.

D. A building history report identifying the date of construction of all elements of the project.

E. A report identifying all characteristics of the building not in compliance with this chapter or applicable building or housing codes. The report shall also indicate how the buildings and/or units will be brought into compliance with the existing building code.

F. A rental history report detailing:

1. The size, in square footage, of the building or buildings and each unit; ~~and~~.
2. The current or last rental rate; the name and address of each present tenant; ~~and~~ the monthly rental rate for the preceding four quarters for each unit; ~~and~~.
3. The average monthly vacancy over the preceding four quarters; ~~and~~.
4. The number of evictions over the preceding four quarters; ~~and~~.
5. Evidence shall be submitted that tenants have been notified and have acknowledged the applicant's intent to file a request for conversion for a period of at least 90 days prior to the initial filing of an application for conversion use permit or tentative subdivision map.

Failure to provide any information required by subsections (B) through (F) of this section shall be accompanied by an affidavit or declaration given under penalty of perjury setting forth in detail all efforts undertaken to discover the information and all reasons why the information could not be obtained.

G. A detailed report describing the relocation and moving assistance information to be given to each tenant, and the steps the applicant will take to ensure the successful relocation of each tenant. The report should state in detail what assistance will be provided for special category tenants, including a discussion of long-term or life-term leases and provisions to allow such tenants to continue renting after conversion until comparable housing is available.

H. A survey of all the tenants in the conversion project indicating the tenants' household income, how long each tenant had been a resident of the project, how long each tenant had planned to live in the project, whether or not

each tenant would be interested in purchasing a unit, to which city area each tenant would choose to relocate if the conversion took place and the tenant did not purchase a unit, and the extent of tenant approval in principle of the conversion. The survey must include an estimate of the sales price for each unit, not including inflation and adjustments that would take place during conversion.

To comply with this provision, the applicant shall provide a tenant rights handout and a questionnaire, in a form approved by the city, to each tenant with an envelope, postage prepaid, addressed to the city ~~planning~~ department. The questionnaire shall direct the tenant to return the completed form directly to the city ~~planning~~ department. The ~~planning~~ director may require additional information necessary to assist in evaluating said conversion project in order to make proper findings in accordance with the purposes and objectives set forth in the adopted city General Plan. Such information may include, but shall not be limited to:

1. A report comparing the units in the conversion project, as both rentals and ownership units, with housing available ~~within~~in the city as affected by the project.
2. A report on availability of comparable rental units at similar rental rates remaining ~~within~~in the city, including vacancy rate information.
3. A report outlining the available low and moderate income housing units (rental and sales housing) ~~within~~in the city.
4. A report providing the overall vacant rate of apartments ~~within~~in the city. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.050)].

23.713.05~~60~~ Vacancy rate limitations.

If the vacancy rate within the city is less than ~~five~~5 percent, then a condominium conversion is not permitted, unless measures are provided by the applicant to offset the loss of affordable apartment units. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.060)].

23.713.06~~70~~ Building code requirements.

All converted units shall be retrofitted to the standards required of new residential condominiums as required by the chief building inspector, including energy conservation. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.070)].

23.713.07~~80~~ Consumer protection provisions.

In addition to the tenant protection provisions set out in the Subdivision Map Act, the applicant shall comply with the provisions below, as conditions of any permit for a condominium conversion project approved pursuant to this chapter.

A. Sales and Lease Termination. The tenants of the project on the date of application shall be offered the first right of refusal to purchase units. The offer shall run for 90 days from the date of issuance of subdivision public report by the ~~State-California Department Bureau~~ of Real Estate unless the tenant gives prior written notice of intention not to exercise the right. A tenant of any project proposed for conversion, on the date of application for each conversion, may terminate any lease after giving 30 days' notice. The required relocation assistance shall be applicable to all units from the date of final approval of the use permit to the closing of escrow for the final unit in the project.

B. Relocation Assistance. The applicant shall offer to each eligible tenant a plan for relocation to comparable housing, as approved by the ~~city~~ council.

The relocation plan shall provide, at a minimum, for the following:

1. Assistance to each eligible tenant in locating comparable housing, including, but not limited to, providing availability reports and transportation, where necessary.
2. Payment of a relocation fee to each tenant who does not choose to stay. At a minimum, such payment shall be equal in amount to two months' rent and the security deposit amount paid by the tenant for the existing apartment unit. A tenant is not entitled to a relocation fee pursuant to this subsection if the tenant has been evicted for just cause.

3. In the case of eligible tenants who are elderly, handicapped, low income, or single heads of households living with one or more minor children, the following additional provisions must be made:

- a. Payment of the first month's rent in the new complex and refund of all key, utility, and pet deposits to which the tenant is entitled upon vacating the unit. Cleaning and security deposits, minus damages, shall be refunded to the tenant upon vacating the unit.
- b. If the amount of deposits and other fees required upon moving into the new complex exceed the amounts refunded to the tenant plus damages, the applicant shall pay the difference.
- c. If amount of damage to any unit exceeds the deposit, the excess may be subtracted from the relocation assistance payment.
- d. Residents with school-age children shall not be required to relocate during the school year.

4. In the case of eligible special category tenants, the following additional provisions must be made:

- a. Subsidy. Where the rent for the comparable unit is higher than the rent for the current unit, the applicant shall pay the difference for a period of one year from the date of relocation.
- b. Evictions. Until each tenant is successfully relocated, the tenant shall not be unjustly evicted.
- c. Life-Term and Long-Term Leases. The applicant shall offer eligible tenants leases for a term of:
 - i. Fifty-nine years when the tenant is elderly or handicapped and who also qualifies as low income. Such leases shall provide that annual rent increase shall not exceed the percent of change in HUD's defined fair market rent.
 - ii. Fifty-nine years when the tenant is elderly or handicapped with a moderate income or greater. Rents may be increased at the prevailing market rate.
 - iii. An annually renewable lease for a term not to exceed five years for low income households when the appropriate authority finds that comparable units are not available for the relocation of low income persons. Such agreements shall be certified for tenant eligibility each calendar year. Qualification for the federal Section 8 program or its successor shall constitute certification.
- d. The offer to each eligible tenant of a plan for relocation shall be free of any coercion, intimidation, inducement, or promise not herein specified and shall not cause the tenant to vacate in advance of, or prior to, a timetable or schedule for relocation as approved in the application for approval of conversion. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.080)].

23.713.0890 Anti-discrimination.

The applicant or owner of any condominium unit within a project shall not discriminate in the sale, or in the terms and conditions of sale, of any dwelling unit against any person who is or was a lessee or tenant of any such dwelling unit because such person opposed, in any manner, the conversion of such building into a condominium. In a like manner, the applicant or owner shall not discriminate in the sale, or in the terms and conditions of sale, of any dwelling unit against any person or household based upon age or household size, when household size does not exceed the Uniform Housing Code standard which states:

Every dwelling unit shall have at least one room which shall have not less than 150 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two (Uniform Housing Code Section 503(b)).

This anti-discrimination section shall be included in the conditions, covenants, and restrictions for the project. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.090)].

23.713.09100 Preconversion protection.

From the date of application for a permit to convert, or until relocation takes place or the application is denied or withdrawn, but in no event for more than two years, no tenant shall be unjustly evicted and no tenant's rent shall be increased (1) more frequently than once every six months nor (2) in an amount greater than the annual increase in utility costs and insurance costs, plus increased operating costs not to exceed ~~two~~ 2 percent per year. This limitation shall not apply if rent increases are expressly provided for in leases or contracts in existence prior to the filing date of the use permit. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.100)].

23.713.1010 Appliance warranties.

The applicant shall provide free of charge to the first individual purchaser of each unit a one-year warranty on each fixed appliance contained in the unit, whether new or used. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.110)].

23.713.1120 Development standards.

The following development standards shall apply to all applications for a conditional use permit for condominium conversion and new construction:

A. Gas. Each condominium unit shall have a separate gas service where gas is a necessary utility. If this provision places an unreasonable economic burden on the applicant, the designated ~~approving authority~~ approval authority may approve an alternative.

B. Electricity. Each condominium unit shall have a separate electrical service, with separate meters and disconnects, and with ground fault interrupters where ground fault interrupters are required by present building codes.

C. Telephone Company Access. The telephone company serving the location under conversion shall have the right to construct and maintain (place, operate, inspect, repair, replace, and remove) communication facilities as it may from time to time require (including access) in or upon any portion of the common area, including the interior and exterior of the buildings as necessary, to maintain communication service within the project. This provision may not be amended or terminated without the consent of the serving telephone company. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.120)].

23.713.1230 Lapse of ~~condominium conversion~~ conditional use permit.

An approved ~~condominium conversion~~ conditional use permit for condominium conversion, if not used for the purpose for which it was granted, shall lapse three years following the date on which the permit became effective. Since the regulations related to condominium conversions are unique ~~in that~~ (1) in that measures come into place with the filing of the application for the conditional use permit, (2) in terms of the financial obligations related to eligible tenants, and (3) in terms of rental limitations, the following provision shall apply to conditional use permits for condominium conversions:

A conditional use permit shall be deemed in effect if, within three years from the date of approval, one of the following occurs:

A. A final subdivision map is recorded for all or a portion of the property involved in the conditional use permit; or

B. Pursuant to the approved relocation assistance plan, written evidence has been filed with the planning director that more than 10 percent of eligible tenants have been relocated. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.130)].

23.713.1340 Right to terminate conversion.

Within three years of the approval of a ~~condominium~~ conditional use permit for a condominium conversion and after the conditional use permit is in effect, the applicant may elect not to pursue the completion of all or part of the approved conversion. Upon the acceptance of a notice of termination by the designated ~~approving authority~~ approval authority, along with evidence that all remaining eligible tenants have been notified in writing, the ~~condominium conversion~~ conditional use permit shall be deemed lapsed and void. Acceptance of the notice of termination shall be an administrative authority of the planning director. Such acceptance shall be by a written notice of acceptance which may be withheld until such time as the director is assured that any required tenant obligations incurred during the preconversion process have been satisfied. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.5.140)].

Chapter 23.716

LANDSCAPING

Sections:

23.716.010	Purpose.
23.716.020	Applicability.
23.716.030	Landscape plan and irrigation plans required.
23.716.040	General location for landscape improvements.
23.716.050	Landscape design and planting requirements.
23.716.060	Special landscape provisions.
23.716.070	Parking lot landscape.
23.716.080	Removal and replacement of landscaping and trees from approved plans.
23.716.090	Replanting requirements and replacement fee.
23.716.100	Landscape care and maintenance.
23.716.110	Tree pruning.

23.716.010 Purpose.

This purpose of this chapter is to establish minimum landscape standards to enhance the appearance of developments, reduce heat and glare, control soil erosion, conserve water, ensure the ongoing maintenance of landscape areas, and ensure that landscape installations do not create hazards for motorists or pedestrians. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.010)].

23.716.020 Applicability.

A. New Projects. New nonresidential, mixed-use, multifamily residential, and single-family residential subdivisions shall provide landscaping in compliance with the requirements of this chapter.

B. Existing Development.

1. Existing nonresidential, mixed-use, multifamily, and/or single-family residential development shall comply with the minimum maintenance provisions of this chapter (~~RCMC Section 23.716.060(A) and Section 23.716.100.~~

2. Proposed amendments to existing nonresidential, mixed-use, and/or multifamily projects that increase the building square footage by 10 percent or more shall comply with all of the minimum requirements of this chapter as deemed necessary and appropriate by the approval authority through the minor design review approval process.

C. Changes to Existing Site Landscaping. When significant changes are made to required elements of existing site landscaping (e.g., parking lot shade canopy trees, pervious surfaces, buffer areas, landscape screens, etc.) of a nonresidential, mixed-use, and/or multifamily residential project, provisions of this chapter apply to the affected area. Minor design review may be required according to Chapter 23.140 ~~RCMC~~ (Minor Design Review).

D. Minor Changes to Standards. As part of the design review (minor or major) process, the designated ~~approving authority~~ approval authority may authorize minor deviations from the requirements of this chapter where said changes are determined to achieve the objectives of this chapter.

E. Flexibility. As part of design review, the designated ~~approving authority~~ approval authority may modify the standards of this chapter to accommodate alternatives to required landscape materials or methods, where the designated ~~approving authority~~ approval authority first determines that the proposed alternative will be equally effective in achieving the purposes of this chapter. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.020)].

23.716.030 Landscape plan and irrigation plans required.

A. Preliminary Landscape and Irrigation Plan. A preliminary landscape plan and irrigation plan shall be submitted for each application for new development or existing development as identified in ~~RCMC Section~~ 23.716.020

(Applicability). This plan would conceptually show locations for trees, shrubs, ground cover, etc. Additionally, this would also include a list of tree species and size and the location of any required purple pipe system.

B. Final Landscape and Irrigation Plan. A final landscape and irrigation plan shall be submitted in conjunction with site improvement plans and reviewed and approved by the ~~planning~~ director prior to issuance of building permits and/or any installation of landscape materials for projects as identified in ~~RCMC Section~~ 23.716.020 (Applicability). The final landscape planting and irrigation plan shall be prepared by a registered licensed landscape architect. Final plans would show exact locations and irrigation for trees, shrubs, and ground cover. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.030)].

23.716.040 General location for landscape improvements.

Landscaping shall be provided in the following locations for all types of development as listed below and as illustrated in Figure 23.716-1 (Required Landscape Areas), unless the designated ~~approving authority~~ approval authority determines that the required landscape is not necessary to fulfill the purposes of this chapter. Nothing in this chapter is intended to discourage landscape areas outside and beyond the minimum requirements listed herein.

A. Setbacks. All setback areas required by this code shall be landscaped in compliance with this chapter except where a required setback is occupied by a sidewalk or driveway.

B. Unused Areas. All areas of a project site not intended for a specific use or purpose in conjunction with a current application, including pad sites being held for future development, shall be landscaped and irrigated.

C. Parking Areas. ~~Within~~ In parking lots, landscaping shall be used for shade and climate control, to enhance project design, and to screen the visual impact of vehicles and large expanses of pavement consistent with the provisions of this chapter.

Figure 23.716-1: Required Landscape Areas



Setbacks



Unused Areas



Parking Areas

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.040)].

23.716.050 Landscape design and planting requirements.

A. Landscape Design. Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design and public views and spaces, and providing buffers, transitions, and screening. At a minimum, the following landscape design provisions shall apply:

1. Planting design shall have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.
2. As appropriate, building and site design shall include the use of pots, vases, wall planters, and/or raised planters, as well as flowering vines both on walls and on arbors.
3. Landscaping shall be designed with pedestrian paths throughout the landscape areas connecting designated on-site pedestrian circulation.

4. Amenities such as seating areas shall be incorporated. Entry plazas, bicycle parking, and transit shelters are allowed within landscape areas. Also see Chapter 23.722 ~~RCMC~~ (Standards for Pedestrian-Oriented Spaces).

5. Landscape design shall meet crime prevention through environmental design principles, including:

- a. All trees shall have a minimum clearance under the canopy of ~~six~~6 feet at maturity to allow for surveillance to occur throughout the site.
- b. Within ~~three~~3 feet of walking paths, all shrubbery shall have a height of not more than ~~two~~2 feet to eliminate opportunities for criminals to “lie in wait.”

B. Plant Type. Landscape planting shall emphasize drought-tolerant and native species (especially along natural, open space areas), shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.

1. Planting Layout and Plant Diversity. Plant selection shall vary in type and planting pattern. Informal planting patterns are preferred over uniform and entirely symmetrical planting patterns. Use of flowering trees and colorful plantings is encouraged in conjunction with evergreen species. Groupings of shrubs shall contain multiple plant types, interspersed with varying heights and blooming seasons for year-round interest.

2. Street and Parking Lot Trees. Street and parking lot trees shall be selected from the city’s adopted master list of street trees and parking lot trees. A minimum of 30 percent of the street trees and parking lot trees, respectively, shall be an evergreen species.

3. Trees planted within 10 feet of a street, sidewalk, paved trail, or walkway shall be a deep-rooted species or shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.

C. Planting Size, Spacing, and Planter Widths. In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurement) are as follows:

1. Trees. The minimum planting size for trees shall be 15-gallon, with 25 percent of all trees on a project site planted at a minimum 24-inch-box size. For commercial, office, community/civic, and industrial development, tree spacing within the perimeter planters along streets and abutting residential property shall be planted no farther apart on center than the mature diameter of the proposed species. Minimum planter widths for trees shall be between ~~five~~5 and 10 feet, consistent with the city-adopted master tree list for street trees and parking lot trees.

2. Shrubs. Shrub planting shall be a minimum ~~five~~5-gallon size. The minimum planter width for shrubs is ~~four~~4 feet.

3. Ground Cover. Plants used for mass planting may be grown in flats of up to 64 plants or in individual ~~one~~1-gallon containers. Rooted cuttings from flats shall be planted no farther apart than 12 inches on center, and containerized woody, shrub ground cover plantings shall be planted no farther apart than ~~three~~3 feet on center in order to achieve full coverage within one year. Minimum planter width for ground cover is ~~two~~2 feet, with the exception of sod, which requires a minimum planter width of ~~six~~6 feet.

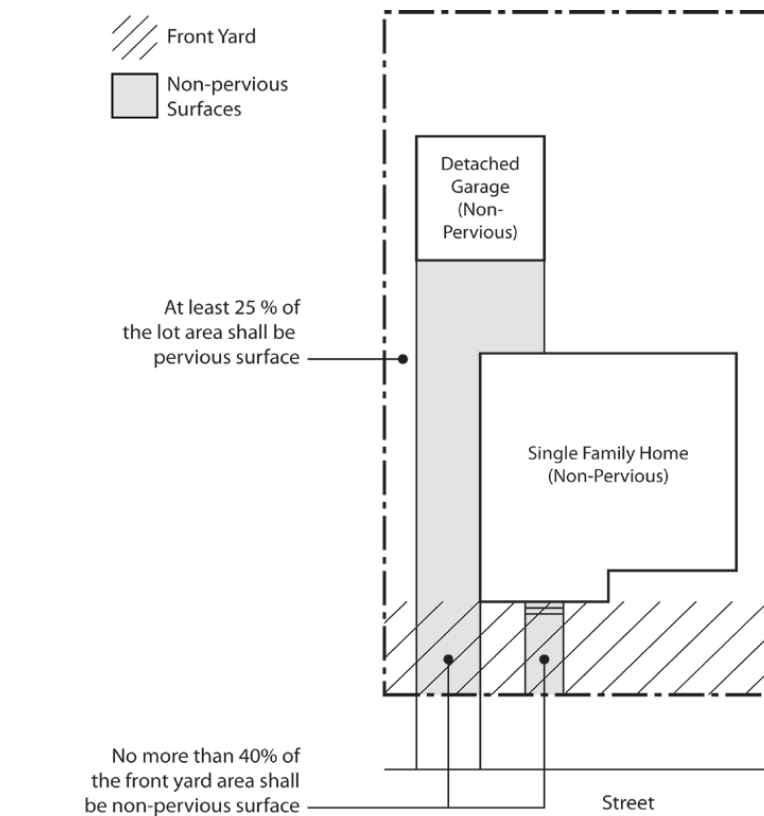
4. Additional Spacing Provisions. Tree spacing shall ensure unobstructed access for vehicles and pedestrians and provide clear vision at intersections. Specifically, tree planting shall comply with the following spacing criteria:

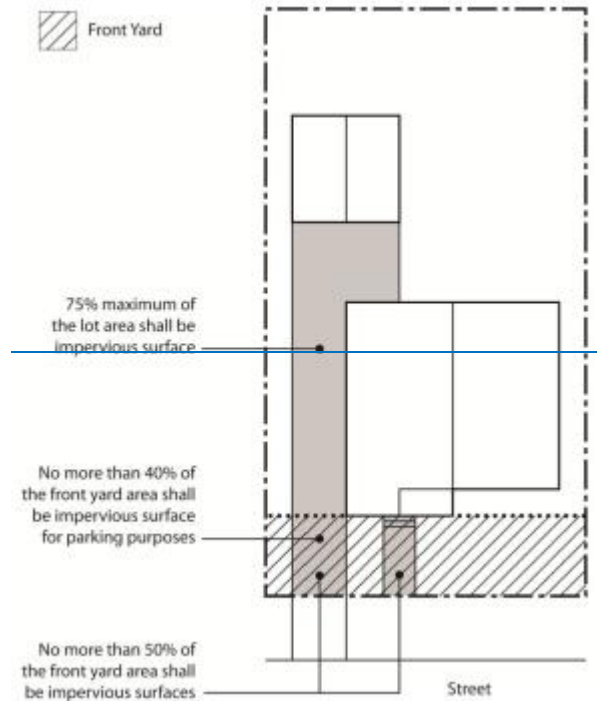
- a. Trees or shrubs with a full-grown height equal to or greater than 30 inches shall not be planted in any clear vision triangle.
- b. A minimum distance of 15 feet is required between the center of trees and shrubs to streetlight standards and fire hydrants. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.050)].

23.716.060 Special landscape provisions.

A. Residential Landscape. For single-family and two-family residential zoning districts, ~~a maximum of 75 percent of the lot area shall be impervious surface~~ at least 25 percent of the lot area shall be pervious surface. Additionally, n ~~No more than 40 percent of the front yard area shall be nonimpervious surface (e.g. sidewalks, driveway or parking). for parking purposes and no more than 50 percent of the entire front yard shall be impervious surface for all purposes (e.g., additional sidewalk separated from driveway may be added).~~ Deviations from these standards may be allowed through site plan and architectural review for small-lot single-family developments at the time of master home plan review where these standards preclude the maximum floor area ratio from being achieved. Remaining unpaved portion of the setback areas shall be landscaped, irrigated, and maintained. See Figure 23.716-2 (Nonpervious Surface Limits in Single-Family and Two Family Residential Zones). Landscaped (pervious) areas shall include a combination of well-maintained ground cover, shrubs, hedges, trees and other pervious landscape materials.

Figure 23.716-2: Non-pervious Surface Limits in Single-Family and Two-Family Residential Zones





B. Project Entry Landscaping. Entries to multitenant projects shall be designed as special statements reflective of the character and scale of the project in order to establish identity for tenants, visitors, and patrons. Flowering access plantings and specimen trees shall be used to reinforce the entry statement.

C. Screening of Drive-Through Aisles. In order to screen vehicles in a drive-through lane and associated headlights from view of abutting street rights-of-way, a ~~five~~5-foot-wide planter between the drive-through aisle and the parking area shall be established. The planter shall include a minimum ~~two~~2-foot-tall (maximum ~~three~~3-foot-tall) landscape barrier planted with trees and other landscaping consistent with those in the parking area. At no time shall this landscape barrier be pruned in a manner that allows the vehicle headlights from the drive-through lane to be visible from abutting street rights-of-way. Plantings shall also be designed to discourage potential safety issues (e.g., persons lying in wait).

D. Service Stations. For service stations, as defined in this code, a minimum of 20 percent of the lot area shall be landscaped. A minimum of 70 percent of the landscaped area shall be covered with live landscaping, such as lawn, ground cover, trees, or shrubs, and not more than 30 percent of the landscape area shall be covered with hard surfaces, such as gravel, landscaping rock, concrete, artificial materials, or other impervious materials.

E. Telecommunication Towers. Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment to buffer abutting residential zoning districts or uses, and to buffer public trails.

F. On-Site Pedestrian Pathways. Pedestrian pathway landscaping shall include shade trees placed so as to cover 60 percent of the total pathway area with tree canopies within 15 years of securing building permit.

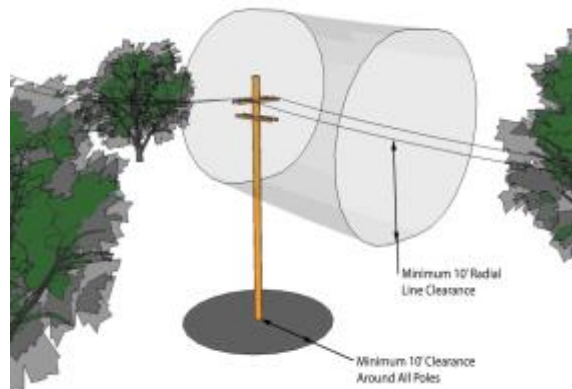
G. Public Spaces. Pedestrian space landscaping shall include a combination of shade trees and pedestrian shading devices (e.g., canopies, awnings, and umbrellas) placed so as to cover 60 percent of the total space with a shade canopy within 15 years of securing building permit.

H. Signs. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 50 square feet of sign area requires 100 square feet of landscaped area (see Chapter 23.743 ~~RCMC~~(Signs)).

I. Planting and Overhead Utility Lines. In keeping with the purposes of this chapter, the city encourages planting within overhead utility corridors. However, landscape planting near overhead utility lines and abutting utility support structures has the potential of creating a public safety hazard by causing physical damage, disrupting service, and obstructing access. Therefore, within 20 feet of any overhead utility lines, planting restrictions are as follows (see Figure 23.716-3, Planting and Overhead Utility Lines):

1. Tree species at full growth shall not encroach within a 10-foot radial line clearance of all overhead electric utility distribution or transmission lines. Unless ground clearance is greater than 30 feet, mature tree height shall not exceed 20 feet.
2. A minimum 10-foot clearance shall be maintained around all poles and ground structures to ensure necessary fire breaks and unobstructed access.

Figure 23.716-3: Planting and Overhead Utility Lines



J. Water-Efficient Landscape Requirement. Development shall comply with [RCMC](#) Chapter 22.180 [RCMC](#) (Water Use and Conservation) which includes the following:

1. Submittal requirements,
2. Irrigation system design criteria
3. Plant selection, water use calculation chart and turf and non-turf requirements and restrictions
4. Model home landscape criteria
5. Soil Infiltration rates
6. Relative water requirements of commonly used plants

. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.060)].

23.716.070 Parking lot landscape.

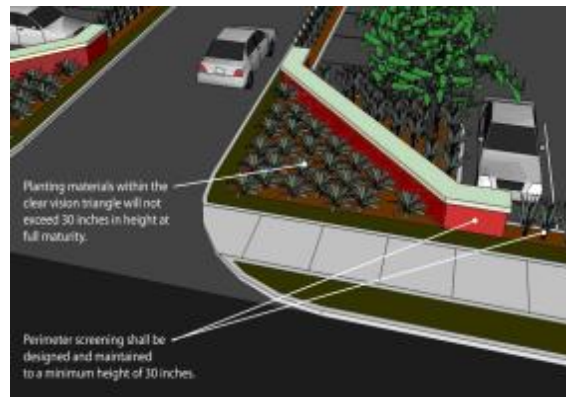
A. Parking Areas. All surface parking areas shall be screened from streets and adjoining properties, and the open space areas between the property line and public street right-of-way shall be landscaped. Parking areas shall be landscaped as follows:

1. Landscape Materials. Landscape materials shall include a combination of trees, shrubs, and ground cover.
2. Curbing. Areas containing plant materials should be bordered by a concrete curb at least ~~six~~ 6 inches high and ~~six~~ 6 inches wide. Alternative barrier design to protect landscaped areas from damage by vehicles and/or to filter/retain runoff on site may be approved by the designated ~~approving authority~~ approval authority.
3. Runoff. Parking lot landscaped areas shall be designed to filter/retain runoff.

4. Location of Landscaping. Parking lot landscaping shall be located so that pedestrians are not required to cross unpaved areas to reach building entrances from parked cars. This can be achieved through proper orientation of the landscape fingers and islands and by providing pedestrian access through the landscaped areas that would otherwise block direct pedestrian routes.

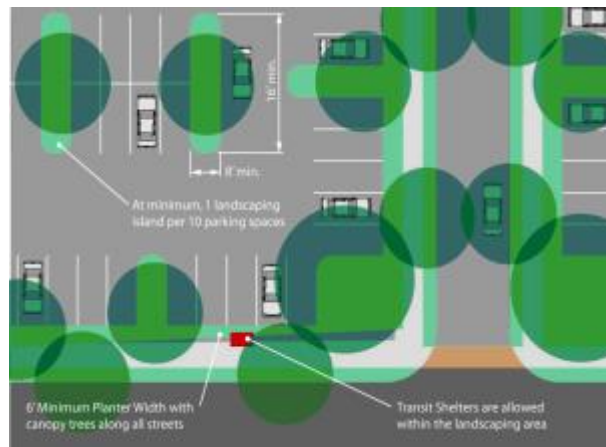
B. Parking Lot Screening. Landscaping within the perimeter planter abutting any street right-of-way shall be designed and maintained for partial screening of vehicles to a minimum height of 30 inches, measured from the finished grade of the parking lot. Screening materials may include a combination of plant materials, earthen berms, solid masonry walls, raised planters, or other screening devices authorized by the designated ~~approving~~ approval authority which meet the intent of this screening requirement. Planting materials shall be designed to ensure that planting within the clear vision triangle at driveway and street intersections will not exceed 30 inches in height at full maturity. See Figure 23.716-4 (Parking Lot Screening).

Figure 23.716-4: Parking Lot Screening



C. Planters, Landscaping. Planters containing live landscaping shall be provided adjacent to and within parking areas in accordance with the following regulations. See Figure 23.716-5 (Planter Requirements).

Figure 23.716-5: Planter Requirements



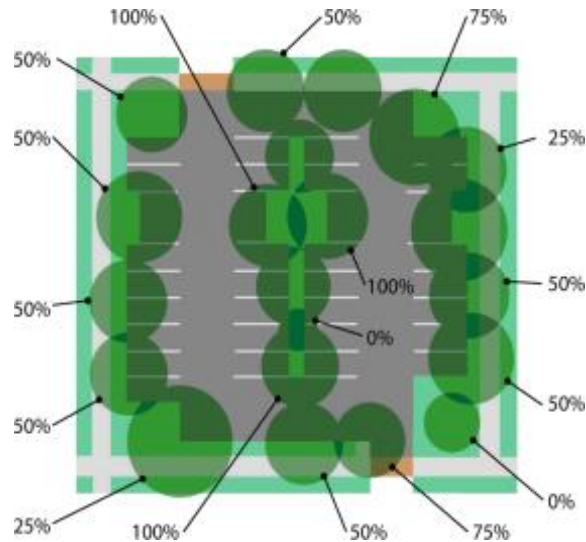
1. A planter at least ~~five~~ 5 feet wide, excluding curbing, shall be provided adjacent to all street rights-of-way. The planter shall be increased to a minimum of ~~six~~ 6 feet wide when canopy trees are used.
2. Transit shelters are allowed within the landscaping area.
3. Parking lots of five spaces or more shall provide a landscaped island measuring a minimum of ~~eight~~ 8 feet by 16 feet at a ratio of one island for every eight spaces. As a minimum, the islands shall be placed every 10 spaces.
4. Shade Canopy Requirement.

a. Parking lot landscaping shall include shade trees placed so as to cover 50 percent of the total parking area with tree canopies within 15 years of securing building permit, illustrated in Figure 23.716-6 (Parking Lot Shade Requirements). Shade tree selection shall be approved by the director to ensure that shade canopy will be achieved.

~~b. The percentage of area required to be shaded shall be based on the number of aboveground and uncovered parking spaces provided.~~

c. Tree coverage shall be determined by the approximate crown diameter of each tree at 15 years, as estimated on the approved tree list. Trees shall be a minimum 15-gallon size at planting.

Figure 23.716-6: Parking Lot Shade Requirements



Notes:

1. This diagram is intended to reflect the manner in which shade is credited under various conditions.
2. Trees may receive 25 percent, 50 percent, 75 percent, or 100 percent as shown.
3. Shade overlap is not counted twice.
5. All landscaping shall be within planters bounded by a curb at least ~~six~~ 6 inches high. No planter shall be smaller than 25 square feet, excluding curbing. Each planter shall include an irrigation system.
6. Existing mature trees on the site shall be preserved whenever possible.
7. All landscaped areas shall be designed so that plant materials are protected from vehicle damage or encroachment.
8. All plant materials shall be maintained free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases. Plant materials showing such damage shall be replaced by the same or similar species. Planting areas shall be kept free from weeds, debris, and undesirable materials which may be detrimental to safety, drainage, or appearance.
9. Not more than 25 percent of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete, or other impervious materials. Bus shelters are excluded from this limitation.

10. Varied tree and plant species shall be used throughout the parking lot. No one species shall comprise more than 75 percent of the plantings within each of the following categories: shade tree, screen tree, shrub. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.070)].

23.716.080 Removal and replacement of landscaping and trees from approved plans.

A. All plant material removed from a project in which the ~~planning~~ department has approved the landscape plan or tree removal permit shall be replaced with the following replacement sizes: shrubs – ~~five~~5-gallon size; ground cover – flats. Replacement of trees shall be as specified in ~~RCMC Section~~ 23.716.090 (Replanting requirements and replacement fee).

B. Tree removal shall be limited to trees which are in poor health, structurally distressed, or unsafe. The removal of a tree shall be the final recourse upon determining that it is infeasible to save the tree by any other method (e.g., pruning, treatment of diseases, fertilizing). Prior to the removal of any tree, director approval is required.

The following information shall be required:

1. A written statement of the health and condition of the trees to be removed by a certified arborist.
2. Reasons for removal.
3. Landscape plan indicating size, quantity, species, and location of the trees to be removed and replaced.

C. Failure to obtain director approval prior to removing an approved tree shall require the owner of the project to replace the removed tree as stated in the replanting requirements in ~~RCMC Section~~ 23.716.090 (Replanting requirements and replacement fee). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.080)].

23.716.090 Replanting requirements and replacement fee.

A. Replacement trees shall be required for trees removed with or without director approval as set forth below.

B. Trees removed or severely and improperly trimmed shall be replaced according to Table 23.716-1.

Table 23.716-1: Tree Replacement Schedule

Size of Damaged/ Removed Tree	Replacement Tree Required
2 inches	15-inch box
4 inches	24-inch box
6 inches or greater	36-inch box

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.090)].

23.716.100 Landscape care and maintenance.

A. Irrigation. All multifamily, nonresidential, and mixed-use development shall have a low-pressure irrigation system in 30 percent of all landscaped areas. Automatic programmable controllers with check valves shall be installed in sloping areas with elevation differences of more than ~~five~~5 feet as defined from the toe to the top of slope. Landscape materials with the same watering needs shall be grouped together and irrigated through separate control valves. Irrigation systems shall be designed to avoid runoff, excessive low head drainage, overspray, or other similar conditions where water flows or drifts onto adjacent property, nonirrigated areas, walks, roadways, or structures. The annual maintenance program with seasonal watering schedule shall be laminated and permanently posted in or near the control box on-site.

B. Maintenance of Landscaped Areas. All multifamily, single-family, nonresidential, and mixed-use development shall maintain landscape and planting areas throughout ~~the~~ property and in accordance with the following:

1. Planting and landscape areas shall be permanently maintained by watering, clearing debris and litter, removal of weeds and dead vegetation, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials.
2. All landscaping shall be maintained in such a manner as to not restrict designated pedestrian access.
3. All trees, shrubs, and plants which, due to accident, damage, disease or other cause, fail to show a healthy growth shall be replaced, in kind, pursuant to the approved landscape plans within 30 days from the identified damage date.
4. Grass must be maintained below 12 inches.
5. Bushes, shrubs, hedges and the like shall not project into the street, alleyway or sidewalk.
6. All impervious surface areas located in public view, such as driveways, walkways, and pedestrian paths, shall be maintained free of damage, trash and debris, oils and other hazardous materials, and maintained in good condition. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.100)].

23.716.110 Tree pruning.

A. Tree pruning shall be performed by a California landscape contractor. The licensed contractor shall also be certified by the International Society of Arboriculture as a certified tree trimmer or certified arborist or other qualified tree expert.

B. Tree Pruning Limitations. Tree pruning is limited to the following:

1. Remove dead wood and diseased, crowded, and weakly attached trunks and branches which create a hazard to private property and citizens; ~~;~~
2. Provide adequate clearance and visibility for safe use of parking stalls, travel ways, and walkways for the passage of persons and vehicles; ~~;~~
3. Remove visibility obstruction of traffic signs; ~~;~~
4. Provide adequate visibility for security patrols; ~~;~~
5. Repair split trees and limbs in order to save the tree and its appearance; ~~;~~

If tree pruning for any of the above purposes exceeds 25 percent of the tree canopy, crown, or living foliage of a tree within a one-year period, a tree pruning permit is required as described in subsection (D) of this section.

~~6. Remove or sever roots of trees which are causing damage to public or private property such as curbs, gutters, sidewalk, drainage lines, and parking lot surfaces;~~

~~7. Provide visibility for merchant signage and increase parking lot lighting only when the aesthetics of the tree and the parking lot shading requirements will not be reduced.~~

C. Director Approval Required to Deviate from Tree Pruning Limitations. Tree pruning beyond the limitations listed in subsection (B) of this section requires ~~a tree pruning permit (AUP)~~ a tree pruning permit from the director and potential replacement of landscaping. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.6.110)].

D. Tree Pruning Permit. Applications for a tree pruning permit for trees on private property shall be available from and filed with the city as indicated on the application. Applications for pruning on private property may be granted, denied, or granted with conditions. Application submittals shall include the following minimum information for staff review:

- (1) A completed tree pruning application form, signed by the property owner.
- (2) A written explanation of why each tree(s) should be pruned.
- (3) Photograph(s) of the tree(s).

(4) If required by the director, a certified or consulting arborist's written assessment of the tree's disposition shall be provided for review by the director. The report shall be signed by the arborist and include tree size (diameter, height, crown spread); location on the site; number on a site plan or arborist tree survey (if there is more than one tree); condition of health; condition of structure; and if tree risk findings apply, a tree risk assessment and rating must be completed using the most recent version of the tree risk assessment best management practices or any successor document published by the International Society of Arboriculture . Other information or images may be included in the report.

(5) If structural damage to a building, major landscape feature, or appurtenance, including utilities, is the basis for the request, a report from a licensed architect or engineer may also be required in addition to an arborist report. This additional report shall describe what modifications to buildings, structures, improvements, or utilities would be required to mitigate the damage(s) directly caused by the tree.

(6) Payment of permit fee, as established by city resolution.

Chapter 23.719

PARKING AND LOADING

Sections:

23.719.010	Purpose.
23.719.020	Applicability.
23.719.030	Permit requirements.
23.719.040	Calculations.
23.719.050	Definitions.
23.719.050	Use and general requirements for parking lots.
23.719.060	Requirements for off-street parking spaces.
23.719.070	Vehicle parking requirements.
23.719.080	Reductions and exceptions to minimum parking requirements.
23.719.090	Design standards for surface parking lots.
23.719.100	Design standards for parking structures.
23.719.110	Bicycle parking requirements.
23.719.120	Design standards for bicycle parking facilities.
23.719.130	Standards for off-street parking for private residences.
23.719.140	Trip reduction requirements.
23.719.150	Off-street loading requirements.

23.719.010 Purpose.

This chapter establishes standards for the amount, location, and development of motor vehicle parking, bicycle parking, and on-site loading areas. The purpose of the standards is to provide for safe vehicular parking, circulation, and loading requirements supportive of a variety of uses in an increasingly pedestrian, bicycle-friendly, and transit-oriented community. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.010)].

23.719.020 Applicability.

Off-street parking and loading provisions of this chapter shall apply as follows:

A. New Development. For all buildings or structures erected and all uses of land established after the effective date of the ordinance codified in this title, parking for vehicles and bicycles and loading facilities shall be provided as required by this chapter.

B. Change in Use. When the use of any building, structure, or premises is changed, resulting in an increase of more than 10 percent in the required number of off-street parking spaces, additional off-street parking shall be provided consistent with Table 23.719-1 (Required Minimum Vehicle Ratios) and required bicycle parking, and the parking lot design shall comply with the requirements of this code.

C. Change of Occupancy. Where a new business license is required, additional parking spaces shall be provided if the new occupancy would result in an increase of more than 10 percent in the required number of off-street parking spaces. and The director or his/her designee shall review the parking requirements of the proposed use and must approve the parking plan before a new business license will be issued. ~~the parking lot design shall comply with the requirements of this code.~~

D. Modification to Existing Structures. Whenever an existing building or structure is modified such that it creates an increase of more than 10 percent in the number of off-street parking spaces required, additional off-street parking spaces shall be provided in accordance with the requirements of this chapter. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.020)].

23.719.030 Permit requirements.

New parking lots and modifications or expansions to existing parking lots require the following permits:

A. Building Permit. New parking lot design and modifications to existing parking lots in conjunction with a substantial change in use to an existing structure shall be reviewed in conjunction with the building permit and any other land use or development permit required for the project.

B. Zoning Certification. Modification or improvement to an existing parking lot that impacts the parking space layout, configuration, number of stalls, landscape planters, etc., shall require zoning certification as provided in Chapter 23.113 ~~RCMC~~ (Zoning Certification) to authorize the change as consistent with the zoning code.

C. Exempt Activities. Parking lot improvements listed below shall be considered minor in nature in that they do not alter the number or configuration of parking stalls. Such improvements shall be exempt from permit requirements.

1. Repairing any defects in the surface of the parking area, including holes and cracks; ~~and~~.
2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces; ~~and~~.
3. Repairing or replacing in the same location damaged planters and curbs; ~~and~~.
4. Working in landscape areas, including sprinkler line repair, replacement of landscape materials, or refurbishment. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.030)].

23.719.040 Calculations.

A. If the calculation for parking needs results in the requirement for a fraction of a parking space, the value shall be rounded to the nearest whole number as provided in ~~RCMC~~ Section 23.107.020 (Rules of interpretation).

B. Seating capacity shall be based upon the actual number of seats or one seat per 18 inches of bench or pew length and one seat per 24 inches of booth length for dining. For other areas where seating is not fixed, the seating capacity shall be determined as indicated by the Uniform Building Code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.040)].

~~23.719.050 Definitions.~~

~~For purposes of this chapter, the following terms shall have the definitions set forth herein:~~

~~“Commercial vehicle” means a motor vehicle used for commercial, industrial, or agricultural purposes and rated more than one ton (2,000 pounds) capacity. Examples of commercial use vehicles include, but are not limited to, tow trucks, flatbed trucks, mobile food preparation vehicles including large trucks converted as food vehicles (ice cream, etc.), street sweepers, buses, utility trucks with hydraulic arms or lifts, and tractors and semi-trailers, etc.~~

~~“Park and ride facility” means a designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.~~

~~“Parking facility” means a public or shared parking lot or structured parking garage.~~

~~“Recreational vehicle (RV)” means an enclosed piece of equipment dually used as both a vehicle and a temporary travel home. Travel trailers are included under this definition. RVs are intended for everything from brief leisure activities, such as vacations and camping, to full-time living.~~

~~“Trailers” means generally an unpowered vehicle pulled by a powered vehicle. Commonly, the term “trailer” refers to such vehicles used for transport of goods and materials. Travel trailers are considered recreational vehicles.~~

~~“Vessel” means watercraft used or capable of being used as a means of transportation on water. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.050)].~~

23.719.0560 Use and general requirements for parking lots.

A. All vehicular parking areas shall be maintained by the owner of the property, such as being kept free of garbage and debris, and free of damage to asphalt, ~~or~~ concrete surface, ~~damage to~~ landscape areas, or curbing, ~~garbage and debris.~~

B. Required off-street parking spaces and parking areas shall be used only for parking operable vehicles of residents, employers, employees, customers, and visitors as appropriate to the allowed uses of the applicable zone.

C. Required off-street parking spaces shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting business. Parking spaces not needed to meet the minimum requirements may be used for alternative uses subject to the provisions of this title (e.g., temporary use permit, permanent or semi-permanent display of merchandise).

D. No sales, storage, repair work, dismantling, or servicing of any kind shall be permitted in parking spaces without necessary permits for such use.

E. All required off-street parking shall be kept clear of temporary or permanent obstructions.

F. Existing parking shall not be reduced below the requirements of this section.

G. Living, sleeping, or housekeeping in any vehicle, trailer, or vessel is prohibited.

H. For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.060)].

23.719.0670 Requirements for off-street parking spaces.

A. Required off-street parking spaces shall not be located within any required front yard or required street side yard setback of any parcel (see RCMC Section 23.719.130 (Standards for off-street parking for private residences) for additional allowances and requirements).

B. Parking may not occur within any required clear vision triangle area on a corner lot.

C. Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian accessway, or fire safety equipment. Such access shall be a clear minimum width of 44 inches, no part of which shall be within a parking space. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.070)].

23.719.0780 Vehicle parking requirements.

A. Minimum Requirements. Minimum vehicle and parking space requirements are listed in Table 23.719-1 (Required Minimum Vehicle Ratios). Where there is more than one parking ratio listed in the table, the greater of the two applies.

B. For the purpose of calculating parking ratios in all districts, the following types of parking are considered outdoor storage and are not considered parking:

1. Fleet vehicle parking.
2. Parking for vehicles that are for sale, lease, or rent.

C. Parking areas that exceed minimum vehicle parking requirements are subject to the following requirements:

1. All projects that exceed the minimum parking requirement by more than 125 percent shall demonstrate how the property can be developed in the future to utilize the additional parking areas for structures, landscaping, plazas, or other active use.
2. In the downtown district, the number of vehicle parking spaces provided shall not exceed 150 percent of the minimum parking ratio. Where no parking is required, the maximum parking allowance is two spaces.

D. Similar Use. For a use not listed in Table 23.719-1 (Required Minimum Vehicle Ratios), the required vehicle shall be the same as for the most similar use listed, as determined by the planning director.

E. Compact Car Spaces.

1. Up to 2550 percent of the required number of parking spaces may be sized for compact cars.

2. Compact car parking spaces shall be at least ~~eight~~ 8 feet in width and 16 feet in length, and shall be clearly marked "COMPACT CARS ONLY," "COMPACT," or "C."

3. Compact car spaces shall be distributed throughout the parking lot.

4. Where an entire section of the parking lot is restricted to compact parking with an angle of 90 degrees, the aisle width may be reduced from the standard 25 feet to 21 feet. Such compact sections should be located so as to minimize the distance from the parking lot section to the appropriate building or activity.

F. Disabled Parking. All off-street parking areas of multifamily, mixed use, and nonresidential properties must comply with the requirements of the Disabled Access Regulations, California Building Code, Title 24.

G. Exceptions. Exceptions to minimum parking space standards shall be permitted in accordance with ~~RCMC~~ Section 23.719.08~~90~~ (Reductions and exceptions to minimum parking requirements).

Table 23.719-1: Required Minimum Vehicle Ratios

Land Use Category	Vehicle Parking Spaces
Residential Uses	
Adult Day Care Home	None beyond single-family
Caretaker Housing	1/bedroom
Dwelling, Multifamily	
Studio and one-bedroom units	1.5/unit
Two- and three-bedroom units	2/unit
Four- or more bedroom units	2/unit
+ Guest parking	0.6/unit
<u>Accessory Dwelling, Second Unit</u> ¹¹	1/unit
<u>Junior Accessory Dwelling Unit</u>	<u>No minimum</u>
Dwelling, Single-Family ^{1,2}	2/unit
Dwelling, Two-Family ^{1,2}	2/unit
Family Day Care Home, Large	1 additional
Family Day Care Home, Small	No minimum
Group Residential	None beyond single-family
Guest House	0 additional
Home Occupations ³	1 additional
Live/-Work Facility	2/unit (plus 0.25/unit for guests)
Manufactured Home	2/unit
Mobile Home	2/unit
Mobile Home Park	2/unit
Residential Care Home	<u>1/4 beds 1 space per employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity</u>

Senior Independent Living Facility	0.5/unit (plus 0.1 per unit for guests)
Agriculture, Resource, and Open Space Uses	
Equestrian Facility	1/4 stables
Recreation, Education, and Public Assembly Uses	
Cemeteries, Mausoleums	1/4 seats ⁵
Clubs, Lodges, and Private Meeting Halls	1/3 seats ⁵
Community Centers/Civic Uses	43 /1,000 sf
Community Garden	1/5,000 sf lot area 5/acre ⁴
Correctional Institution	Parking Study Required
Golf Courses ⁶	10/hole
Indoor Amusement/Entertainment Facility	4/1,000 sf
Indoor Fitness and Sports Facility	4/1,000 sf
Libraries and Museums	3/1,000 sf
Outdoor Commercial Recreation	2/1,000 sf ⁷ <u>or 1/4 seats or person capacity, whichever is greater</u>
Parks and Public Plazas (less than 10 acres)	No minimum
Parks (10 acres or larger)	5% of total site area 4/acre ^{4,7}
Public Safety Facility	4/1,000 sf
Recreational Vehicle Parks	1.5/site
Religious Institutions	0.3/seat
Resource-Related Recreation	1/10,000 sf land area, minimum 4 spaces See Parks-
Schools, Public	
Pre-school facilities and kindergartens	1/employee <u>plus 1 per classroom, or 1/3 seats in assembly area, whichever is greater</u>
Elementary or middle schools	1/employee <u>plus 1 per classroom, or 1/3 seats in assembly area, whichever is greater</u>
High schools	1/employee plus 1/3 students in 11th and 12th grades; or 1/3 seats in main auditorium
Colleges	1 space/employee + 1 space/2 students; or 1/3 seats in largest assembly area
Commercial schools	1 space/employee + 1 space/2 students; or 1/3 seats in largest assembly area
Stadiums/Arenas	Special review of parking required
Theaters and Auditoriums	0.3/seat ¹⁰
Utility, Transportation, and Communication Use Listings	
Airport	Parking Study Required
Broadcasting and Recording Studios	3.2/1,000 sf
Heliports	1/landing pad

Park and Ride Facility	N/A
Parking Facility	N/A
Telecommunication Facility	0.5/1 employee
Utility Facilities and Infrastructure	0.5/1 employee
Retail, Service, and Office Uses	
Adult Day Care Facility	2/1,000-sf <u>1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity</u>
Alcoholic Beverage Sales	3.6/1,000 sf
Ambulance Service	3.2/1,000 sf
Animal Sales and Grooming	3.6/1,000 sf
Art, Antique, Collectable	3.6/1,000 sf
Artisan Shops	3.6/1,000 sf
Banks and Financial Services	3.2/1,000 sf
Bars and Nightclubs	6/1,000-sf <u>1 per 3 fixed seats, or 1/50 sf of net floor area of assembly space</u>
Bed and Breakfast Inns	1/room
Building Materials Stores and Yards	1/1,000 sf
Business Support Services	3.2/1,000 sf
Call Centers	6/5 <u>1/1,000 sf</u>
Child Day Care Facility	<u>1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity</u> 3.2/1,000-sf
Convenience Stores	3.6/2.5 <u>1/1,000 sf</u>
Drive-in and Drive-Through Sales and Service (not including restaurants)	<u>1 space/2 employees during period of greatest employment</u> 2.5/1,000-sf
Equipment Sales and Rental ⁸	1/1,000-sf <u>1/250 sf interior sales area, plus 1/1,000 sf exterior display area</u>
Furniture, Furnishings, and Appliance Stores	1/1,000 sf
Garden Center/Plant Nursery	1/1,000-sf <u>1/300 sf retail sales area, plus 1/1,000 sf exterior display area</u>
Grocery Stores/Supermarket	3.5/2.9 <u>1/1,000 sf</u>
Home Improvement Supplies	2.5/4 <u>1/1,000 sf</u>
Hotels and Motels	1/room
Kennels, Commercial	3.2/1,000 sf
Maintenance and Repair, Small Equipment	3.2/1,000 sf
Medical Services, General	3.9/1,000 sf
Medical Services, Extended Care	<u>1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity</u> 1/4-beds
Medical Services, Hospitals ⁹	2/bed or 2/1,000 sf
Mortuaries and Funeral Homes ⁵	1/3 seats

Neighborhood Market	32.9 /1,000 sf
Offices, Business and Professional	32.7 /1,000 sf
Offices, Accessory	32.7 /1,000 sf
Personal Services	3.2/1,000 sf
Residential Care Facility	<u>1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity</u> 1/4 beds
Restaurants	1/3 seats
Retail, Accessory	3.6/1,000 sf
Retail, General	3.6/1,000 sf
Retail, Warehouse Club	3.6/1,000 sf
Veterinary Facility	3.2/1,000 sf
Regional Shopping Center	5.5/1,000 sf
Automobile and Vehicle Uses	
Auto and Vehicle Dismantling	1/1,000 sf <u>3 spaces, plus 1 space/employee</u>
Auto and Vehicle Sales and Rental	3.2/1,000 sf <u>2.5/1,000 sf, plus 1 space per rental vehicle</u>
Auto and Vehicle Sales, Wholesale	3.2/1,000 sf <u>1/1,000 sf, minimum 2 spaces</u>
Auto and Vehicle Storage	<u>1/2,000 sf, plus 1 space/company-operated vehicle</u> 3.2/1,000 sf
Auto Parts Sales	3.6/1,000 sf
Car Washing and Detailing	3 spaces minimum + 2 per bay
Service Stations	3 spaces minimum + 2 per bay
Vehicle Services	4/1,000 sf <u>2 per service bay</u>
Industrial, Manufacturing, and Processing Uses	
Agricultural Products Processing	1.6/1,000 sf, <u>plus 1 space/company-operated vehicle</u>
Manufacturing	1.6/1,000 sf, <u>plus 1 space/company-operated vehicle</u>
Office (as accessory to a use in this category)	2.7/1,000 sf
Printing and Publishing	1/1,000 sf, <u>plus 1 space/company-operated vehicle</u>
Recycling Facility, Processing	<u>1/200 sf office space, plus 1 space/employee</u> 1/1,000 sf
Recycling Facility, Scrap and Dismantling Facility	1/1,000 sf, <u>plus 1 space/company-operated vehicle</u>
Research and Development	3/1,000 sf
Storage, Personal Storage Facility	<u>1/2,000 sf, plus 1 space/company-operated vehicle</u>
Storage, Warehouse	0.5/1,000 sf, <u>plus 1 space/company-operated vehicle</u>
Wholesaling and Distribution	0.5/1,000 sf, <u>plus 1 space/company-operated vehicle</u>
Special Regulated Uses	
Card Rooms	4/1,000 sf <u>1/2 seats in play area</u>

Check Cashing Businesses	3.6/1,000 sf
Massage Parlor	3.2/1,000 sf
Pawnshops	3.6/1,000 sf
Recycling Facility, Collection Facility	3.2/1,000 sf
Sexually Oriented Businesses	<u>1/3 fixed seats or 4/1,000 sf, whichever is greater (see similar use, e.g., nightclub, retail)</u>
Smoke Shops	3.6/1,000 sf
Tattoo Parlors	3.6/1,000 sf
Thrift Store	3.6/1,000 sf

Notes:

1. Required parking spaces shall be enclosed and covered within a garage and are not permitted within setbacks. Additional parking in excess of the minimum required may be provided on a driveway or other appropriate parking surface as defined by this code.
2. Parking may be reduced to one space per unit for residential units for low or moderate income subsidized homeownership units.
3. Additional parking for home occupations is not required to be covered or enclosed and may occur within the front or street-side yard setback on a driveway or other paved surface.
4. On-street parking space adjacent to park property may be credited toward parking requirement.
5. Applies to seating in main or largest assembly area only.
6. Clubhouse calculated as retail and provided in addition to required spaces for golf courses. Additional parking not required for accessory uses (e.g., driving ranges, putting greens, maintenance shops, equipment storage).
7. Parking based on area of active recreation only.
8. Indoor and outdoor merchandise display areas.
9. Calculate associated medical office facilities as medical services, general.
10. If fixed seating is not used, then parking shall be provided at a ratio of one space/30 square feet of floor area in the assembly hall(s).
11. Parking requirements shall be in compliance with Government Code section 65852.2. No additional parking shall be required for an accessory dwelling unit: if the unit is located within ½ mile of public transit, the unit is located within an architecturally and historically significant district, the unit is part of the existing primary residence or an existing accessory structure, or if there is a car share vehicle located within one block of the unit.

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.080)].

23.719.0890 Reductions and exceptions to minimum parking requirements.

The following are exceptions or reductions to minimum parking requirements that are available:

A. Parking District Waiver. Minimum off-street parking requirements may be waived for properties that have access to public parking facilities. The waiver may be granted by the planning director.

B. Parking Reduction. Parking may be reduced by the approval authority according to the following provisions. Total parking reductions may not exceed 20 percent of required parking:

1. Reduction for Special Motor Vehicles. Up to 520 percent of the off-street parking may be provided by smaller parking spaces for special or alternative motor vehicles (e.g., golf carts, motorcycles, motorized scooters, etc.).
2. Reduction for Secure Bicycle Parking. Developments which provide additional secure bicycle parking facilities over and above the minimum requirement may reduce their parking requirement by one vehicle space for every two additional bicycle spaces provided.

3. Reduction for Parking near Major Transit Stops (e.g., light rail stations, BRT stations, or significant bus facilities). Parking requirements may be reduced by 10 percent when within one-quarter mile of a major transit stop.

4. Reduction for Existing Uses to Enable Property Enhancements. Parking requirements for existing nonresidential development may be reduced by up to 10 percent if spaces are replaced with either or both of the following:

a. Landscaping: ~~and/or~~.

b. On-site pedestrian plazas, seating areas, shelters, bicycle racks, and/or walkways.

5. Shower/Locker Facilities. Developments with 100 or more employees may reduce their parking requirement by providing shower and clothing locker facilities for bicycle-commuting employees. Maximum reduction: ~~five~~ 5 percent of required parking.

6. Preferred Carpool/Vanpool Parking Spaces. Office or industrial developments which guarantee preferred parking spaces (e.g., covered, shaded, or near building entrance) to employees who participate regularly in a carpool or vanpool may reduce their parking requirement by one vehicle space for every one space which is marked and reserved for carpools/vanpools at a preferred location. Maximum reduction: ~~five~~ 5 percent of required parking.

C. Joint Vehicle Parking Lot or Structure. Required parking for two or more freestanding uses on adjacent or nearby sites may be satisfied by the use of a joint vehicle parking facility to the extent that it can be shown by the owners or operators that the demand for parking in the joint facility does not materially overlay (e.g., uses primarily of a daytime versus a nighttime or weekday versus weekend nature); and provided, that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument upholding such joint use. In this situation, the size of the joint parking lot shall be at least as large as the number of vehicle parking spaces required by the largest user.

D. Parking in Mixed-Use Projects. In mixed-use projects with residential, office, and/or commercial components, it is assumed that some parking spaces will be shared due to the difference in peak parking demand and required motor vehicle parking may be reduced according to the following formula:

1. Calculation of the minimum vehicular parking for the portion of the building occupied by the primary use is based on 100 percent of the floor area.

2. Calculation of the minimum vehicular parking for the portion of the building occupied by secondary or subsequent uses may be calculated at 80 percent of the floor area.

E. Available parking in public or common parking lots and structures.

F. Additional parking reductions may be permitted as part of an adjustment process. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.100)].

23.719.09100 Design standards for surface parking lots.

A. All vehicular parking spaces shall be on the same lot as the main structure they serve, on an abutting lot, or within 1,000 feet, subject to the following requirements:

1. There is a safe, direct, attractive, lighted, and convenient pedestrian route between the vehicle parking area and the use being served.

2. There is an assurance in the form of deed, lease, contract, or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.

B. Special Requirement for Parking in Downtown District.

1. Auto parking lots shall be located behind or beside buildings on one or both sides.

2. Auto parking and maneuvering areas (including any permitted drive-through service lanes) shall not be located between the street and the building facade with the primary entrance.
3. Auto parking and maneuvering areas located to the side of a building cannot occupy more than 50 percent of the site's frontage onto an arterial or collector roadway. When a site has more than one frontage on an arterial or collector roadway, then the auto parking lot located to the side of a building may occupy more than 50 percent of the site's frontage on the secondary street.
4. Auto parking and maneuvering areas on corner lots shall not be located adjacent to intersections.

C. Parking Lot Design.

1. Surfacing and Striping. Areas used for parking and maneuvering of vehicles shall be paved with a minimum of ~~two~~ 2-inch asphalt, concrete, or equivalent surface. All parking areas shall be appropriately striped, marked, and signed.
2. Curb Cuts/Access Points. Street access points shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Curb cuts must comply with city street improvement standards.
3. Driveways/Driveway Approach Width and Grade. The minimum driveway width shall comply with public improvement and fire safety standards.
4. Back-Out Parking. With the exception of duplexes and single-family residences, all parking areas shall be designed so that vehicles are not permitted to back out of the parking area onto a public street.
5. Driveway/Drive Aisle Width. Driveways shall have a minimum paved width of 20 feet for two-way circulation and 14 feet for one-way circulation or according to Table 23.719-2 (Angle Parking Space and Drive Aisle Dimensions), wherever is greater. Driveways shall not occupy a yard setback or buffer except to pass through the yard in order to connect directly to a public street or as necessary for shared driveways and internal access between uses on abutting lots.
6. Turnaround Areas. Parking spaces shall be provided with adequate drive aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
7. Setback Restrictions for Parking Spaces and Drive Aisles. Parking areas including spaces, aisles, and turnaround and maneuvering areas shall not occupy the required setbacks.
8. Connect Parking Lots. Auto parking areas shall be designed to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the public right-of-way for cross movements. Joint or shared access, internal circulation, or parking is encouraged with adjacent uses.
9. Minimum Clearance. Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of 12 feet for the entire length and width, but such clearance may be reduced in parking structures.
10. Drainage. Adequate drainage shall be provided to dispose of the runoff generated by the impervious surface area of the parking area. Provision shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
11. Clear Vision Area. See RCMC Section 23.731.0650 (Height measurement) for driveway clearance vision area requirements.
12. Service and Loading Areas. Service and loading areas shall not be located on the frontage of a light rail station or adjacent street.

D. Space and Aisle Standards for Surface Parking Lots.

1. All surface parking lots shall be designed in accordance with city standards for stalls and aisles as set forth in Tables 23.719-2 (Angle Parking Space and Drive Aisle Dimensions) and 23.719-3 (Parallel Parking Space and Drive Aisle Dimensions) and Figures 23.719-1 (Angle Parking Space and Drive Aisle Dimensions) and 23.719-2 (Parallel Parking Space and Drive Aisle Dimensions).

Table 23.719-2: Angle Parking Space and Drive Aisle Dimensions

Angle	Stall Width a	Stall to Curb b	Aisle c	Two Rows + Aisle d
90°	9'-0"	19'-0"	25'-0"***	63'-0"
	9'-6"	19'-0"	24'-8"***	62'-6"
	10'-0"	19'-0"	24'-0"***	62'-0"
60°	9'-0"	21'-0"	20'-0"***	62'-0"
	9'-0"	21'-0"	19'-0"*	61'-0"
	9'-6"	21'-3"	18'-6"*	61'-0"
	10'-0"	21'-6"	18'-0"*	61'-0"
45°	9'-0"	19'-10"	20'-0"***	59'-8"
	9'-0"	19'-10"	16'-4"*	56'-0"
	9'-6"	20'-2"	15'-2"*	55'-6"
	10'-0"	20'-6"	14'-0"*	55'-0"

* One-way aisle.

** Two-way aisle.

* One-way aisle.

Figure 23.719-1: Angle Parking Space and Drive Aisle Dimensions

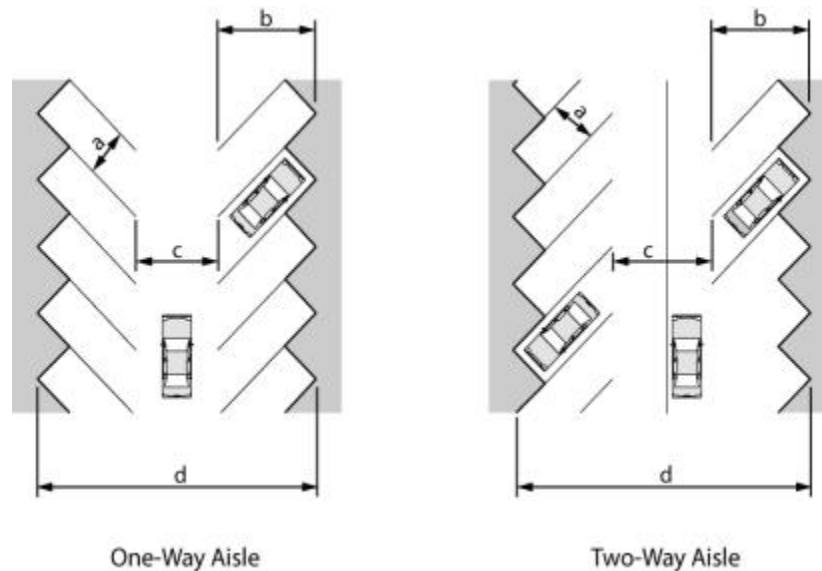


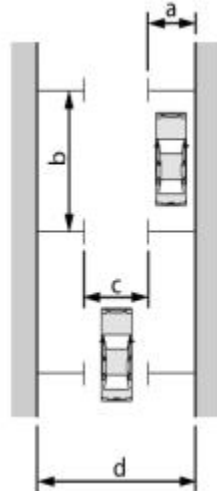
Table 23.719-3: Parallel Parking Space and Drive Aisle Dimensions

Stall Width a	Stall Length b	Aisle c	Two Rows + Aisle d
9'-0"	24'-0"	12'-0"*	30'

9'-6"	24'-0"	12'-0"*	31'
10'-0"	24'-0"	12'-0"*	32'

*One-way

Figure 23.719-2: Parallel Parking Space and Drive Aisle Dimensions



E. A minimum of ~~50~~⁷⁵ percent of vehicle parking stalls shall be of standard size (the remainder may be compact). See ~~RCMC Section~~ 23.719.0~~780~~⁷⁸⁰(E) (Compact Car Spaces).

F. Landscaping of Parking Lots. See ~~RCMC Section~~ 23.716.070 (Parking lot landscape).

G. Pedestrian Circulation/Walkways. Pedestrian circulation/walkways shall be designed to the requirements specified in ~~RCMC Section~~ 23.722.0~~560~~⁵⁶⁰ (Standards for on-site pedestrian pathways). Sidewalks shall be designed to ensure that vehicles that may overhang or intrude into the sidewalk system do not reduce the minimum required sidewalk width.

H. Lighting of Parking Lot. See Chapter 23.725 ~~RCMC~~ (Outdoor Lighting). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.110)].

23.719.10~~10~~¹⁰ Design standards for parking structures.

A. Ground Floor Active Use. For all new multi-level parking structures, a minimum of 50 percent of the total ground floor street frontage, excluding driveway entrances and exits, stairwells, elevators, and centralized payment booths, shall be designed to accommodate commercial, retail, office, or residential floor space.

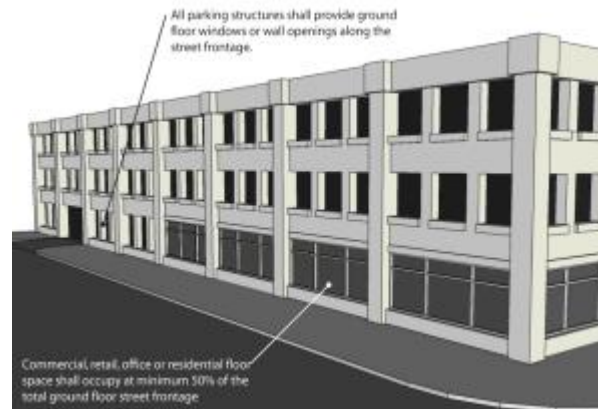
B. Ground Floor Facades. Blank, flat walls are prohibited on all parking structure facades that face public rights-of-way. The following are acceptable methods to avoid blank, flat walls. One or more of these methods shall be incorporated along the entire facade:

1. Street-facing ground floor active uses (see subsection (A) of this section, Ground Floor Active Use);
2. Ground floor windows, doors, or display areas;
3. A repeating pattern of color change, texture change, and material change, each of which should be integral parts of the structure and not superficially applied trim, graphics, or paint; and/or
4. The use of reveals, projecting ribs, or offsets which should be no less than 12 inches in width. All elements should repeat at intervals of 30 feet or less.

C. Lighting. Metal halide lighting shall be used for all parking structures, with uplighting being the preferred method of lighting. This allows for a more even lighting distribution across the floor and field of vision for users, accurate color rendition, and protection from lighting elements.

D. All parking structures are subject to design review as described in Chapter 23.140 ~~RCMC~~ (Minor Design Review) or Chapter 23.141 ~~RCMC~~ (Major Design Review).

Figure 23.719-3: Parking Structure Design Requirements



[Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.120)].

23.719.110~~5~~ Bicycle parking requirements.

A. Short-Term Bicycle Parking. If a land use or project is anticipated to generate visitor traffic, the project must provide permanently anchored bicycle racks within 100 feet of the visitors' entrance. To enhance security and visibility the bicycle racks shall be readily visible to passersby. The bicycle capacity of the racks must equal an amount equivalent to ~~five~~^{ten}~~10~~ percent of all required motorized vehicle parking. There shall be a minimum of one rack with capacity for two bicycles.

B. Long-Term Bicycle Parking. Buildings with over 10 tenant-occupants (e.g., multifamily tenants, owners, employees, ~~etc.~~) shall provide secure bicycle parking for ~~five~~⁵ percent of required motorized vehicle spaces for employees/residents, with a minimum of one space. Acceptable parking facilities shall be convenient from the street and include one or a combination of the following:

1. Covered, lockable enclosures with permanently anchored racks for bicycles~~;~~.
2. Lockable bicycle rooms with permanently anchored racks~~;~~~~or~~.
3. Lockable, permanently anchored bicycle lockers.
4. In the case of residential development a standard garage is sufficient, if available. [Ord. 12-2011 § 3 (Exh. A)].

23.719.120 Design standards for bicycle parking facilities.

All developments shall meet the following minimum requirements for bicycle parking and design. The purpose of these design standards is to ensure that bicycle parking is visible from the buildings served, is convenient to cyclists, and provides sufficient security from theft and damage.

A. Minimum Required Bicycle Parking. Minimum required bicycle parking spaces are required as designated in ~~RCMC Section 23.719.115~~¹¹⁰ (Bicycle parking requirements).

B. Bicycle Parking Location and Access.

1. Use. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.

2. Lighting. See [RCMC Section 23.725.070](#) (General lighting standards).

3. Location.

- a. Outdoor bicycle parking should be located within 100 feet, or as close as possible to the primary building entrance, without impeding pedestrian circulation or emergency access.
- b. Bicycle parking must be visible from within on-site buildings or the street.
- c. Bicycle parking may be located within a building if access is readily available from an outdoor entrance.
- d. Bicycle parking is prohibited within 100 feet of a trash or recycling enclosure.

4. Amenities. Bicycle parking areas are encouraged to include a bench and bicycle rack screened with 30- to 36-inch shrubs from any parked cars or arterial streets.

5. Pedestrian Conflicts. Bicycle parking and bicycle racks shall be located to avoid conflicts with pedestrian movement and accessibility requirements.

C. Covered Bicycle Parking Spaces for All Uses. All required employee bicycle parking spaces and 50 percent of all visitor bicycle parking must be sheltered from precipitation by means such as roof extensions, overhangs, awnings, arcades, carports, roofed enclosures, lockers, or indoor bicycle rooms. These may be Class I parking spaces (e.g., bike lockers) or other suitable alternative.

D. Bicycle Parking for Residential Uses. When required, 25 percent of all bicycle parking for residential uses shall be provided as Class I facilities (locker, bike room, etc.).

Figure 23.719-4: Acceptable Covered Bicycle Parking Options (Bicycle Parking near Entry Door, Freestanding Bicycle Parking Enclosure, and Indoor Bicycle Room)



Bicycle Parking near Entry



Freestanding Bicycle Parking Enclosure



Indoor Bicycle Room

E. Bicycle Rack Types and Dimensions.

1. Security. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a [stationary object \(i.e., rack\)](#) upon which the bicycle can be locked. Bicycle parking racks, shelters, or lockers must be securely anchored to the ground or to a structure. Bicycle racks must hold bicycles securely by the means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.

Figure 23.719-5: Acceptable Bicycle Rack Options



Bicycle Racks that Support



Bicycle Lockers

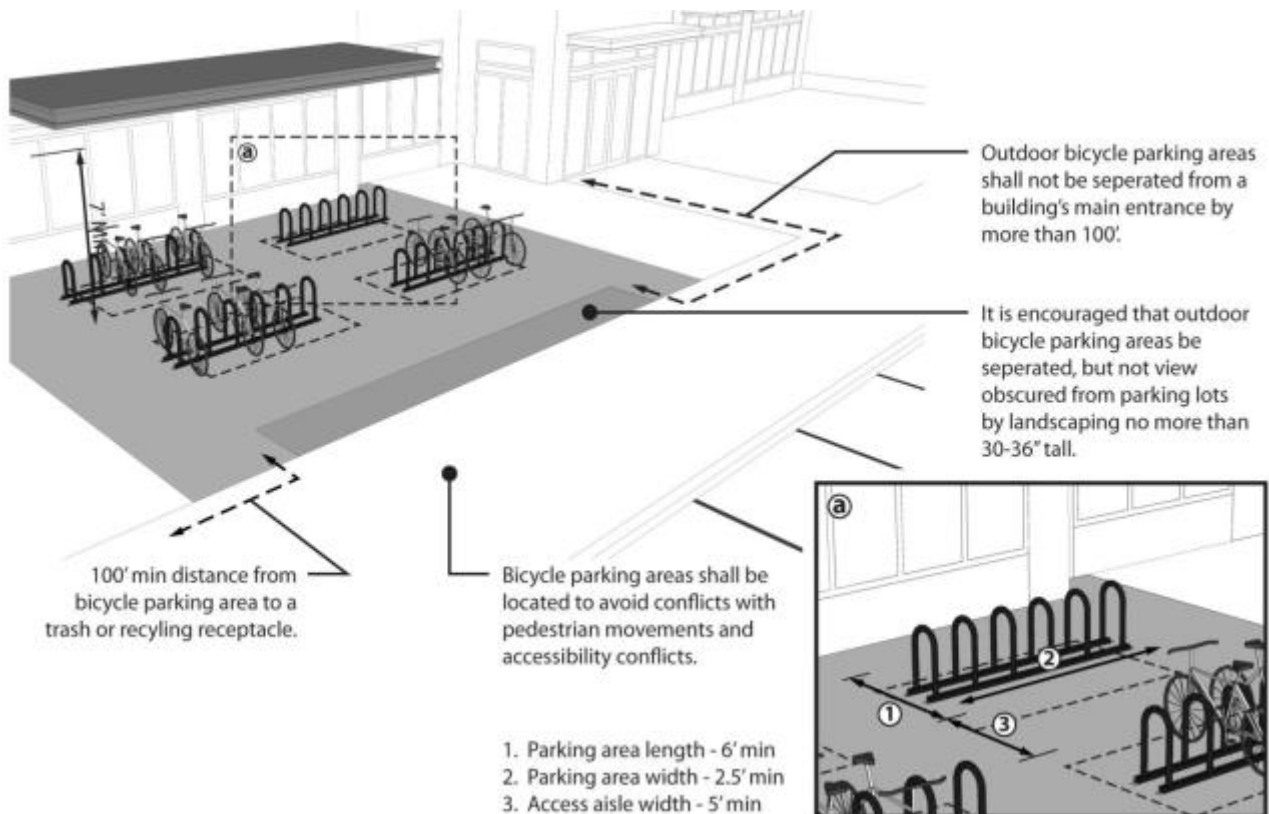


Sheltered Parking

Both Sides of a Bicycle

2. Standards. Bicycle parking shall be at least ~~one and one half~~ 1.5 feet wide by ~~six~~ 6 feet long for a single bicycle parking space or ~~2.5 two and one half~~ feet wide by ~~six~~ 6 feet long for two paired bicycle racks (as pictured ~~below~~ in Figure 23.719-6) and, when covered, provide a minimum vertical clearance of ~~seven~~ 7 feet. An access aisle of at least ~~five~~ 5 feet wide shall be provided and maintained beside or between each row of bicycle parking. Each required bicycle space must be accessible without moving another bicycle. Bicycle parking spaces required by this chapter may not be rented or leased.

Figure 23.719-6: Bicycle Parking Area Design Requirements



F. Paving and surfacing of bicycle parking areas shall be surfaced with hard surfacing of at least ~~two~~ 2 inches minimum (i.e., pavers, asphalt, concrete, or similar material). This surface must be designed to maintain a well-drained condition.

G. Exemptions. The following uses are exempt from bicycle parking requirements:

1. Temporary uses.
2. Agriculture.
3. Mini-storage facilities.
4. Home occupations. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.130)].

23.719.130 Standards for off-street parking for private residences.

Off-street parking and driveways for detached dwellings, manufactured homes, single-family attached dwellings, and two-unit attached dwellings shall meet the following requirements:

A. Any vehicle, trailer, or vessel which is inoperable and/or without current registration shall be stored entirely within an enclosed structure and shall not be parked or stored in any yard within a residential zoning district or neighborhood.

B. Unless specifically permitted by this code, required off-street parking spaces shall not be located within any required front yard or required street side yard setback of any parcel. Required parking must be provided within a fully enclosed garage.

C. Parking in excess of the required parking (e.g., driveways) may be provided within the front and street side yard setback, as follows:

1. Vehicle parking (including driveways) in residential areas shall be provided on permanent paved a lasting, durable surface (e.g., concrete, asphalt, grasscrete, or similar material) surfaces. Permeable pavement paving materials, such as paver stones, pervious concrete, paving strips, or interlocking grids with gravel, are permitted as an alternative to a standard asphalt or concrete surface.
2. Parking areas shall not exceed the maximum impervious surface allowed on a parcel (e.g., impervious surface in front yards is limited to 40 percent coverage).
3. Parking may not occur within any required clear vision triangle area on a corner lot.

D. Each parking space shall be at least ~~eight and one half~~ 8.5 feet wide by 18 feet deep.

E. Tandem (end-to-end) parking is allowed to meet the minimum off-street parking requirements.

F. Required parking may be provided in the rear yard only when an alley is available for access.

~~G. All vehicles are required to be parked on a paved surface. Driveways and driveway approaches shall be paved.~~

H. The minimum driveway width is 10 feet.

I. The use of structures, temporary canopies, tarps, and other similar types of covering for vehicles is strictly prohibited within the front setback.

J. Parking of RVs, trailers, and vessels shall conform with the following additional regulations:

1. Parking on a lasting, durable surface (e.g., concrete, asphalt, grasscrete, or permeable paving material) ~~hard surface such as compacted gravel, concrete, asphalt, or similar durable material~~ is required.
2. Parking within the clear vision area is prohibited. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.140)].

23.719.140 Trip reduction requirements.

A. Applicability. The provisions of this chapter shall apply to all major development projects defined as follows:

1. Any commercial, industrial, institutional, or other use which is expected to employ 200 or more persons, as determined by either actual employee projections or equivalent development size; ~~and~~.
2. Any existing facility or development which increases its gross floor area and, after such increase, exceeds the minimum equivalent development size.
3. The ~~planning~~ director may, if projected traffic conditions warrant, apply the provisions of this section to developments smaller than those specified.

B. Exempt Projects. Notwithstanding any other provisions of this code, the following uses and activities shall be specifically exempt from the provisions of this section:

1. Development projects expected to employ fewer than 200 persons.
2. Temporary construction activities on any affected project, including activities performed by engineers, architects, contractors, subcontractors, and construction workers.

C. Equivalent Development Size. For the purpose of this section, the standards listed in Table 23.719-4 (Equivalent Development Size) shall be considered equivalent to the 200-employee threshold.

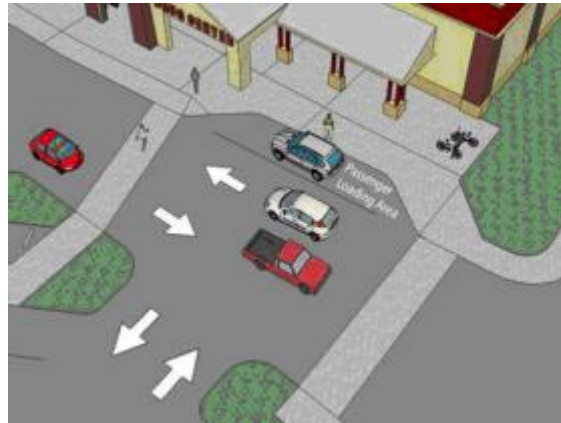
Table 23.719-4: Equivalent Development Size

Type of Use	Minimum Development Size (in square feet) Equivalent to 200 Employees
Office (excluding medical)	50,000
Industrial Office Park (MP)	60,000
Hospital and Medical Offices	80,000
Commercial	100,000
Light Industrial (M-1)	95,000
Heavy Industrial (M-2)	130,000
Mixed or Multiple Uses	¹

Notes:

1. The minimum development size for mixed or multiple use developments shall be calculated based on the employment equivalent of the square footage or areas devoted to each type of use.

D. Passenger Loading Areas. Parking areas for major development projects shall designate a passenger loading area or areas for embarking and disembarking passengers from ridesharing vehicles. Such passenger loading areas shall be located at the point(s) of primary pedestrian access from the parking area to the adjacent building(s). ~~or buildings,~~ and shall be designed in such a manner that vehicles waiting in the loading area do not impede vehicular circulation in the parking area. The passenger loading areas shall be designed as a turn-out as indicated by Figure 23.719-7 and shall be large enough to accommodate the number of waiting vehicles equivalent to one-half percent of the required parking for the project. See Figure 23.719-7 (Passenger Loading Areas).

Figure 23.719-7: Passenger Loading Areas

E. Preferential Parking Spaces for Carpool and Vanpool Vehicles. All major development projects shall reserve and designate at least 10 percent of the employee parking spaces for the project for ridesharing vehicles by marking such spaces “Carpool/Vanpool Only.” The number of preferential parking spaces must be increased above 10 percent of the employee parking as necessary to accommodate all legitimate carpools and vanpools. Such spaces shall be located near the building entrance(s), covered, shaded, or in some other obvious way be determined as preferential. For purposes of this section, the factors listed in Table 23.719-5 (Employee Parking Ratios) shall be used to determine the number of employee parking spaces.

Table 23.719-5: Employee Parking Ratios

Type of Use	Percentage of Total Parking Devoted to Employee Parking
Office (excluding medical)	70%
Hospital and Medical Office	50%
Commercial	30%
Industrial	70%

F. Shower and Locker Facilities. All development projects above the minimum development size threshold shall provide shower and locker facilities for use by employees or tenants who commute to the site by bicycle or walking. Such facilities shall be clearly indicated on all development/improvement plans. One shower and eight lockers with minimum dimensions of 12 inches by 18 inches by 36 inches shall be provided for each 200 employees or fraction thereof, based on the equivalent development size data. The shower and locker facilities must be located convenient to one another and should be located near the employee bicycle parking facilities whenever possible. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.150)].

23.719.150 Off-street loading requirements.

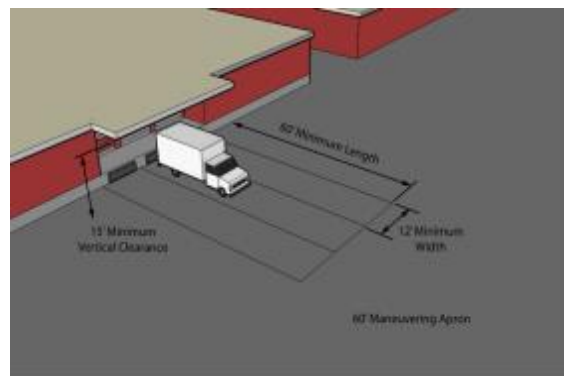
A. Purpose of Loading Area Requirements. The purpose of these regulations is to provide the number, size, location, and screening requirements for loading areas in mixed-use, commercial, and industrial uses. The intent of these regulations is to minimize disruptions of traffic flow by freight-carrying vehicles blocking the public right-of-way and to minimize impacts to vehicular and pedestrian conflicts.

B. When Loading Regulations Apply. This regulation applies to all nonresidential development in mixed-use commercial and industrial districts, whether or not a permit or other approval is required for the development. Buildings smaller than 8,000 square feet in size are exempt from the requirements of this section.

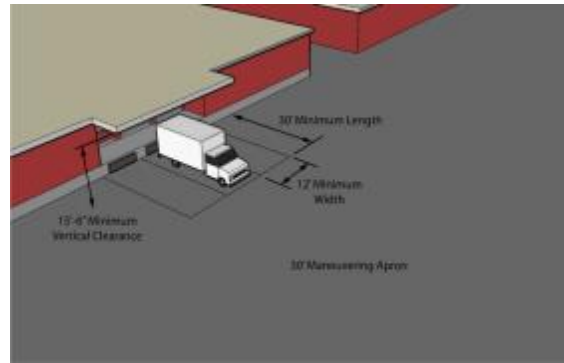
C. General Loading Area Requirements.

1. The number of required loading spaces is based on the use of the building and the building size minus any residential component square footage.
2. Where two or more uses are located on the same premises, the number of loading area spaces required is the sum of the spaces required for each use.
3. The provision for maintenance of off-street loading facilities is a continuing obligation of the property owner.
4. Loading and maneuvering areas shall be hard-surfaced unless a permeable surface is required to reduce surface runoff, as determined by the director.
5. Parking of passenger vehicles may be allowed in off-street loading areas subject to specific time limits to prevent conflicts with off-street loading activities. If parking is allowed, the parking time limits shall be clearly posted. These parking spaces shall not count toward meeting the general parking requirements.
6. Off-Street Loading Standards.
 - a. Each required off-street loading space in an industrial area shall have a minimum length of 60 feet, a minimum width of 12 feet, and a minimum vertical clearance of 15 feet inside dimensions. Off-street loading spaces in industrial zones shall also provide a 60-foot maneuvering apron in addition to the minimum length of the loading space. These requirements apply to all off-street loading spaces in industrial zones including at-grade and depressed loading docks.
 - b. Each required off-street loading space, other than in industrial zones, shall have a minimum length of 30 feet, a minimum width of 12 feet, and a minimum vertical clearance of 14.5 feet inside dimensions. Off-street loading spaces shall also provide a 30-foot maneuvering apron in addition to the minimum length of the loading space. These requirements apply to all off-street loading spaces including at-grade and depressed docks.
7. Loading areas must comply with the setback and perimeter landscaping and screening standards. When parking areas are prohibited or not allowed between a building and a street, loading areas are also not allowed.

Figure 23.719-8: Typical Loading Area



Off-Street Loading Spaces in an Industrial Area



Off-Street Loading Spaces in a Nonindustrial Area

8. For uses not specifically mentioned, the requirements for off-street loading facilities shall be the same as the closest approximate use as determined by the [planning](#) director.

D. Location of Required Loading Facilities.

1. The off-street loading facilities, including the required maneuvering apron, in all cases, shall be on the same lot or parcel of land as the structure they are intended to serve.
2. The off-street loading facilities shall be designed and located so that loading vehicles do not encroach upon required setbacks, driveways, or required parking spaces during maneuvering and loading activities.
3. No loading space, including the required maneuvering apron, shall be located so that a vehicle using such loading space projects into any public street or any adjoining property except in the case of a reciprocal access agreement or similar mechanism.
4. Loading spaces shall be provided with access to an alley when alley access is available.
5. Bays and doors shall be located in a manner that would preclude any possibility for trucks to back into bays from arterial streets. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.7.160)].

Chapter 23.722

STANDARDS FOR PEDESTRIAN-ORIENTED SPACES

Sections:

- 23.722.010 Purpose.
~~23.722.020 Definitions.~~
 23.722.0~~2~~³⁰ Applicability.
 23.722.0~~3~~⁴⁰ Pedestrian plan required.
 23.722.0~~4~~⁵⁰ Standards for all pedestrian-oriented spaces.
 23.722.0~~5~~⁶⁰ Standards for on-site pedestrian pathways.
 23.722.0~~6~~⁷⁰ Standards for public spaces.

23.722.010 Purpose.

This chapter establishes provisions for the design and construction of all pedestrian-oriented spaces in Rancho Cordova, including on-site pedestrian pathways and public spaces. The purpose of these standards is to provide for pedestrian-oriented spaces that are safe, comfortable, and usable, provide aesthetic value to the project's site design, and fully comply with the requirements of the Americans with Disabilities Act and the city-adopted building code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.8.010)].

~~**23.722.020 Definitions.**~~

~~For the purpose of this chapter, the following terms shall have the definitions set forth herein:~~

~~“Arcade” means a continuously covered public space open on the sides, except for structural columns or piers, adjacent to and extending along the facade of a building. The space may be located between the facade and a sidewalk or another public space, or it may replace a sidewalk along a private street where no building setback is present. See Figure 23.722-1 (Arcades).~~

Figure 23.722-1: Arcades

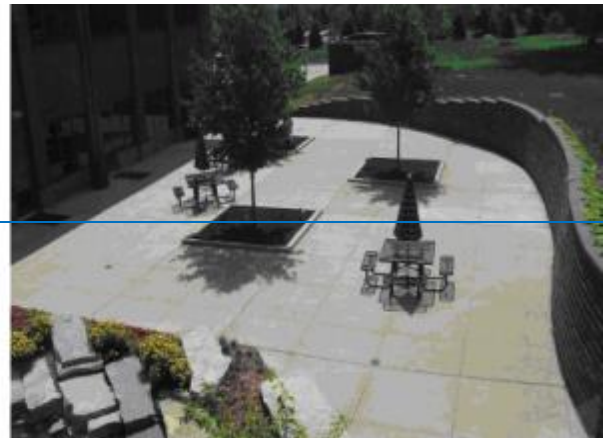


~~“Building entry space” means a public space adjacent to a pedestrian building entrance as shown in Figure 23.722-2 (Building Entry Spaces).~~

Figure 23.722-2: Building Entry Spaces

“Corner arcade” means a small covered space adjoining the intersection of two streets at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

“Employee break area” means a public space reserved for employee use on a lot zoned for commercial, office or industrial use. See Figure 23.722-3 (Employee Break Areas).

Figure 23.722-3: Employee Break Areas

“On-site main street” means a street or drive aisle located on a lot designed to resemble streets found in an urban context. Defining features of these “streets” include narrow travel lanes, on-street parking, wide sidewalks designed in accordance with RCMC 23.722.060(F)(2), and buildings located adjacent to or near sidewalks as shown in Figure 23.722-4 (On-Site Main Streets).

Figure 23.722-4: On-Site Main Streets

“Paseo” means a public space that is located within a block’s interior and that connects two streets that are parallel or within 45 degrees of being parallel to each other. See Figure 23.722-5 (Paseos).

Figure 23.722-5: Paseos

“Pedestrian pathways” refers to the infrastructure which provides a safe pedestrian circulation system throughout the development site that minimizes the conflict between pedestrians and vehicular traffic at all points, including parking areas and building access points. The pathway system comprises standard pedestrian paths—pathways that meet the ADA sidewalk width requirements of four feet—and enhanced pedestrian paths—pathways that exceed the ADA sidewalk width requirement and include amenities (e.g., seating, trash receptacles, and drinking fountains).

“Plaza” means an urban public space typically bounded by buildings, public rights-of-way, and other secondary public spaces. See Figure 23.722-6 (Plazas).

Figure 23.722-6: Plazas



~~“Public space” means an open area for public use on a lot developed in accordance with requirements of an arcade, a building entry, an employee break area, or a plaza. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.8.020)].~~

23.722.0230 Applicability.

Whenever a nonresidential, mixed-use, or multifamily residential project is subject to design review, the requirements of this chapter shall apply. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.8.030)].

23.722.0340 Pedestrian plan required.

As part of the design review application, the applicant shall submit a pedestrian plan demonstrating compliance with the relevant standards and performance criteria in this chapter. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.8.040)].

23.722.0450 Standards for all pedestrian-oriented spaces.

A. Materials. Materials used in pedestrian-oriented spaces shall be attractive, durable, slip-resistant, of high quality, and compatible in color and pattern with a project’s design. Surfaces in pedestrian circulation areas shall be constructed from materials that provide a hard, stable surface and that permit comfortable maneuverability for people of all abilities. Wherever a pathway crosses a drive aisle, loading area, or parking area, the pathway shall be made identifiable by the use of one of the following: elevation changes, changes in paving materials, and/or the use of colors. Such designations are subject to the approval of the [city](#)-council.

B. Lighting. Lighting in pedestrian-oriented spaces shall be consistent with the requirements of Chapter 23.725 [RCMC](#)-(Outdoor Lighting).

C. Landscaping. Landscaping in pedestrian-oriented spaces shall be consistent with the requirements of Chapter 23.716 [RCMC](#)-(Landscaping).

D. Electrical Power. To provide adequate power for temporary uses and to ensure proper maintenance, at least two outlets shall be provided for every 2,000 square feet of pedestrian-oriented space.

E. Required Amenities. The following amenities shall be located within all public spaces. Each amenity includes the city-recommended performance standard to ensure the successful design of public space.

1. Seating.

a. Seating should provide a variety of abundant, accessible, comfortable seating options throughout pedestrian-oriented spaces. Specific considerations include:

i. Provide a variety of seating types and configurations.

- ii. Accommodate solitary and social activities.
 - iii. Provide a safe, comfortable seating surface with smooth, even surfaces and curved edges.
 - iv. Seating types shall conform to crime prevention standards, such as “open seating” that inhibits vandalism and skateboarding. Armrests or other obstructions shall be provided on any public bench that is designed for two or more people to inhibit the ability to sleep on benches.
- b. Seating within public spaces should be provided at the ratio of approximately ~~one~~1 linear foot per 30 square feet of space.
 - c. Seating along pedestrian pathways should be provided at the ratio of approximately ~~one~~1 linear foot per ~~two~~2 linear feet of pathway.
 - d. The following kinds of seating may be used to meet the requirement: moveable seating, fixed individual seating, fixed benches with and without backs, and seating designed into architectural features (e.g., walls, planter ledges, and seating steps). All spaces shall include at least two kinds of seating. It is recommended that spaces in excess of 5,000 square feet provide at least three kinds of seating and spaces larger than 10,000 square feet include moveable seating as one of the seating types.
 - e. Seating that faces a wall shall be located at least ~~six~~6 feet away from the wall.
 - f. Seating as part of a tenant space shall not count toward meeting this requirement.
- 2. Bicycle Racks. Bicycle racks shall be provided based on the development’s anticipated parking demand (see Chapter 23.719 ~~RCMC~~ (Parking and Loading)). Racks shall be located adjacent to or near bicycle pathways and routes and building entrances.
 - 3. Drinking Fountains. It is recommended that one drinking fountain be provided for every 10,000 square feet of pedestrian-oriented space.
 - 4. Trash Receptacles. It is recommended that one trash receptacle be provided for every 1,500 square feet of cafe space up to 6,000 square feet and spaces in excess of 6,000 square feet include an additional receptacle for every 2,000 square feet of space. Spaces that include an outdoor cafe should provide an additional trash receptacle for every 1,500 feet of cafe space. Trash receptacles shall have a capacity of at least 25 gallons and feature top and/or side openings of at least 12 inches. The city recommends that receptacles be located within 50 feet of all seating areas.

F. Additional Amenities. In addition to the required amenities, the following improvements will further enhance public spaces and should be considered in the design of the spaces, particularly those that are greater than 5,000 square feet in size:

- 1. Amphitheater.
- 2. Children’s play area. Play equipment shall be designed and constructed to meet the United States Consumer ~~Products~~Product Safety Commission standards and best practices, including the installation of protective surfaces and barriers. To allow for the supervision of children, barriers surrounding the play area shall be substantially transparent and not exceed ~~three~~3 feet, ~~6~~6 ~~six~~ inches in height.
- 3. Directional/directory maps.
- 4. Game tables and associated seating.
- 5. Food service. Food shall be served from restaurants located in retail spaces adjacent to a space, kiosks, or open space cafes.
- 6. Moveable tables and chairs. See subsection (E)(1) of this section for requirements.

7. Public art. Public art shall integrate with the project and the space's design. Art shall not impede public access, circulation, or visual openness within the space or between the space and adjacent public areas.

8. Stage.

9. Transit station.

10. Water features. Water features may include fountains, reflecting pools, and waterfalls. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.8.050)].

23.722.0560 Standards for on-site pedestrian pathways.

A. On-Site Connectivity. The pedestrian paths system shall be designed to provide the pedestrian safe passage throughout the project area. Adherence to all of the following provisions will create maximum safe connectivity for pedestrians:

1. A continuous path which connects the primary entrances of the structure(s) on the site.
2. Clear and continuous paths from every primary building entrance to all transit stops and crosswalks directly adjoining the site.
3. A clear and continuous path that connects the main pedestrian access point to the site with the main entrance of the primary use structure on site.
4. Pedestrian pathways from the building to adjacent streets at a ratio of one for each vehicle entrance on site. For example, if there are two driveways into the site, two sidewalk entries that connect to the building's primary entrance are required. Entrances designed primarily for service and delivery vehicles are not included in this ratio.
5. Drive aisles leading to main entrances with a walking path on at least one side.

B. Connectivity to Adjoining Property. The pedestrian paths system shall be designed to provide the pedestrian safe passage between adjoining properties and shall connect their pedestrian pathways. Adherence to all of the following provisions will create maximum safe connectivity for pedestrians:

1. A clear and continuous path along all adjacent streets that connects the main entrance of the primary use structure on each property.
2. A clear and continuous path along all drive aisles providing access between the properties that connects the main entrance of the primary use structure on each property.
3. Special pedestrian paths/connections between adjoining lots where those uses are compatible.

C. Building Perimeter Pathways. The following dimensional standards shall apply to building perimeter pathways in nonresidential districts:

1. Building perimeter pathways that are a minimum ~~six~~ 6 feet in width.
2. A continuous building perimeter path interconnecting all entrances and exits of a building.
3. If a parking area is proposed along the building facade within 15 feet from a building wall, a building perimeter path must be provided along the full length of the row of parking spaces facing the building.

D. Site Barriers. Where a berm, landscaping, fencing, or another physical barrier creates a site frontage impenetrable to pedestrians and bicyclists, there shall be no less than one point of access to a pedestrian pathway for every 100 feet of street frontage.

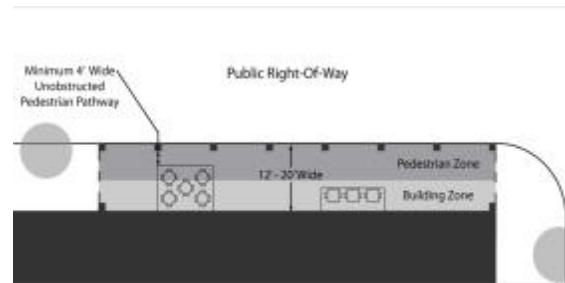
E. Parking Areas. The design and construction of pedestrian pathways into and through parking areas shall comply with the following standards:

1. No parking space shall be located farther than 130 feet from a designated pedestrian pathway.
2. Where parking areas are located between a public right-of-way and a primary entrance into a site's primary use structure, a continuous and well-designated pedestrian path shall be provided through the parking area that connects the public right-of-way and the said entrance.

F. Standards for Enhanced Pedestrian Pathways. The following minimum standards apply when the enhanced pathway is used:

1. Arcades. If an arcade is provided, it shall be designed and constructed according to the following standards:

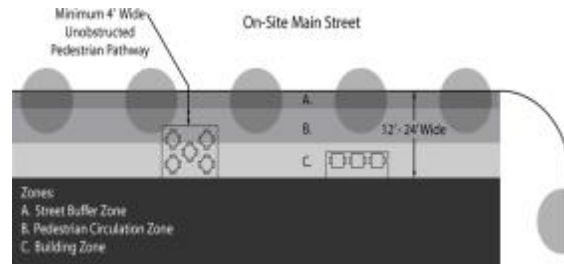
Figure 23.722-17: Design Requirements for Arcades



- a. Permitted. An arcade may be designed and constructed in conjunction with a commercial or mixed-use project.
- b. Width. The width of an arcade shall extend from a building's facade to the public right-of-way, the edge of an adjacent public space, or the face of the curb along a private street. The minimum width shall be 12 feet and the maximum width shall be 20 feet. The width shall be divided between two zones, the building zone and the pedestrian zone, in the following manner:
 - i. The pedestrian zone includes the area adjacent to a public right-of-way, adjacent public space, or face of curb and shall be at minimum ~~eight~~ 8 feet wide. This zone shall be free of all obstructions, except for select amenities, including cafe seating and food service vendors, which extend into the zone from the building zone. In the instance of such obstructions, a continuous ~~four~~ 4-foot-wide unobstructed pedestrian pathway must be maintained throughout the zone.
 - ii. The building zone is located between the pedestrian zone and a building's facade and shall be at maximum 12 feet wide. The zone shall include all required amenities (see [RCMC Section 23.722.050040\(E\)](#)) and may include the following additional amenities: cafe seating, directional/directory maps, food service vendors, and public art (see [RCMC Section 23.722.050040\(F\)](#)).
- c. Addressing the Street Frontage and Public Space. Arcades shall be designed to address adjoining street frontages and public spaces in the following ways:
 - i. When a lot occupies the entire street frontage between two intersections, an arcade shall extend along the lot's entire frontage or provide unobstructed pedestrian flow along the entire frontage in combination with one or more of the following spaces: a corner arcade, a paseo, a plaza, or an intersecting sidewalk widening.
 - ii. When a lot occupies less than the entire street frontage between two intersections, an arcade shall contribute to unobstructed pedestrian flow along the entire frontage by aligning with one or more of the following spaces on the lot and adjoining lots: a corner arcade, a paseo, a plaza, or an intersecting sidewalk widening.

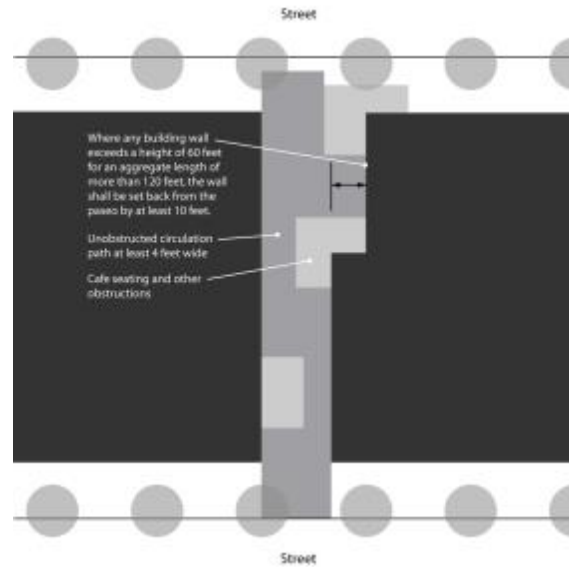
- iii. An arcade adjacent to a public space shall provide continuous unobstructed pedestrian access to the space, except for structural members, and to one or more of the following public spaces that may be located at one or both ends of the arcade: a corner arcade, a paseo, an intersecting extension of the public space, or an intersecting sidewalk widening.
2. Sidewalks along On-Site Main Streets. On-site main streets shall be designed and constructed according to the following standards:

Figure 23.722-28: Design Requirements for Sidewalks Along On-Site Main Streets



- a. Permitted. A sidewalk ~~arcade~~ may be designed and constructed in conjunction with a commercial or mixed-use project.
- b. Width. The width of a sidewalk shall extend from the face of the curb backwards toward a building's facade. The minimum width shall be 12 feet and the maximum width shall be 24 feet. The width shall be divided between three zones, the street buffer zone, the building zone, and the pedestrian circulation zone, ~~and the amenity zone~~, in the following manner:
- The street buffer zone includes the area adjacent to the back edge of a sidewalk. To accommodate the planting of street trees and the placements of tree wells, the zone shall be at minimum ~~four~~ 4 feet wide and at maximum ~~eight~~ 8 feet wide. The zone shall include all required amenities (see RCMC Section 23.722.050 ~~040~~ (E)) and may include the following additional amenities: cafe seating, directional/directory maps, food service vendors, and public art (see RCMC Section 23.722.045 ~~050~~ (F)).
 - The building zone includes the area adjacent to a building's facade and shall be at minimum ~~two~~ 2 feet wide and at maximum 12 feet wide. The zone shall include all required amenities (see RCMC Section 23.722.045 ~~050~~ (E)) and may include the following additional amenities: cafe seating, directional/directory maps, food service vendors, and public art (see RCMC Section 23.722.045 ~~050~~ (F)).
 - The pedestrian circulation zone is located between the street buffer zone and the building zone, and shall be at minimum ~~six~~ 6 feet wide. This zone shall be free of all obstructions, except for select amenities, including cafe seating and food service vendors, which extend into the zone from the building zone. In the instance of such obstructions, a continuous ~~four~~ 4-foot-wide unobstructed pedestrian pathway must be maintained throughout the zone.
3. Paseos. Paseos shall be designed and constructed according to the following standards:

Figure 23.722-39: Design Requirements for Paseos



a. Permitted. A paseo may be designed and constructed in conjunction with a commercial or mixed-use project.

b. Width. A paseo shall be at least 20 feet in width.

c. Circulation. A paseo shall contain an unobstructed circulation path at least ~~four~~ 4 feet in width, connecting the two streets on which the paseo fronts.

d. Relationship to Buildings. Where any building wall(s) ~~or walls~~ adjoins a paseo and where such wall(s) ~~or walls~~ exceeds a height of 60 feet for an aggregate length of more than 120 feet, the wall(s) ~~or walls~~ shall be set back from the paseo by a minimum distance of 10 feet. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.8.060)].

23.722.0670 Standards for public spaces.

A. Outdoor Gathering Places. Every project shall include one or more outdoor gathering place(s). The size and scale of such areas shall be appropriate to the type and use of each particular development. Appropriate spaces may include, ~~but are not limited to,~~ building entries, employee break areas, courtyards, pocket parks, plazas, squares, and pedestrian pathways.

B. Public Space Area Requirement. Public space shall occupy at minimum ~~five~~ 5 percent of the gross square footage of new development. All public spaces, including the specific spaces listed in this chapter (~~arcades, sidewalks adjacent to an on-site main street, and paseos~~), may count toward meeting this requirement.

C. Sidewalk Frontage. To facilitate access from a public right-of-way or an on-site sidewalk to a public space, the following standards shall be followed:

1. For a public space located adjacent to one street, the area of the space within 15 feet of a public right-of-way or an on-site sidewalk along at least 50 percent of the space's street frontage shall be free of obstructions, except for those listed below.
2. For corner public spaces, the area within 15 feet of the intersection of two or more streets on which the space fronts shall be at the same elevation as the adjoining sidewalk. In addition, at least 50 percent of each of the space's frontages shall be free of obstructions, except for those listed below.
3. To be considered free of obstructions, public spaces shall include at least ~~four~~ 4 feet of unobstructed area between obstructions when measured parallel to right-of-way or sidewalk.

4. For obstructed portions of a space's frontage, no walls or other obstructions, except for those listed in subsection (C)(5) of this section and fixed and moveable seating and tables, shall be higher than ~~two~~ 2 feet above the curb level in front of the space.

5. Trees planted flush to grade, light stanchions, public space signage, trash receptacles, railings for steps, and substantially open fencing around seating areas not exceeding 36 inches in height shall be considered permitted obstructions.

D. Circulation Space. Public spaces shall include one or more unobstructed circulation spaces, connecting all adjacent public rights-of-way, on-site sidewalks, building entrances, and public spaces. These spaces shall be at minimum ~~eight~~ 8 feet wide.

Public spaces shall include one or more unobstructed, continuous circulation spaces of at minimum ~~four~~ 4 feet in width to provide pedestrian access across the spaces and between all adjoining public rights-of-way, on-site sidewalks, primary building entrances, and public spaces.

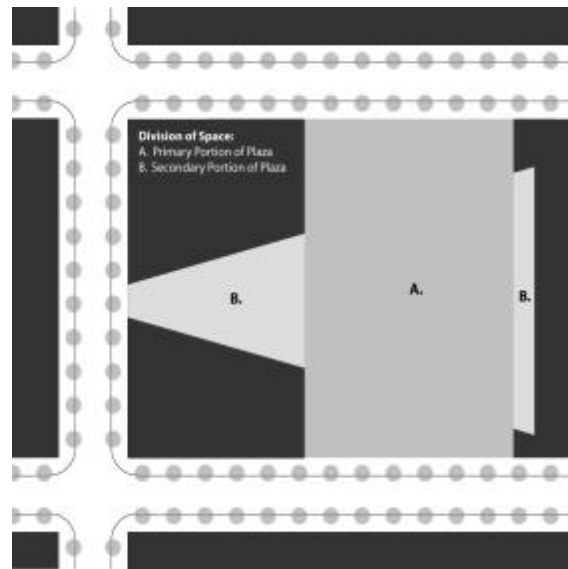
E. Level of Public Space. To ensure visual surveillance of a public space from the sidewalk and street, the elevation of a public space shall in no location be greater than the average curb level elevation of the nearest adjoining street.

F. Hours of Access. All public spaces shall be accessible to the public at all times, unless the approving authority authorizes a nighttime closing contingent upon the following provisions:

1. A new space may be granted nighttime closing if potentially significant safety issues are documented and submitted as part of an application to authorize the closing.
2. An existing space may be granted nighttime closing if the space has been open for at least one year and significant operational and safety issues have been documented.
3. Nighttime closing of the space is necessary for public safety and/or maintenance within the space.
4. Any approved design element that limits nighttime public access shall not impede public circulation and visual or physical access within the space or between the space and public areas during hours of public operation.

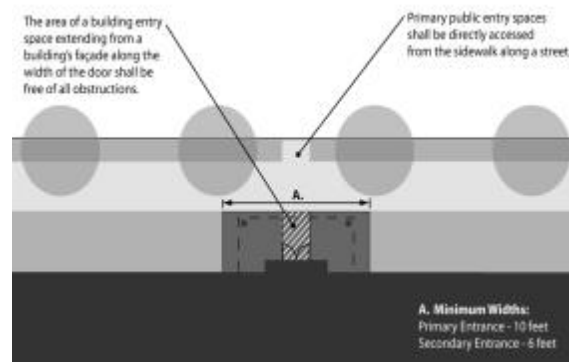
G. Standards for Specific Public Spaces. Building entry spaces, employee break areas, paseos, and plazas shall be designed and constructed to comply with the following standards:

1. Plazas. Plazas shall be designed and constructed according to the following standards:

Figure 23.722-410: Design Requirements for Plazas

- a. Permitted. A plaza may be designed and constructed in conjunction with a commercial, mixed-use, or multifamily residential project.
- b. Area. It is recommended that a plaza occupy at least 2,000 square feet.
- c. Division of Space. It is recommended that plazas be divided into primary and secondary portions in the following manner:
 - i. Primary Portion of Plaza. The major portion of a plaza is the largest area of the public plaza and the area of primary use. Major portions should be generally regular in shape, easily and directly accessible from adjoining buildings, public spaces, and public rights-of-way, and continuously visible from within all portions of the public plaza and from adjoining public spaces. Major portions should occupy no less than 75 percent of the total public plaza area.
 - ii. Secondary Portion of a Plaza. Minor portions of plazas are secondary areas that allow for additional flexibility in the shape and configuration of a plaza. Minor portions should not occupy more than 25 percent of the total area of the plaza.

2. Building Entry Spaces. Building entry spaces shall be designed and constructed according to the following standards:

Figure 23.722-415: Design Requirements for Building Entry Spaces

- a. Location. A building entry space shall be located adjacent to a building entrance and between the building's facade and a public right-of-way, a public space, or a sidewalk along a private street.
 - b. Area. It is recommended that a building entry space occupy at minimum 200 square feet.
 - c. Width. A primary public entry space shall be at least 10 feet in width and a secondary public entry space shall be at least ~~six~~ 6 feet in width.
 - d. Access. Primary public entry spaces shall be directly accessed from the sidewalk along a street rather than from a parking lot. Buildings facing public spaces shall have their primary entrances facing the public space. Public access to commercial and governmental buildings shall be provided at sidewalk grade. The primary floor of, and access to, residential structures may be elevated. Secondary access may be provided from off-street parking areas.
 - e. Obstructions. The area of a building entry space extending from a building's facade to a sidewalk or public space along the width of the door shall be free of all obstructions.
 - f. Paving Requirement. A building entry shall consist of at minimum 50 percent decorative paving.
3. Employee Break Areas. Employee break areas shall be designed according to the following standards:
- a. Required. Employee break areas shall be included in all projects featuring commercial office or industrial uses.
 - b. Area. It is recommended that an employee break area occupy at least 200 square feet.
 - c. Location. An employee break area shall be located adjacent to a pathway connecting the space to a secondary entrance or within a highly visible interior space (e.g., atrium). When an employee break area is located outside of a building, the space shall be separated from parking areas by a walkway, landscaping, a fence, and/or a similar element.
 - d. Visibility. When an employee break area is located outside of a building, the space shall be visible from at least one public right-of-way. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.8.070)].

Chapter 23.725

OUTDOOR LIGHTING

Sections:

- 23.725.010 Purpose.
 23.725.020 Applicability.
~~23.725.030 Definitions.~~
 23.725.0~~3~~⁴⁰ Permit required.
 23.725.0~~4~~⁵⁰ Exempt lighting.
 23.725.0~~5~~⁶⁰ Prohibited lighting.
 23.725.0~~6~~⁷⁰ General lighting standards.
 23.725.0~~7~~⁸⁰ Outdoor lighting plans required.

23.725.010 Purpose.

The purpose of this chapter is to regulate lighting to balance the safety and security needs for lighting with the city's desire to preserve dark skies and to ensure that light trespass and glare have negligible impact on surrounding property (especially residential) and roadways. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.9.010)].

23.725.020 Applicability.

The provisions of this chapter apply to all new and existing land uses, including permanent and temporary uses in all zoning districts. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.9.020)].

~~**23.725.030 Definitions.**~~

~~For the purpose of this chapter, the following terms shall have the definitions set forth herein:~~

~~“Foot candle” means a unit of illumination produced on a surface, all points of which are one foot from a uniform point of one candle.~~

~~“Full shielding” means a technique or method of construction which causes all light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the lowest point on the fixture from which light is emitted.~~

~~“Glare” means light emitting from a luminaire with an intensity great enough to reduce a viewer’s ability to see and, in extreme cases, causing momentary blindness.~~

~~“Light pollution” means artificial light which causes a detrimental effect on the environment, astronomical research, or enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent property.~~

~~“Light trespass” means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.~~

~~“Luminaire” means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. The pole, post, or bracket is not considered a part of the luminaire.~~

~~“Shielding” means a technique or method of construction which causes light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the fixture. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.9.030)].~~

23.725.0~~3~~⁴⁰ Permit required.

Unless otherwise exempt by ~~RCMC Section~~ 23.725.0~~4~~⁵⁰ (Exempt lighting), all outdoor lighting fixtures for new multifamily residential, commercial, industrial, mixed-use, and public/quasi-public uses require design review approval by the designated ~~approving authority~~^{approval authority} pursuant to Chapter 23.140 ~~RCMC~~ (Minor Design Review). Such approval shall be granted in conjunction with required land use and development permits for a project. Any retrofit or amendment to existing site and/or building lighting that would have a measurable impact on abutting property or views from street right-of-way as determined by the ~~planning~~ director shall require minor

design review approval. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.9.040)].

23.725.0450 Exempt lighting.

The following items shall be exempt from design review requirements:

- A. Temporary lights used for holiday decorations.
- B. Emergency lighting erected for official purposes by local, state, or federal agencies.
- C. Lighting for temporary uses and special events permitted consistent with this code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.9.050)].

23.725.0560 Prohibited lighting.

The following types of lighting are prohibited:

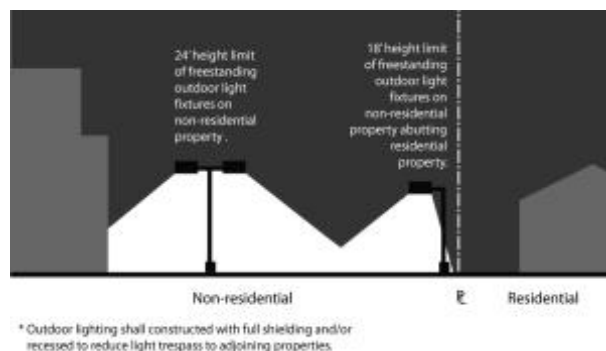
- A. Neon tubing or band lighting along buildings and/or structures as articulation, except as approved through design review.
- B. Search lights, laser source lights, or any similar high intensity light, except for emergency use by police or fire personnel or at their discretion, or for approved temporary lighting for a special event approved by the city.
- C. Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel.
- D. Roof-mounted lighting except for security purposes.
- E. Moving, flashing, or animated lighting.
- F. Light poles that obstruct pedestrian traffic. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.9.060)].

23.725.0670 General lighting standards.

The following standards shall apply to all outdoor lighting:

- A. Nuisance Prevention. All outdoor lighting shall be designed, located, installed, directed downward or toward structures, shielded, and maintained in order to prevent glare, light trespass, and light pollution.
- B. Maintenance. Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
- C. Shielding. Except as otherwise exempt, all outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties. Each fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the site.

Figure 23.725-1: Shielding Provisions for Outdoor Lighting



D. Level of Illumination. Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties. Illumination standards are as follows:

1. Public, civic, and religious buildings are permitted to be fully illuminated.
2. Parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained ~~one~~ 1 foot-candle of light and an average not to exceed ~~four~~ 4 foot-candles of light. The following uses shall provide additional lighting as described below:
 - a. Convenience stores, card rooms, and check cashing establishments shall provide a minimum level of illumination of ~~one and one-half~~ 1.5 foot-candles across the parking lot during business hours.
3. Pedestrian walkways shall be illuminated with a minimum maintained one-half foot-candle of light and an average not to exceed ~~two~~ 2 foot-candles of light.
4. Entryways and exterior doors of nonresidential structures shall be illuminated during the hours of darkness, with a minimum maintained ~~one~~ 1 foot-candle of light, measured within a ~~five~~ 5-foot radius on each side of the door at ground level.
5. In order to minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth foot-candle.

E. Maximum Height of Freestanding Outdoor Light Fixtures. The maximum height of freestanding outdoor light fixtures abutting residential development shall be 18 feet. Otherwise, the maximum height for freestanding outdoor light structures shall be 24 feet. Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture.

F. Energy-Efficient Fixtures Required. Outdoor lighting shall utilize energy-efficient (high pressure sodium, metal halide, low pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater efficiency) fixtures and lamps. All new outdoor lighting fixtures shall be energy-efficient with a rated average bulb life of not less than 10,000 hours.

G. Accent Lighting. Architectural features may be illuminated by uplighting; provided, that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. Wherever feasible, solar powered fixtures shall be used.

H. Signs. Lighting of signs shall be in compliance with Chapter 23.743 ~~RCMC~~ (Signs).

I. Sports Fields/Outdoor Activity Areas. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that the light falls within the primary playing area and no significant off-site light trespass is produced. Additionally, the lights shall be turned off within one hour after the end of the event.

J. Telecommunications Towers. Telecommunication towers and related equipment shall be unlit except as provided below:

1. A manually operated or motion-detector-controlled light above the equipment shed door may be provided, except that the light shall remain off except when personnel are present at night; and
2. The minimum tower lighting required under FAA regulation; and
3. Where tower lighting is required, said lighting shall be shielded or directed downward to the greatest extent possible to ensure that such light does not spill over onto abutting properties, especially residential zoning districts or uses.

K. Alternative Designs, Materials, and Installations. The designated ~~approving authority~~ approval authority may grant approval of alternatives to this section as part of a design review permit. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.9.070)].

23.725.0780 Outdoor lighting plans required.

A. When Required. A preliminary outdoor lighting plan shall be submitted as part of each planning permit application, and a final plan shall be submitted as part of an application for a building permit for a new structure or an addition of 25 percent of the gross floor area, seating capacity, or parking spaces. A final outdoor lighting plan is required for all new outdoor lighting installations on commercial, mixed-use, multi-unit residential, industrial, and institutional properties. The director may request outdoor lighting plans from applicants for other types of projects due to location, size, or proposed use, as necessary.

B. Plan Content. At a minimum, an outdoor lighting plan shall include the following:

1. Manufacturer specifications sheets, cut sheets, and other manufacturer-provided information for all proposed outdoor light fixtures to show fixture diagrams and outdoor light output levels.
2. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures.
3. If building elevations are proposed for illumination, drawings of all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illumination level of the elevations, and the aiming point for any remote light fixture.
4. Photometric data including a computer-generated photometric grid showing foot-candle readings every 10 feet within the property or site and 10 feet beyond the property lines. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.9.080)].

Chapter 23.728
OUTDOOR DISPLAY, SALES,
AND STORAGE

Sections:

- 23.728.010 Purpose.
 23.728.020 Permit requirements and exemptions.
 23.728.030 Development standards.

23.728.010 Purpose.

The purpose of this chapter is to regulate permanent and temporary outdoor display and storage uses. The intent of these regulations is to encourage outdoor displays and activities that are compatible with associated and nearby uses and do not obstruct pedestrian or vehicle circulation or create an unsightly appearance of unrestricted clutter. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.10.010)].

23.728.020 Permit requirements and exemptions.

The following outdoor activities shall be subject to the permit requirements listed herein:

A. Permanent Outdoor Storage, Display, and Sales. Permanent outdoor storage, display, and sales are permitted (consistent with the allowed use provisions of the underlying zoning district), subject to zoning certification, when all related activities are developed and operated consistent with the standards of this chapter.

B. Temporary Outdoor Storage, Display, and Sales. A temporary use permit is required for all temporary outdoor storage, displays, and sales, unless otherwise specified in Chapter 23.922 (Temporary Uses). Such uses shall be consistent with the development standards of this chapter and shall also be consistent with the standards for temporary uses (Chapter 23.922 ~~RCMC~~, Temporary Uses). ~~The following uses and activities are exempt from these requirements:-~~

- ~~1. Garage sales; provided, that each garage sale complies with the standards of this title and other titles and chapters of this municipal code.-~~
- ~~2. Fireworks stands, provided they are consistent with the standards of the fire district and/or other regulatory agencies and a valid business license has been issued consistent with the requirements of Chapter 4.54 RCMC, Article VII (Fireworks).-~~

~~C. Permanent Outdoor Storage. Permanent outdoor storage is permitted as a specified land use (storage yards) in the allowed use tables of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards).- If not part of the original development permit for the principal use, permanent outdoor storage may be permitted in mixed use, automotive and industrial, and public/quasi-public zoning districts subject to design review approval. In all cases, permanent outdoor storage shall be consistent with the development standards of this chapter.-~~

~~D. Temporary Outdoor Storage. Generally, temporary outdoor storage shall require the issuance of a temporary use permit (see Chapter 23.922 RCMC for requirements) and shall be consistent with the development standards of this chapter. The following uses and activities are exempt from such permit requirements:-~~

- ~~1. Storage of construction materials and equipment as part of an active construction site, provided a valid building permit or improvement permit is in effect and the materials and equipment are stored on the construction site pursuant to approved permit(s).-~~
- ~~2. Emergency facilities to accommodate emergency public health and safety needs and activities. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.10.020)].~~

23.728.030 Development standards.

A. General Development Standards for All Activities. The following development standards apply to all outdoor display, sales, and storage activities:

1. Location. Outdoor display, sales, and storage activities shall not be located within any public right-of-way (unless an encroachment permit has been issued), in required parking spaces or within designed vehicle drive aisles, or within required landscape planter areas. Outdoor display, sales, and storage activities may also not disrupt or impede required pedestrian circulation paths as required by Chapter 23.722 ~~RCMC~~ (Standards for Pedestrian-Oriented Spaces) or the building code.
2. Hours of Operation. Except as otherwise provided, hours of operation for outdoor display, sales, and storage activities shall be consistent for the hours of operation for the corresponding primary use.
3. Noise. Any noise generated by the outdoor display, sales, or storage activity shall be consistent with the city's noise ordinance (~~RCMC~~ Chapter 6.68 ~~RCMC~~, Noise Control).
4. Signs. No additional business identification or advertising signs for the outdoor display, sales, or storage activity may be permitted above the maximum allowable sign area for the corresponding primary use, except when the outdoor activity is the primary use, as determined by the ~~planning~~ director (e.g., Christmas tree lot).
5. Maintenance. Outdoor activity areas shall be kept free of garbage and other debris.

B. Standards for Outdoor Display and Sales. The following development standards shall apply to all permanent and temporary outdoor display and sales activities:

1. Associated with the Primary Use. All outdoor display and sales activities shall be associated with the primary use of the property. Only those goods and services associated with the primary use may be stored, sold, or displayed. All outdoor display and sales activities that are independent of the primary use shall be considered their own primary use and regulated as such (e.g., seasonal sales as a temporary use requiring a temporary use permit).
2. Maximum Area. Unless otherwise approved in conjunction with development permits, the area used for permanent outdoor display and sales of materials shall not exceed 10 percent of the gross floor area of the corresponding commercial building. The following uses and activities are specifically exempt from this requirement, provided all other development standards are satisfied:
 - a. Vehicle and equipment sales and rentals (e.g., automobile, boat, RV, construction equipment, ~~etc.~~), provided storage and display is limited to vehicles offered for sale or rental only.
3. Time Limit for Temporary Activities. See the provisions of Chapter 23.922 ~~RCMC~~ (Temporary Uses) for duration and permit requirements for temporary promotional sales.

C. Standards for Outdoor Storage. The following development standards shall apply to all permanent and temporary outdoor storage activities:

1. Location. Outdoor storage may not be located within any required front or street side yard for the underlying zoning district within which the activity is located.
2. Height Limitation. The height of stacked materials and goods shall be no greater than that of any building, wall, fence, or gate enclosing the storage area. For additional height limitations for recycling and junk tire facilities, see Section RCMC 23.916.020 (Junk tire facility). For additional height limitations for automotive dismantling, see RCMC-Section 23.913.020 (Automobile dismantling).
3. Screening. Screening of outdoor storage shall be consistent with RCMC-Section 23.731.080(A)(7) (Outdoor Equipment, Storage, and Work Areas).
4. Parking. Parking for permanent outdoor storage shall be provided as required in Chapter 23.719 ~~RCMC~~ (Parking and Loading). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.10.030)].

Chapter 23.731

FENCES, WALLS, AND SCREENING

Sections:

23.731.010	Purpose.
23.731.020	Definitions.
23.731.0 2 ³⁰	Permit required.
23.731.0 3 ⁴⁰	Exemptions.
23.731.0 4 ⁵⁰	Height limits and locations.
23.731.0 5 ⁶⁰	Height measurement.
23.731.0 6 ⁷⁰	Prohibited materials.
23.731.0 7 ⁸⁰	Special fencing and screening requirements.
23.731.0 8 ⁹⁰	Continued maintenance and operation.

23.731.010 Purpose.

The purpose of this chapter is to regulate the height and location of fences, walls, and screening to provide light, air, and privacy without obstructing views, to establish buffers between certain land uses, and to safeguard against visual obstructions at street intersections and/or driveway locations. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.11.010)].

~~23.731.020 Definitions.~~

~~For the purpose of this chapter, the following terms shall have the definitions set forth herein:~~

~~“Concertina wire” means a type of barbed wire or razor wire that is formed into large coils that usually sit atop another type of fencing.~~

~~“Open view fencing” means fencing that does not create a solid visual barrier, such as wrought iron or tubular steel.~~

~~“Retaining wall” means a structure that holds back soil and rock from a building, structure, or area that helps to prevent erosion and the downward slide of such materials. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.11.020)].~~

23.731.0~~2~~³⁰ Permit required.

Unless otherwise exempt in RCMC Section 23.731.0~~3~~⁴⁰ (Exemptions), a zoning certification ~~a administrative use permit~~ shall be required for new fences and walls. Residential fences, up to 7 feet in height, are allowed by right. Fences over 7 feet in height require an Administrative Use Permit. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.11.030)].

23.731.0~~3~~⁴⁰ Exemptions.

The following fences and walls shall be exempt from RCMC Section 23.731.0~~4~~³⁰; however, a building permit may be required.

A. Retaining Walls. Retaining walls less than 36 inches in height.

B. Residential Fences. Fences less than 7 feet in height located on residential property (privacy fences) constructed in compliance with the standards of RCMC Section 23.731.0~~4~~⁵⁰ (Height limits and locations).

C. Required Fences. These regulations do not apply to fences and walls required by a state or federal agency, or by the city for public safety. Sound walls required for noise attenuation must adhere to the provisions of Section RCMC 23.731.080(A and G) (Sound Walls). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.11.040)].

23.731.0~~4~~⁵⁰ Height limits and locations.

Each fence, wall, and screen shall comply with height limits and locations shown in Table 23.731-1 (Maximum Height of Fences, Walls, and Screening in Required Yard Area).

23.731.050 Fence Location

A. Fences, walls, and screening are not required between land uses unless otherwise specified in this chapter.

B. Fences, walls, and screening must be located outside of any public utility easement except as authorized by the applicable utility agency.

Table 23.731-1: Maximum Height of Fences, Walls, and Screening in Required Yard Area

Location of Fence/Wall/Screen ¹	Maximum Height ²
Required front yard area	3 feet ²
Required rear and interior side yard area (along rear and interior property lines)	7 feet ^{1,3}
Required street side yard area	7 feet ^{1,3}
At intersections of streets, alleys, and driveways within the <u>clear visibility area</u> (definition in Chapter 23.1104 [General Definitions])	30 inches

Notes:

1. Fences, walls, and screening are not required between land uses unless otherwise specified in this chapter. Fences, walls, and screening must also be located outside of any public utility easement except as authorized by the applicable utility agency.

2. Maximum height may be increased by the designated approval authority as part of design review, provided that the portion of the fence above 7 feet is at least 50% transparent (e.g., lattice).

3. Fences 3 feet or less may be located at the property line. For all fences over 3 feet in height, the minimum setback of 3 feet is required. Height of the front yard fence may be increased to 5 feet if the fence remains visually open and transparent (e.g., picket fence, open wood slats, open wrought iron).

4. See definition for clear vision triangle in Chapter 23.1104 (General Definitions).

1. Maximum height for fences may be increased by designated approval authority as part of design review, provided that the portion of the fence above 7 feet is at least 50% transparent (e.g., lattice).

2. The height of the front yard fence may be increased to 5 feet when the fence is located a minimum setback of 3 feet from the property line and remains visually open and transparent (e.g., picket fence, open wood slats, open wrought iron). Fences that are 3 feet or less may be located at the property line.

3. For fences over 3 feet in height, the minimum setback of 3 feet from the property line is required. Fences that are 3 feet or less may be located at the property line.

[Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.11.050)].

23.731.060 Height measurement.

A. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material. Grade may not be modified in order to increase fence height.

~~B. The height of fencing placed atop a wall shall be measured from the base of the wall, except as provided in subsection (C) of this section.~~ Fences located on top of a retaining wall: If a fence is located on top of a retaining wall, the maximum height of the retaining wall shall be 3 feet in height and the maximum height of the fence shall be 7 feet in height measured from the highest finished grade. If the retaining wall exceeds 3 feet in height, the fence shall be separated from the retaining wall by a horizontal distance of at least 3 feet with required landscaping. If the fence exceeds 7 feet in height measured from the highest finished grade, the fence shall be separated from the retaining wall by a horizontal distance of at least 3 feet with landscaping.

C. Where the elevation of the finished grade within ~~six~~ 6 feet of the base of the fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the highest ~~lowest~~ natural grade.

Figure 23.731-1: Residential Fence Limitations

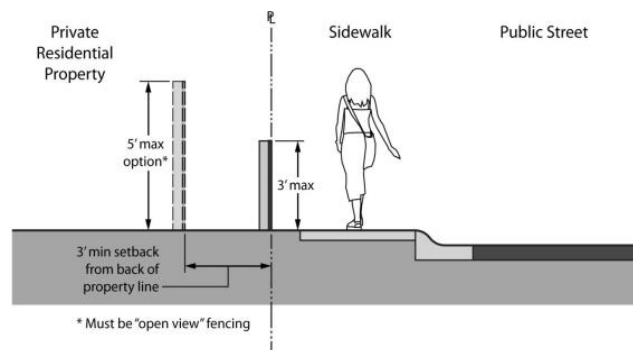
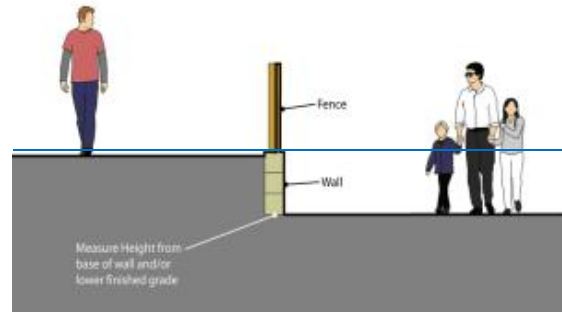


Figure 23.731-2: Height Measurements



[Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.11.060)].

23.731.070 Prohibited materials.

The following fence materials are prohibited in all zones unless approved by the designated approval authority pursuant to Chapter 23.125 RCMC (Administrative and Limited Use Permits) for security needs or required by the city or state or federal law or regulation:

A. Barbed wire or electrified fence;

B. Razor or concertina wire in conjunction with a fence or wall, or by itself; and

C. Chain link fencing within a front yard or street side yard. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.11.070)].

23.731.080 Special fencing and screening requirements.

This section establishes screening standards and special provisions for walls and fencing. This applies to all walls and fences unless otherwise specified (e.g., South Sunrise special planning area).

A. Screening.

1. Screening between Different Land Uses. The city encourages the integration and connection of compatible uses. To that end, contiguous barriers in the form of solid fences and walls should only be used between land uses when residential uses are located next to industrial-nonresidential uses or when necessary as determined by the designated approving authority approval authority. This requirement is not intended to preclude the development of pedestrian/bicycle access points between commercial and residential zones. When used, the screening shall meet the following standards (see Figure 23.731-2 3, Screening between Different Land Uses):

a. The screen shall consist of a solid decorative wall of masonry or similar durable material or, in lieu of decorative masonry, the wall shall be covered with plant materials (e.g., ivy) or shall be blocked from view by landscape materials. The wall shall be a minimum of six-6 feet in height, and shall comply with the height limitations listed in RCMC-Section 23.731.0450 (Height limits and locations).

b. The decorative wall shall be architecturally treated on both sides and is subject to an administrative-use permit approval by the designated approval authority.

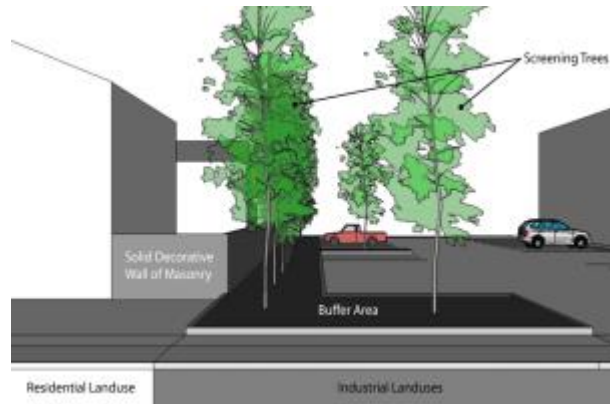
b.c. Openings in the wall or pedestrian connections may be required at the discretion of the designated approval authority.

e.d. A landscaping strip with a minimum width of five-5 feet shall be installed adjacent to a screening wall, except that a minimum of six-6 feet of landscaping (with trees) shall be provided between a parking lot and a screening wall.

d.e. The designated approving authority approval authority may waive or approve a substitute for the requirements above if it is determined that:

- i. The relationship of the proposed uses makes screening unnecessary or undesirable;
- ii. The intent of this section is successfully met by alternative screening methods; and/or
- iii. Physical characteristics and/or constraints on the site make required screening infeasible or unnecessary.

Figure 23.731-2 3: Screening between Different Land Uses



2. Screening of Mechanical Equipment. Mechanical equipment shall be screened as follows:

- a. All exterior mechanical equipment shall be screened from view on all sides.
- b. Screening on top of the equipment may be required by the designated approving authority approval authority if necessary to protect views from a neighboring residential zone.

3. Screening of Roof-Mounted Equipment. Roof-mounted mechanical equipment shall be screened in compliance with the following standards (see Figure 23.731-3 4, Screening of Roof-Mounted Equipment):

Figure 23.731-3 4: Screening of Roof-Mounted Equipment



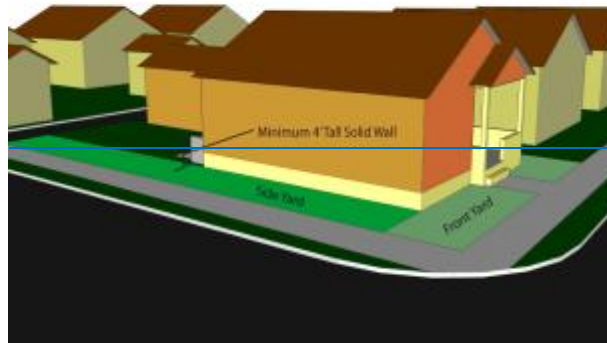
- a. Screening materials may be solid concrete, wood, or other opaque material and shall effectively screen the mechanical equipment so that it is not visible from a public street.
 - b. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural styles.
4. Screening of Ground-Mounted Antennas. Ground-mounted antennas shall be screened with a fence, wall, or dense landscaping so that the antenna is not visible from the public right-of-way and to minimize the visual impact on abutting properties. Building-mounted antennas shall be screened as follows:

- a. Wall-mounted equipment shall be flush-mounted and painted or finished to match to building with concealed cables.
- b. Roof-mounted equipment shall be screened from view of public rights-of-way by locating the antenna below the roofline, parapet wall, or other roof screen and by locating the antenna as far away as physically feasible and aesthetically desirable from the edge of the building.
- c. Color. Antennas shall have subdued colors and nonreflective materials which blend with the materials and colors of the surrounding area or building.

5. Screening of Commercial Loading Docks and Refuse Areas. Loading docks and refuse storage areas shall be screened from public view and adjoining public streets and rights-of-way and residentially zoned areas. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style. Exceptions may be permitted through design review for sites with unique characteristics (e.g., shallow lot depth, adjacency to single-family residential). All dumpsters shall be locked when not in use.

6. Screening of Residential Trash Enclosures/Recycle Containers. Residential trash receptacles (including recycling and green waste containers) shall not be stored within a required front or street side yard and shall be screened from view of the public right-of-way by a solid fence not less than ~~four~~ 4 feet in height. Exceptions to fence height standards may be granted by the designated ~~approving authority~~ approval authority to ensure proper placement and screening of trash receptacles. See Figure 23.731-~~4~~ 5 (Screening of Trash Enclosures/Recycling Containers).

Figure 23.731-~~4~~ 5: Screening of Trash Enclosures/Recycling Containers



7. Outdoor Equipment, Storage, and Work Areas. Outdoor storage areas for materials other than plants shall be enclosed and screened from view from the public right-of-way and abutting property by a solid fence or wall a minimum of ~~six~~ 6 feet in height. All gates provided for ingress and egress in any required fence or wall shall be at least ~~six~~ 6 feet in height and shall be of view-obstructing construction.

8. Screening for Special Uses. The following uses shall be screened for abutting properties and the public right-of-way as provided below:

- a. Automobile Dismantling. Outdoor storage areas for automobile dismantling uses shall be screened from public view by a minimum ~~six~~ 6-foot-tall masonry wall. The maximum allowed height of the wall shall be 14 feet. Materials and goods stored in the yard area may not be stacked above the height of the enclosing wall. Those portions of walls fronting onto public rights-of-way shall be buffered by a minimum 10-foot-wide landscape area that includes ground cover and evergreen trees planted 30 feet on center. The wall shall be covered with either graffiti-resistant paint or coating or with vines or other landscaping. The design of the landscaping (e.g., irrigation, planting) shall be consistent with the standards of Chapter 23.716 ~~RCMC~~ (Landscaping).

b. Junk Tire Facility. Junk tires shall be stored behind a visual screen fence no higher than ~~eight~~ 8 feet tall and shall not be stacked higher than the height of such fence. Fences shall be required between a licensed junk yard facility and any adjoining parcel which has a more restrictive land use zoning designation.

c. Potable Water Storage Facility. Potable water storage facilities shall be enclosed by a ~~six~~ 6-foot-tall solid masonry wall and buffered from the public right-of-way by a minimum 10-foot-wide landscape planter that includes ground cover and evergreen trees planted 30 feet on center. The masonry wall shall be covered in either graffiti-resistant paint or coating or with vines or other landscaping. The design of the landscaping (e.g., irrigation, planting) shall be consistent with the standards of Chapter 23.716 ~~RCMC~~ (Landscaping).

d. Service Stations. Service stations shall be screened from abutting residential zoning districts and uses by a solid ~~six~~ 6-foot masonry wall along the property line between the service station and the abutting property, except that within the first 25 feet from the street right-of-way line said wall shall not exceed ~~2.5 two and one half~~ feet in height.

B. Retaining Walls. An embankment to be retained that is over 48 inches in height shall be benched so at the low side no individual retaining wall exceeds a height of 36 inches above the finished grade and each bench has a minimum depth of 36 inches. Wood shall not be used for a retaining wall over ~~two~~ 2 feet in height. The director may approve retaining walls up to 8 feet in height to accommodate topographic change and variation.

C. Swimming Pools, Spas, and Similar Features. Swimming pools/spas and other similar water features shall be fenced in compliance with city-adopted building code requirements.

D. Temporary Fencing. Temporary fencing may be required by the designated ~~approving authority~~ approval authority where necessary to protect trees or other sensitive features and the general public from construction activities during site preparation and construction.

E. Temporary Security Fencing. Temporary security fencing (including chain link) with a maximum height of ~~six~~ 6 feet may be installed around the property lines of vacant property with approval from the designated ~~approving authority~~ approval authority ~~through the design review (minor) or administrative use permit process~~. The vacant property shall be maintained in a condition free from weeds and litter.

F. Open Space and Trails. Fences adjacent to open space and trail areas shall be constructed and maintained as open view fencing and shall not be chain link.

G. Sound Walls. Whenever sound walls are required to mitigate sound impacts adjacent to streets, the following standards shall apply. These standards shall not preclude the use of other innovative methods of project design utilizing greater setbacks, building design, mounding, or single-story structures with solid walls facing the street.

1. Setbacks. Walls shall be set back a sufficient distance from the ultimate public street right-of-way in accordance with noise attenuation and landscaping. The area between the right-of-way and the wall shall include a public sidewalk and landscaping, including canopy street trees.

2. Height. Maximum height of a wall shall not exceed ~~six~~ 6 feet above the finished grade at the base of the wall on the roadway side.

3. Earth ~~M~~ounds. When the sound and visual attenuation requires a wall exceeding ~~six~~ 6 feet above the grade of the adjacent roadway, earth mounds shall be used such that no more than ~~six~~ 6 feet of the wall is visible from the roadway. The mounds shall not exceed a three-to-one slope. The mounds may support the wall or be placed against the wall on the street side. Drainage shall be contained so there is no sheet flow of water onto the sidewalk where the slope exceeds six to one.

4. Type of Wall. Walls shall be constructed of graffiti-resistant solid brick or masonry material that requires minimum maintenance and provides the required sound and visual attenuation.

H. Agricultural Fencing. All fences which enclose livestock shall be designed, constructed, and maintained so as to control and contain such livestock at all times and so as to prevent such livestock from reaching across any property lines ~~so as to~~ and ~~damaging~~ adjacent property.

I. Electric Fencing. The construction and use of electric fencing shall be allowed in the city only as provided in this subsection, subject to the following standards:

1. Location. Electric fences are allowed by right in the M-2 (Heavy Industrial) zone so long as the property on which the fence is to be installed is surrounded, on all sides, by M-2 zoned property. Electric fences are allowed in the M-1 (Light Industrial) zone or M-2 zone when bordered by another zoning district upon issuance of an administrative use permit as defined and regulated in Chapter 23.125 ~~(Administrative Use Permits)~~RCMC.

Electric fences are only allowed around nonresidential outdoor storage areas or contractor's equipment or storage yard. No electric fence shall be permitted, installed, or used unless it is completely surrounded by a nonelectric fence or wall that is at least ~~six~~ 6 feet in height.

2. Height. Electric fences may have a maximum height of 10 feet.

3. Spacing between Fences. The space between an electric fence and perimeter wall or fence may not exceed 12 inches and shall be kept clean and free of litter, debris, and vegetation.

4. Aesthetics. Electric fences shall be installed as to be as minimally intrusive as possible. Fences should utilize horizontal electrified wires and minimal vertical support beams.

In making the findings for an administrative use permit when one is required, the ~~planning~~ director will determine that the proposed electric fence is not detrimental to the aesthetics and continued viability of the surrounding properties. As such, electric fences are likely not compatible if proposed immediately adjacent to an existing retail, restaurant, or other heavily trafficked commercial area unless substantial camouflaging or other design efforts are undertaken to completely shield the electric fence from view.

5. Electrification. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC.

The electric charge produced by the fence upon contact shall not exceed the energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard 60335-2-76.

The fence must also comply with all applicable local and state regulations including being issued a permit by the building department.

6. Warning Signs. Electric fences shall be clearly identified with warning signs that read, at minimum, "Danger – Electric Fence" at an interval of not less than 60 feet and at least one sign per side of the area to be fenced.

7. Electric fences equipped with monitored alarm systems may require an alarm permit issued by the Rancho Cordova police department. [Ord. 13-2013 § 4 (Exh. B); Ord. 18-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.11.080)].

23.731.090 Continued maintenance and operation.

A. Maintenance. Fences, walls, and landscape screening shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height.

B. Graffiti Resistance. Each fence or wall adjacent to a public right-of-way in any zoning district shall be provided with a permanently maintained graffiti-resistant coating (a painted wood fence meets this requirement, since it can be repainted). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.11.090)].

Chapter 23.734

ACCESSORY STRUCTURES

Sections:

- 23.734.010 Purpose.
 23.734.020 Applicability.
 23.734.030 Permit requirements and exceptions.
~~23.734.040 Definitions.~~
 23.734.0450 Development standards.

23.734.010 Purpose.

This chapter defines detached accessory structures on residential properties and establishes development standards for nonexempt structures. The purpose of this chapter is to promote a positive aesthetic relationship between accessory structures and primary structures on a property, in addition to allowing a positive community impact through the reduction of impacts to light, air quality, drainage, or aesthetics on surrounding properties. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.12.010)].

23.734.020 Applicability.

The regulations and standards contained in this chapter shall apply only to those uses expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within this zoning code (e.g., lighting, landscaping, parking). These uses may only be located in those zoning districts as described in, and shall only be authorized in concert with the permit requirements of, Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). Additions and attached structures to primary structures shall comply with Section 23.704.30. Specifically, this chapter covers those accessory uses within the residential uses land use category. Additional provisions related to accessory second dwelling units are provided in RCMC Section 23.901.060, which may be attached or detached to the residential structure. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.12.020)].

23.734.030 Permit requirements and exceptions.

Except as otherwise exempt below, the majority of accessory structures governed by this chapter shall go through a simple plan check (zoning clearance certification) at the time a building permit is issued to ensure compliance with applicable regulations. The following structures shall be exempt from the requirements of this chapter as specified below and are subject to compliance with all other provisions of this title:

A. Enclosed and/or solid-roofed accessory structures that are smaller than 120 square feet in size with no portion of the structure equal to or greater than nine 8 feet in height. Structures shall not be located in a required front yard. In order to maintain necessary fire breaks, all combustible accessory structures shall be set back a minimum of three 3 feet from side and rear property lines with a minimum six 6-foot separation between structures.

B. Landscape features and play equipment that are smaller than 120 square feet in size with no portion of the structure equal to or greater than eight 8 feet in height. In order to maintain necessary fire breaks, combustible landscape features shall be set back a minimum of three 3 feet from all interior property lines with a minimum six 6-foot separation between structures. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.12.030)].

~~23.734.040 Definitions.~~

~~For the purposes of this title, “accessory structure” means a detached structure or building which is subordinate to, and the use of which is customarily incidental to, that of the main building, structure, or use on the same lot. The types of accessory structures listed below shall have the meanings respectively ascribed to them in this chapter:~~

~~“Accessory structure, enclosed and/or solid-roofed” means a detached accessory structure which is either entirely enclosed by walls and a solid roof or is partially enclosed with a solid roof. This classification of accessory structures includes garages, greenhouses, poolhouses, sunrooms, workshops, storage sheds, and carports, patio covers, and gazebos with solid roof construction.~~

“Landscape feature” means a detached decorative structure typically used in conjunction with plant materials for aesthetic enhancement, such as patio trellis covers, pergolas, and gazebos with nonsolid roof construction, arched trellises, vertical lattice structures, statues, and similar features. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.12.040)].

23.734.050—Development standards.

The development standards in this section are intended to supplement the standards in the underlying base zoning district for accessory structures. In the event of conflict between these standards and the underlying base zoning district regulations, the provisions of this section shall apply. In the event of conflict between these standards and the overlay zoning district regulations of Article 3 of this title, the overlay zoning district regulations shall apply.

A. The total square footage of all accessory structures on a single parcel, except swimming pools, shall not exceed 30 percent of the habitable floor area of the primary residential dwelling on the same parcel.

B. Not more than 30 percent of the required rear yard shall be occupied by all permitted structures.

C. The appropriate approval authority may apply additional conditions to a use permit relative, but not limited, to dwelling size, location, access, and height, if special circumstances arise requiring such mitigation of anticipated adverse impacts to neighboring residences.

D. Accessory structures must be constructed in conjunction with or subsequent to construction of the primary building(s) on the site.

E. Proposed structures must meet the development standards outlined in Table 23.734-1 (Development Standards for Accessory Structures) (also see Figure 23.734-1 (Development Standards for Accessory Structures)). Unless otherwise described in the table, all accessory structures must meet the setbacks in the “General” category.

F. Maximum structure height is 16 feet as indicated in Table 23.310-2 (Residential Zoning Districts Development Standards).

Table 23.734-1: Development Standards for Accessory Structures

Accessory Use Category ¹	Setback From				
	Front Property Line	Side Street Property Line	Interior Property Line	Rear Property Line	Building Separation
General ¹					
— ≤ 8 ft tall	²	12.5 feet ²	5 feet ³	5 feet ³	6 feet
— > 8 ft tall	²	12.5 feet ²	⁶	⁶	6 feet
Swimming Pool or Spa ⁴	⁴	⁴	3 feet ⁵	3 feet ⁵	6 feet
Pad, < 8 inches tall	None	None	None	None	None

Notes:

1. Unless otherwise described in the table, all accessory structures must meet the setbacks in the “General” category.

2. The minimum setback distance shall be consistent with the minimum setback distance for the primary structure in the underlying zoning district. On all lots, the accessory structures shall not be placed in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.

3. Accessory structures must maintain a minimum 5-foot setback from property lines for any portion of the structure, except that smaller structures or sheds which do not exceed 120 square feet in area and 8 feet in height overall may be set back a minimum of 3 feet from the property line.

4. Swimming pools and spas may not be located: (a) within the required front or side street yard; (b) within a recorded setback except the rear yards of through lots unless otherwise prohibited by a recorded subdivision map; (c) within a public utility easement; or (d) within a public easement. The provisions herein shall not affect requirements of special planning area zones.

5. The chief of the building inspection division may approve setbacks of less than 3 feet. For the purpose of this section, setback shall be from the right-of-way or property line to the water line.

6. For structures 8 feet in height, the minimum setback is 5 feet. The structure’s setback shall be increased by 1 foot for every additional foot in height above 8 feet.

23.734.0450 Development standards.

1. Development standards in this section are intended to supplement the standards in the underlying base zoning district for accessory structures. In the event of conflict between these standards and the underlying base zoning district regulations, the provisions of this section shall apply. In the event of conflict between these standards and the overlay zoning district regulations of Article 3 of this title, the overlay zoning district regulations shall apply.
2. Accessory structures must be constructed in conjunction with or subsequent to construction of the primary building(s) on the site.
3. The appropriate approval authority may apply additional conditions to a use permit relative, but not limited, to dwelling size, location, access, and height, if special circumstances arise requiring such mitigation of anticipated adverse impacts to neighboring residences.

Percentage of Required Yard Occupied and Required Setbacks

1. Proposed structures must meet the development standards outlined in Table 23.734-1 (Development Standards for Accessory Structures; also see Figure 23.734-1 (Development Standards for Accessory Structures). Unless otherwise described in the table, all accessory structures must meet the setbacks in the General Accessory Structure category.
2. The total square footage of all accessory structures on a single parcel, except swimming pools, shall not exceed 30 percent of the habitable floor area of the primary residential dwelling on the same parcel.
3. Not more than 30 percent of the required rear yard shall be occupied by all permitted structures.
4. Accessory structures and swimming pools, spas, and pool equipment shall not be located within recorded public utility easement or public easement.

Front Yard

1. On all lots, the accessory structures shall not be placed in front of the principal building.
2. Swimming pools, spas, and pool equipment may not be located within the required front yard.

Street Side Setback/Corner Lots

1. The minimum setback distance shall be consistent with the primary structure underlying zoning district.
2. Swimming pools, spas, and pool equipment may not be located within the required street side yard.

Height of Accessory Structures

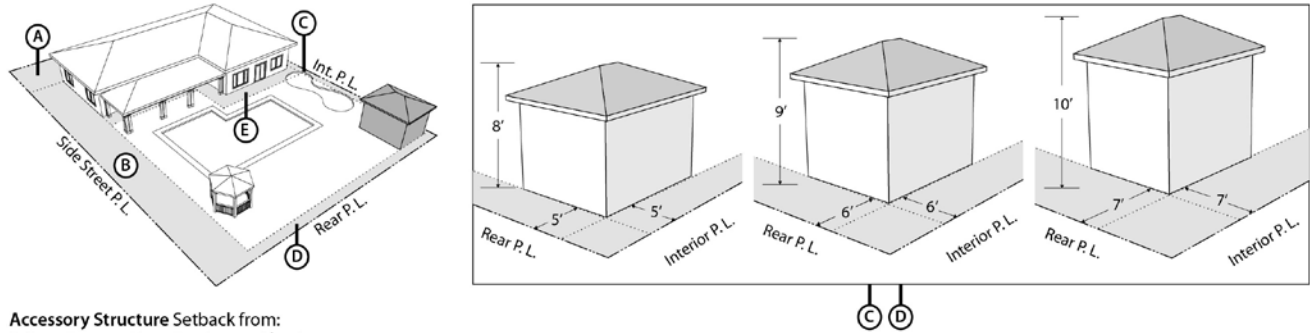
1. Maximum structure height is 16 feet as indicated in Table 23.310-2 (Residential Zoning Districts Development Standards).

Building Separation

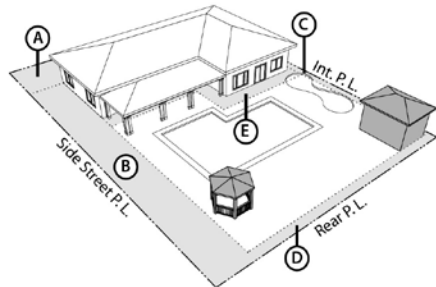
1. Detached accessory structures shall not be located closer than 6 feet from the principal building.
2. Any accessory structure located less than 6 feet from a primary building shall be considered attached to (and part of) the primary building (Chapter 23.704.030(D)).
3. Swimming pools and spas shall not be located closer than 3 feet from the principal building and detached structure. The building official may approve setbacks of less than 3 feet with submitted structured engineered plans.

Table 23.734-1: Development Standards for Accessory Structures

<u>Accessory Use</u>	<u>Type</u>	<u>Interior Property Line</u>	<u>Rear Property Line</u>
<u>General Accessory Structure</u>	<u>Square footage less than 120 and less than 8 feet in height overall</u>	<u>3 feet</u> <u>The structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.</u>	<u>3 feet</u>
	<u>Square footage more than 120 and/or more than 8 feet in height overall</u>	<u>For structures 8 feet in height, the minimum setback is 5 feet. The structure's setback shall be plus 1 foot per every foot above 8 feet in height.</u> <u>The structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.</u>	<u>For structures 8 feet in height, the minimum setback is 5 feet. The structure's setback shall be plus 1 foot per every foot above 8 feet in height.</u>
<u>Swimming Pools, Spas, and Pool Equipment</u> (Setbacks shall be from the right-of-way or property line to the water line)		<u>3 feet</u>	<u>3 feet</u>
<u>Pad, less than 8 inches tall</u>		<u>None</u>	<u>None</u>
<u>Pad, Driveway</u>		<u>5 feet from the Property Line</u>	<u>None</u>

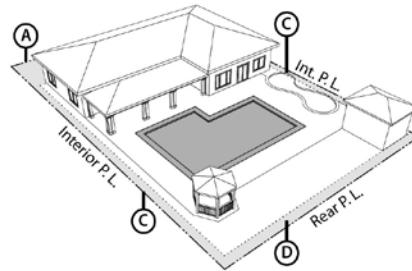
Figure 23.734-1: Development Standards for Accessory Structures**Accessory Structure Setback from:**

- A. Front Property Line - Consistent with primary structure
- B. Side Street Property Line - Consistent with primary structure
- C. Interior Property Line - 5' for structures 8' tall; plus 1' per every foot above 8' in height
- D. Rear Property Line - 5' for structures 8' tall; plus 1' per every foot above 8' in height
- E. Primary Structure - 6'

**Smaller Accessory Structure* Setback from:**

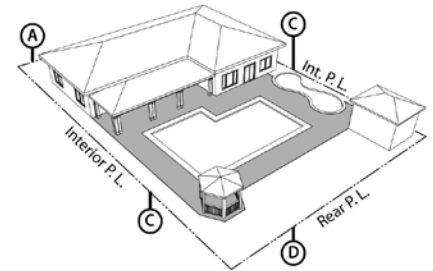
- A. Front Property Line - Consistent with primary structure
- B. Side Street Property Line - Consistent with primary structure
- C. Interior Property Line - 3'
- D. Rear Property Line - 3'
- E. Primary Structure - 6'

**Structures may measure no more than 120 sq. ft. and less than 8' in height*

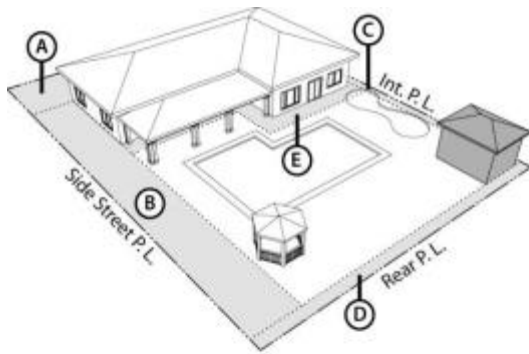
**Swimming Pool or Spa Setback from:**

- A. Front Property Line - Consistent with primary structure
- B. Side Street Property Line - Consistent with primary structure
- C. Interior Property Line - 3'
- D. Rear Property Line - 3'

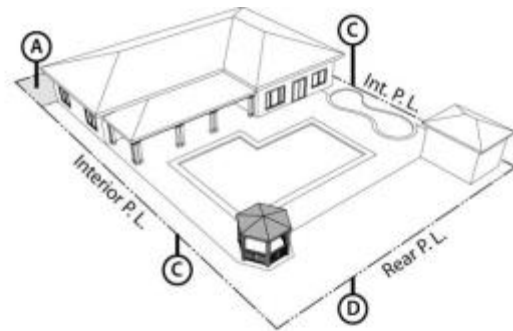
**For safety, the Building Code requires a fence around the pool measuring at minimum 5' in height.*

**Pad (e.g. Concrete) Setback from:**

- A. Front Property Line - 0'
- B. Side Street Property Line - 0'
- C. Interior Property Line - 0'
- D. Rear Property Line - 0'

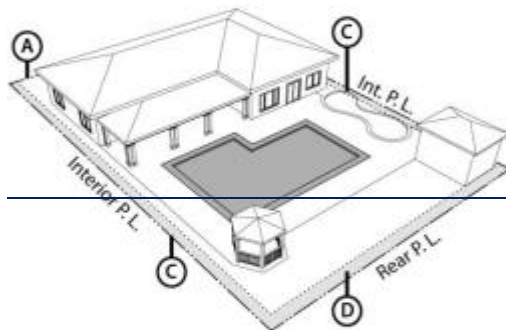
**Accessory Structure Setback from:**

- A. Front Property Line - Consistent with Primary Structure
- B. Side Street Property Line - 12.5'
- C. Interior Property Line - 3'
- D. Rear Property Line - 3'
- E. Primary Structure - 6'

**Smaller Accessory Structure Setback from:**

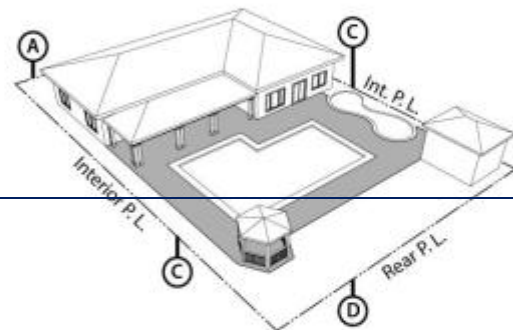
- A. Front Property Line - Consistent with Primary Structure
- B. Side Street Property Line - 0'
- C. Interior Property Line - 0'
- D. Rear Property Line - 0'

**Structures may measure no more than 120 sq. ft. and less than 9' in height*

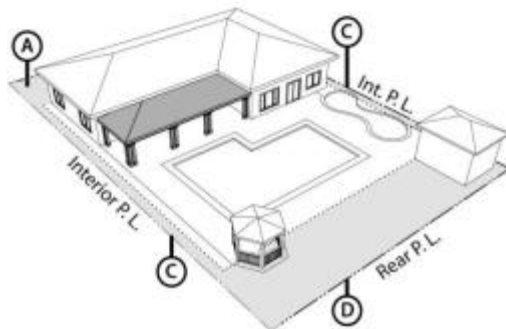
**Swimming Pool or Spa Setback from:**

- A. Front Property Line - 0'
- B. Side Street Property Line - 0'
- C. Interior Property Line - 3'
- D. Rear Property Line - 3'

**For safety, the Building Code requires a fence around the pool measuring at minimum 5' in height.*

**Pad (e.g., Concrete) Setback from:**

- A. Front Property Line - 0'
- B. Side Street Property Line - 0'
- C. Interior Property Line - 0'
- D. Rear Property Line - 0'

**Patio Cover Setback from:**

- A. Front Property Line - Consistent with Primary Structure
- B. Side Street Property Line - 12.5'
- C. Interior Property Line - 3'
- D. Rear Property Line - Consistent with Primary Structure

[Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.12.050)].

Chapter 23.737

NOISE, ODOR, AND VIBRATION PERFORMANCE STANDARDS

Sections:

- 23.737.010 Purpose.
- 23.737.020 Applicability.
- 23.737.030 Noise standards.
- 23.737.040 Odor, particulate matter, and air contaminants standards.
- 23.737.050 Vibration standards.

23.737.010 Purpose.

The purpose of this chapter is to provide performance standards for all permanent and temporary land uses within the city relative to noise, odor, and vibration. The intent is to provide compatibility between neighboring land uses by minimizing various potential operational impacts. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.13.010)].

23.737.020 Applicability.

The standards of this chapter apply to all new and existing land uses within the city, unless otherwise exempted. Existing uses shall not be modified in conflict with the provisions of this chapter. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.13.020)].

23.737.030 Noise standards.

All uses shall comply with the noise standards set forth in the city's General Plan and ~~within~~ the city's noise ordinance (~~RCMC~~ Chapter 6.68 ~~RCMC~~, Noise Control). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.13.030)].

23.737.040 Odor, particulate matter, and air contaminants standards.

A. Odor. No obnoxious odors or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.

B. Particulate Matter and Air Contaminants. The operation of facilities shall not directly or indirectly discharge air contaminants into the atmosphere, including smoke, sulfur compounds, dust, soot, carbon, noxious acids, gases, mist, odors, or particulate matter, or other air contaminants or combinations which exceed any local, state, or federal air quality standards or which might be obnoxious or offensive to anyone residing or conducting business either on site or abutting the subject site. Particulate matter shall not be discharged into the atmosphere in excess of the standards of the federal Environmental Protection Agency, the California Air Resources Board, or the Sacramento Metropolitan Air Quality Management District. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.13.040)].

23.737.050 Vibration standards.

Uses that generate vibrations that may be considered a nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

A. Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities.;

B. Uses, activities, and processes shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endanger the comfort, repose, health, or peace of residents whose properties abut the property lines of the subject parcel.;

C. Uses shall not generate ground vibration that interferes with the operations of equipment and facilities of adjoining parcels; and.

D. Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks, trains, and aircraft) are exempt from the provisions of this section. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.13.050)].

Chapter 23.740**PUBLIC UTILITIES**

Sections:

- 23.740.010 Purpose.
23.740.020 Requirements.

23.740.010 Purpose.

The purpose of this chapter is to provide uniform standards and regulations for the undergrounding of all utilities serving the public and to identify the requirements for public water and sewer service. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.14.010)].

23.740.020 Requirements.**A. Underground Utilities.**

1. New Developments. In new development areas (e.g., ~~G~~greenfield) of the city, all utilities, including but not limited to electrical (60 kilovolts or less), telephone, cable television, and similar distribution lines, shall be installed underground. The ~~city~~ council may grant exceptions for new rural residential or estate residential projects as part of the proposed development application.

2. Existing Developments. In existing areas of the city where utilities (e.g., electrical, telephone, cable television) have not been undergrounded, the following rules shall apply:

a. When feasible, ~~for~~ an existing development that is being comprehensively redeveloped or ~~where~~ additional building square footage totaling 25 percent or more of the existing gross floor area is being added, all utility lines on the project site and having the capacity to serve the project (e.g., connecting to the buildings on site) shall be undergrounded. "Comprehensively redeveloped" shall mean any instance where a demolition permit has or would be issued for a minimum of 50 percent of the existing building area.

b. For development with less than 500 feet of public frontage or where utilities are located within a dedicated public utility easement, the project proponent may elect to pay an in-lieu fee as established by ~~city~~ council resolution, provided the project has been designed to the satisfaction of the public works director such that the project can be easily improved at such time as the utilities are undergrounded.

B. Public Utilities Required. As ~~required-stated~~ in ~~RCMC~~ ~~RCMC~~ Section 22.24.630 (Water and sewer requirements), all lots in the city are required to have public water and sewer service. Exempted from this requirement are lots zoned agricultural (AG-80, AG-20), rural residential (RR), or estate residential (ER), except that estate residential lots are encouraged to have public water and sewer if the service is immediately available to the individual lot or in proximity to a new estate residential development/-subdivision. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.14.020)].

Chapter 23.743

SIGNS

Sections:

23.743.010	Purpose.
23.743.020	Basic policies for sign regulations.
23.743.030	Definitions.
23.743.030	Permit requirements for signs.
23.743.040 45	-Sign exemptions.
23.743.050	Prohibited signs.
23.743.060	Allowed permanent on-site sign standards.
23.743.065	Standards for electronic message signs.
23.743.070	Allowed temporary on-site sign standards.
23.743.080	Allowed off-site sign standards.
23.743.085	Real estate sign standards.
23.743.090	General development, maintenance, and removal provisions for all sign types.
23.743.100	Special development standards for specific sign types.
23.743.110	Special sign districts.
23.743.120	Special sign corridors.
23.743.130	Gateway signage program.
23.743.140	Nonconforming and abandoned signs.
23.743.150	Digital freeway signs overlay.

23.743.010 Purpose.

This chapter establishes regulations for signs within the city for the purposes of safeguarding and protecting the public health, safety, and welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signs. The city recognizes that signs have the potential to enhance the overall character and quality of the built environment and do provide for economic benefit from real property within the city. However, the city also recognizes the inherent public interest in regulating the time, place, and manner in which signs, both commercial and noncommercial in nature, display their message. Such interest is based on a desire to enhance traffic safety in the community by ensuring that signage does not distract motorists or obstruct or otherwise impede traffic circulation, and a desire to ensure aesthetic, architectural, and cosmetic compatibility with the surrounding community by limiting visual clutter of the streetscape, such as through the regulation of oversized signs and excessive temporary signs.

The standards of this chapter apply to signs in all zoning districts. Only signs authorized by this chapter shall be allowed. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.010)].

23.743.020 Basic policies for sign regulations.

A. Enforcement. The ~~planning~~ director is authorized and directed to administer the provisions of this chapter. The neighborhood services director is authorized and directed to enforce the provisions of this chapter.

B. Interpretations. All interpretations of this chapter are to be made with consideration to the city's message neutrality and message substitution policies. When a particular type of sign is proposed in a permit application and is not, within this chapter, expressly identified as either an exempted, prohibited, or allowed sign type, the ~~planning~~ director shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.

C. Message Neutrality. It is the city's policy and intent to regulate both commercial and noncommercial signs in a viewpoint-neutral or content-neutral manner.

D. Message Substitution. Subject to the property owner's consent, the message on any type of existing sign may be substituted with a noncommercial message, in whole or in part, without consideration of message content; provided,

that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other 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, that the sign structure or mounting device is legal 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; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message.

E. Off-Site/On-Site Distinction. ~~Within~~In this chapter, the distinction between on-site (or on-premises or point-of-sale) and off-site (or off-premises or nonpoint-of-sale) applies only to commercial speech messages.

F. Discretionary Approvals. Whenever any zoning certification, variance, conditional use permit, unified sign program or special planning area approval, or other sign-related decision is made, such determination shall be based only on the noncommunicative aspects of the sign, such as size, height, orientation, location, setback, illumination, spacing, scale, and mass of the structure. Graphic design may be evaluated only for a unified sign program and then only as applicable to commercial message signs.

G. Mixed-Use Zones/Developments. As described in RCMG-Section 23.743.060 (Allowed permanent on-site sign standards), on-site signs are regulated by development type, rather than by zoning district. However, when multiple use types are present within one development (e.g., commercial and office, office and industrial), the development standards for signs applicable to that site shall be those applicable to the majority of uses in the development. For instance, if the predominant use in a development is commercial, then sign(s) for any other use type located with that same development shall also be governed by those same regulations (e.g., an office use in a commercial development shall be held to the standards for commercial developments). Additionally, the following rules shall apply:

1. Commercial uses on the ground floor of a multi-story building where nonretail uses (e.g., office, residential) are located above the retail, regardless of the zoning district of predominant use, shall solely be regulated by the commercial sign standards.
2. Office uses above the first floor of a multi-story building where the ground floor uses are predominantly commercial in character shall be solely regulated by the office sign standards for building-attached signs.
3. Residential uses in any configuration ~~within~~in a mixed~~-~~use development shall be solely regulated by the applicable exempt signs and home occupation sign standards.

H. Owner Consent. No sign may be placed on private property without the consent of the property owner or persons holding the present right of possession and control.

I. Illegal Signs. A sign shall be considered an illegal sign when it does not conform to the provisions and standards of this chapter, zoning certification has not been approved, and it is not otherwise determined to be a nonconforming sign as provided in RCMG-Section 23.743.140 (Nonconforming and abandoned signs). Illegal signs may be abated by the city. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.020)].

23.743.030 — Definitions.

~~For the purpose of this chapter, the following terms shall have the definitions set forth herein:~~

~~“A frame sign” means a portable sign or advertising device which rests on the ground and is not permanently affixed to the ground or attached to a building.~~

~~“Abandoned sign” means any sign (A) which is located on a premises that has been vacated for a period of at least 90 days, (B) which displays no message for a period of at least 90 days, or (C) which no longer advertises or identifies an ongoing establishment, product, or service available on the premises where the display is located for a~~

~~period of at least 90 days. Abandoned signs are regulated in RCMC 23.743.140 (Nonconforming and abandoned signs).~~

~~“Animated sign” means any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create visual motion or the appearance thereof.~~

~~“Area (of a sign)” means the measurable surface area of a sign, calculated as described in RCMC 23.743.090 (General development, maintenance, and removal provisions for all sign types).~~

~~“Awnings” means any roof like structure extending over or in front of a place (i.e., over a patio or in front of a window or door).~~

~~“Balloon sign” means 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 eight cubic feet in volume or is stationed at or above 10 feet above the ground.~~

~~“Banner” means any sign of lightweight fabric or similar material that is mounted to a building, fence, or wall at one or more edges. Flags shall not be considered banners (see “flag” definition).~~

~~“Billboard” means a sign which meets one or more of the following criteria (also see “off-site or off-premises sign”):~~

~~A. A permanent structure sign which is used for the display of off-site commercial messages;~~

~~B. A permanent structure sign which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located;~~

~~C. 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 in the same development as the sign), in exchange for a rent, fee, or other consideration; or~~

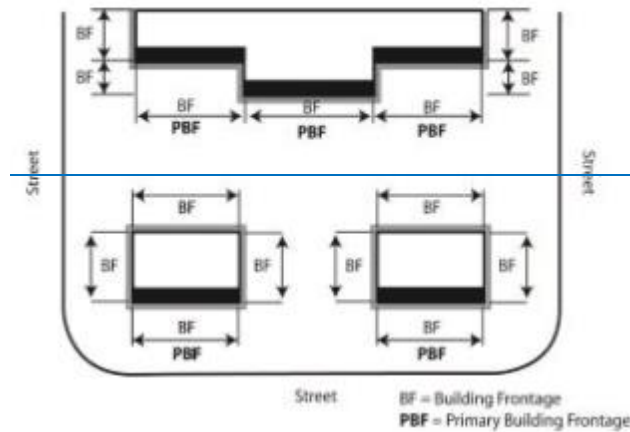
~~D. An off-site outdoor advertising sign on which space is leased or rented.~~

~~“Blade/bracket sign” means a small, pedestrian-oriented sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign; may also be referred to as an “projecting sign”).~~

~~“Building attached sign” means a sign placed on a wall, awning, canopy, parapet, or a projecting sign. Also see “wall sign,” “canopy sign,” and “blade/bracket sign.”~~

~~“Building frontage, primary” means 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 (e.g., an entrance facing a courtyard) (see Figure 23.743-1 (Building Frontage and Primary Building Frontage)). For multitenant buildings, ground floor tenants may have their primary frontage determined independently of the rest of the building based upon the aforementioned rules.~~

Figure 23.743-1: Building Frontage and Primary Building Frontage



“Canopy sign” means any sign that is part of or attached to an awning, canopy, or other material or structural protective cover over a door, entrance, window, or outdoor service area.

“Changeable copy sign” means a sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than once per day shall be considered an animated sign and not a changeable copy sign.

“Channel letter sign” means a sign made up of individual letters that are independently mounted to a wall or other surface. The “air space” between the letters is not part of the sign structure but rather of the building facade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements.

“Commercial mascot” means a human or live animal used as a commercial advertising or signaling device. Sometimes called sign twirlers or sign clowns.

“Commercial message” means any sign wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

“Community interest group sign” means a sign identifying fraternal, benevolent, social services, and religious organizations and setting forth time, place, and location of meetings within the city.

“Construction sign” means a temporary sign located on a site where physical construction is occurring or is scheduled to begin in the near future.

“Development,” for the purposes of this chapter, shall mean a proposed or already constructed building or group of buildings.

“Digital display area” means the portion of a digital freeway sign that consists of digital display area(s) used for general commercial advertising. See also “sign structure.”

“Digital freeway sign” means an off-site outdoor advertising sign with one or more digital display areas. A digital freeway sign may be internally or externally illuminated. Digital freeway signs are always considered off-site signs and are regulated as such.

“Directional sign, on-site” means a sign located on the same property as an establishment, primarily providing direction to guide vehicles and pedestrians to businesses, including but not limited to those signs identifying parking areas and circulation patterns.

“Directory sign” means a pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multitenant site.

~~“Electronic graphic display sign” means a sign or portion thereof that displays electronic static images, static graphics or static pictures, with or without text information. Electronic graphic display signs include projected images or messages with these characteristics on buildings or other objects.~~

~~“Electronic message sign” means an electronic sign that displays one or more messages. An electronic message sign could be used as a message delivery method for a wall sign, a monument sign or other freestanding sign, or a billboard, subject to all applicable provisions and limitations in the code. Digital freeway signs utilizing electronic messaging technology are subject to the standards and permit requirements in RCMC 23.743.150.~~

~~“Establishment” means any nonresidential use of land involving structures, as defined in the building code and the presence of human beings during normal hours of operation such as, but not limited to, businesses, schools, hospitals, hotels and motels, and offices and libraries.~~

~~“Exempt sign” means a sign which is not subject to zoning certification or temporary use permit.~~

~~“Face change” means a change in color, material, copy, graphics, or visual image that requires the installation of a new or modified sign face, but which does not involve any change to an existing sign structure or mounting device.~~

~~“Feather flag” means a temporary, on-site fabric sign installed on a temporary pole made of PVC or other flexible material and commonly used for the temporary promotion of a business, service, or other commercial activity on a specific nonresidential property.~~

~~“Flag” means 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 installed on a permanent pole with a permanent foundation.~~

~~“Flashing sign” means an illuminated sign that exhibits changes in light or color effect by blinking or any other such means so as to provide intermittent illumination.~~

~~“Freestanding sign” means a sign that is self-supporting in a fixed location and not attached to a building. Permanent freestanding signs are of three types: monument, pole, and pylon. Temporary freestanding signs, typically constructed of wood, are subject to issuance of a temporary use permit as described in RCMC 23.743.070.~~

~~“Future tenant signs” means signs erected for the purpose of announcing the future occupancy of a new tenant, other than the current resident tenant.~~

~~“Garage, yard, estate, and other home-based sales” means the occasional nonbusiness public sale of secondhand household and other goods incidental to household uses by a person or persons from a residential use.~~

~~“Gas pricing signs” means signs identifying the brand, types, octane rating, etc., of gasoline for sale, as required by state law.~~

~~“Gateway entry sign” means a sign located at a major entrance into the city and regulated in RCMC 23.743.130.~~

~~“General advertising” means the business of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising; also known as advertising for hire.~~

~~“Governmental/civic sign” means any temporary or permanent sign erected and maintained by or required by the city or the county, 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 for designation of direction to any school, hospital, historical site, or public service, property or facility.~~

~~“Home occupation sign” means a sign located at a residence advertising a business or profession legally conducted in the residence.~~

~~“Iconic signage” means expressions of a business without the use of words or copy that thereby make maximum use of logos and graphics to represent the establishment.~~

“Illuminated sign” means 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. Excludes electronic message sign, which is separately defined.

“Incidental sign” means 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.

“Menu/order board sign” means a sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers.

“Monument sign” means a permanent on-site sign constructed upon a solid appearing base or pedestal, whose exterior is constructed of stone, brick, or concrete, the total width of which is at least 50 percent of the overall height of the sign. See Figure 23.743-2 (Monument Sign).

Figure 23.743-2: Monument Sign



“Noncommercial sign” means a sign which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern.

“Noncommunicative aspects” means those aspects of a sign which are not directly communicative, such as sign height, setback, illumination, spacing, density, etc.

“Nonconforming sign” means a sign lawfully erected and legally existing at the time of the effective date of an ordinance, but which does not conform to the current provisions of this chapter. Nonconforming signs shall be amortized pursuant to the provisions of RCMC 23.743.140 and, at the conclusion of the amortization period, shall either be removed pursuant to the provisions of RCMC 23.743.140, modified to meet the requirements of this chapter, or replaced with a new sign that is in compliance with the requirements of this chapter.

“Off site or off premises sign” means a sign which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same lot or parcel on which said sign is located. This definition shall include billboards, posters, panels, painted bulletins, and similar advertising displays. The off site/on site distinction applies only to commercial messages. Off site signs meet any one of the following criteria:

A. A permanent structure sign which is used for the display of off site commercial messages;

B. A permanent structure sign which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located;

C. 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; or

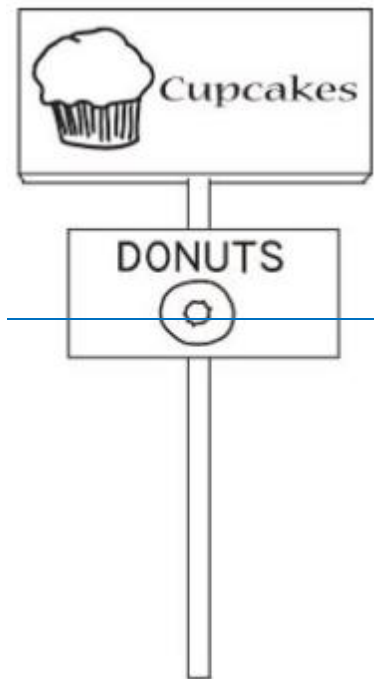
D. An off site outdoor advertising sign on which space is leased or rented.

“On site or on premises sign” means 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. The off site/on site distinction applies only to commercial messages. In the case of multiple tenant commercial or industrial developments, a sign is considered on site whenever it is located anywhere within the integrated development. In the case of a duly approved unified sign program, a sign anywhere within the area controlled by the program may be considered on site when placed at any location within the area controlled by the unified sign program.

“Pennant” means 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.

“Pole sign” means 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 integrated 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 23.743-3 (Pole Sign).

Figure 23.743-3: Pole Sign



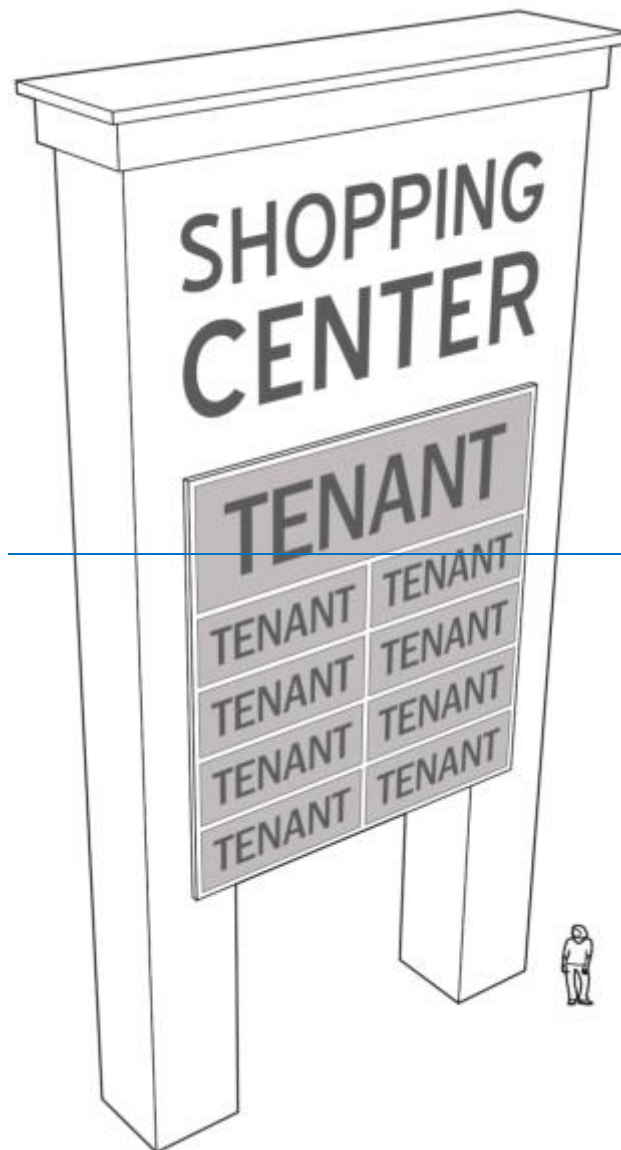
“Portable sign” means any advertising device defined as a sign that is not permanently attached to a building or to the ground. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs configured as A-frame or T-frame; menu and sandwich board signs; and umbrellas used for advertising. Clothing or other aspects of personal appearance are not within this definition (see “commercial mascot”).

“Primary site frontage” is the longest frontage of a site that adjoins or fronts onto a public right of way.

“Projecting sign” means a sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign).

“Pylon sign” means an on site freestanding sign of extensive height, supported by a sign structure from the ground, which identifies businesses located on the same parcel or in the same integrated development on which the sign is located. Pylon signs are designed such that the support structure and the sign face are designed as one architecturally unified and proportional element. See Figure 23.743-4 (Pylon Sign).

Figure 23.743-4: Pylon Sign



“Readerboard sign” means a sign on which copy is changed manually in the field or electronically, including but not limited to theater marquee signs, business directories, church and museum signs, and gas price signs.

“Real estate sign” means any sign, temporary in nature, the copy of which concerns a proposed economic transaction involving real property. This definition does not include occupancy signs at establishments offering transient occupancy, such as hotels and motels.

“Roof sign” means a sign installed on a roof or projecting above the eave of a building or mounted on an arcade or parapet.

“Roofline” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

“Sign” means any structure, part thereof, device, fixture, or placard or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee or similar appendage, or permanently affixed to the glass on the outside or inside of a window so as to be seen from the outside of the building, and which displays or includes any numeral, letter, word, model, banner,

emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry when such image is visible from any public right of way. Notwithstanding the generality of the foregoing, the following are not within this definition:

A. Architectural Features. Decorative or architectural features of buildings (not including lettering, trademarks, or moving parts).

B. Fireworks, Etc. The legal use of fireworks, candles, and artificial lighting not otherwise regulated by this chapter.

C. Gravestones and grave markers.

D. Manufacturers' Marks. Marks on tangible products which identify the maker, seller, provider, or product and which customarily remain attached to the product even after sale.

E. Newsracks and newsstands.

F. Personal Appearance. Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots).

G. Symbols Embedded in Architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal. The definition also includes foundation stones and cornerstones.

"Sign structure" means the portion of a digital freeway sign other than the digital display area, including but not limited to supporting pole(s), display frame and all ancillary equipment and utilities installed on the sign site.

"Subdivision directional sign" means a temporary or otherwise limited term sign for the purpose of providing direction for vehicular and/or pedestrian traffic to the initial home sales of multiple lots with single or multiple builder(s) within a master planned community, including both single family and multifamily for sale products. All other home sales are included within the definition of "real estate sign."

"Subdivision permanent identification sign" means a sign located at the entrance to the subdivision for the purpose of a permanent identification of the subdivision. Such signs are of a permanent nature, usually constructed of long lasting, weather resistant materials such as stone or metal.

"Temporary sign" means a sign not constructed or intended for long term use. If a sign does not qualify as a "structure" under the building code, it is presumably a temporary sign, but subject to the interpretation of the planning director consistent with the interpretations policy in RCMC 23.743.020(B) (Interpretations). Types of temporary signs include building attached banners, temporary freestanding signs, and portable signs.

"Three dimensional object sign" means a sign that comprises a three dimensional object that graphically or iconically brands an establishment or development. Such signs may be used as both building attached or freestanding signs. See also "iconic sign."

"Time/temperature sign" means an electronic or mechanical device that shows time and/or temperature but contains no business identification or advertising.

"Vehicle sign (large)" means any sign exceeding 10 square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed so that the sign thereon is discernible from a public street or right of way as a means of communication and which by its location, size, and manner of display is reasonably calculated to exhibit commercial advertising, identifying an on-site business, or supplying directional information to an off-site business. A vehicle sign may be defined as a vehicle that functions primarily as a sign rather than as a transportation device as determined by consideration of any combination of the following factors:

A. The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;

~~B. The vehicle on which the sign is displayed is inoperable as defined by this city code;~~

~~C. The vehicle on which the sign is displayed is not parked in an identified parking space on the lot;~~

~~D. The vehicle on which the sign is displayed is not regularly used for transportation associated with the use it advertises;~~

~~E. The vehicle remains parked on the premises after normal business hours when customers and employees are not normally present on the premises and is not part of the business's vehicle fleet;~~

~~F. The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right of way on a regular basis.~~

~~"Video display sign" means a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs.~~

~~"Wall sign" means a sign attached directly to an exterior wall of a building or dependent upon 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 supported by.~~

~~"Weekend directional stake sign" means a sign, customarily displayed on the weekends, measuring less than nine square feet in area, mounted on a wooden stake, and identifying the location and name of an active new home sales location/subdivision.~~

~~"Wind sign" means a sign that spins or is otherwise propelled by the force of air moving across its face.~~

~~"Window sign" means a sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and intended for viewing from the exterior of such building. This definition does not include merchandise offered for sale on site when on display in a window. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.030)].~~

23.743.0340 Permit requirements for signs.

A. Zoning Certification Required. To ensure compliance with the regulations of this chapter and except as otherwise exempted, no person shall erect, move, alter, replace, or maintain any sign ~~within~~ in the city of Rancho Cordova without first obtaining zoning certification from the designated ~~approving authority~~ approval authority as established in Chapter 23.113 RCMC (Zoning Certification). Zoning certification shall not be required for the maintenance of an existing sign, such as repainting, which does not result in a change or alteration in the size, shape, illumination, or text of said sign.

B. Temporary Use-Sign Permit Required. A temporary ~~use-sign~~ permit shall be required prior to establishment of any new temporary sign as required by this chapter.

C. ~~Limited-Administrative~~ Use Permit (LUPAUP) Required for Electronic Changeable Copy Signs, Electronic Graphic Display Signs and Video Display Signs as Defined by This Chapter. An AUP shall be required prior to issuance of a building permit (and corresponding zoning certification); for any new electronic message signs, regardless of the type of application (wall sign, monument sign, etc.). Development standards are provided for this sign type in RCMC-Section 23.743.065 (Standards for electronic message signs). The applicant must satisfy the conditions of approval established through the AUP process prior to and/or in conjunction with the subsequent administrative issuance of the sign permit. Digital freeway signs utilizing electronic messaging technology may only be approved subject to a CUP-conditional use permit and are subject to the standards and permit requirements in RCMC-Section 23.743.150 (Digital freeway signs overlay).

D. Unified Sign Program.

1. Purpose. The purpose of the unified sign program is to adopt unique and specific design and development standards for multitenant and mixed-use developments. The intent is to integrate a project's signs with the design of the structures to achieve a unified architectural statement. A unified sign program provides a means for defining common sign regulations for multitenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs, and to achieve, not circumvent, the intent of this chapter.

2. Applicability. A unified sign program shall be required for:

- a. All new integrated developments as defined in Section 23.707.020.
- b. All new multitenant shopping centers, office parks, and other multitenant or mixed-use developments of three or more separate tenants/uses that share either the same parcel or structure and use common access and parking facilities.
- c. All redesign, remodel, or redevelopment of existing uses identified in this subsection (D)(2) where more than 50 percent of the building square footage or 50 percent of the building facade would be modified if not already covered by a unified sign program; and.
- d. Any commercial development within the special sign corridor proposing a unified sign program as allowed in RCMC Section 23.743.120(C)(2).

3. Approval of a Unified Sign Program. The designated ~~approving authority~~ approval authority for unified sign programs, and amendments or revisions thereto, shall be as identified in Chapter 23.119 RCMC (Unified Sign Program). The unified sign program shall be reviewed concurrently with the project's design review. If signs will not impact the overall design of the project, the ~~planning~~ director may waive the concurrent review and require the unified sign program as a condition of approval of the design review. This requirement may also be waived on a case-by-case basis for minor pad-building remodel projects.

4. Standards. The unified sign program shall include criteria for building-attached and freestanding signs for tenants, anchors, and the overall development itself to establish consistency of sign type, location, logo and/or letter height, lines of copy, illumination, and construction details of signs for the project. All signs within the development shall be consistent with the unified sign program as the adopted program for signs within the development. The message substitution policy of this chapter shall be deemed incorporated in every sign program, even if the sign program documents do not explicitly so state. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.040)].

23.743.040 ~~5~~ Sign exemptions.

A. Exempt Signs. The following sign types are exempt from the permit requirements of this chapter and title but still must satisfy any and all other applicable permit requirements (e.g., building, electrical, plumbing, grading, encroachment). Any exception to the limitations for exempt signs listed herein shall require a variance pursuant to Chapter 23.143 RCMC (Variance). However, consideration of the variance request shall not evaluate the message or graphic design of a sign.

1. Exempt Signs without Limitations. The following signs are exempt from zoning certification and city review:

- a. All devices which are excluded from the definition of a sign.
- b. Approved highway directional signs.
- c. Railroad signal signs.
- d. Signs prohibiting trespassing and hunting.
- e. Warning signs required by law or erected by public agencies.
- f. Utility company signs identifying cables, conduits, danger, and so forth.

- g. Public notices and announcements authorized by courts and public officials, including neighborhood watch signs (e.g., governmental/civic signs);
 - h. Signs on buses, light rail, or other mass transit vehicles and taxis;
 - i. Signs on vehicles (except where defined as “vehicle signs (large)” by this chapter) and vessels, including license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business for which the vehicle or vessel is an instrument or tool (not including general advertising), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel;
 - j. Signs located entirely within a building or other enclosed structure and not visible from the exterior, or located at least ~~five~~ 5 feet from the window, provided the building or enclosed structure is otherwise legal;
 - k. Signs erected out of doors within courtyards and mall spaces (below the height of enclosed buildings) within the buildable portion of the lot where signs are not visible from a public street or adjacent parcel;
 - l. Signs on shopping carts, golf carts, and horse-drawn carriages;
 - m. Name plates and incidental signs;
 - n. Vending machines which do not display off-site commercial messages;
 - o. Graphic images which are only visible from above, such as those visible only from airplanes or helicopters, ~~only if not visible from the street surface or public right-of-way~~;
 - p. On residential uses, holiday and cultural observance decorations that are displayed for not more than 45 calendar days per year (cumulative, per parcel or use) and that do not include commercial advertising messages;
 - q. Change of copy that does not alter the size, location, or illumination of a sign (see [RCMC Section 23.743.020\(D\)](#), Message Substitution) (e.g., face change); ~~and~~;
 - r. Official notification signs of name and address information for property owner and/or caretaker of multifamily housing as required by law.
2. Exempt Signs with Limitations. The following signs are exempt from zoning clearance; provided, that they meet the size, height, duration, and/or maximum number limitations listed:
- a. Freestanding Street Address Identification Signs. Freestanding signs which only indicate the street address of the property on which the sign is located; provided, that the sign does not exceed an area of ~~four~~ 4 square feet and is located with a setback of at least ~~five~~ 5 feet with a height no greater than 30 inches.
 - b. Window signs limited to painted signs on glazing, poster paper signs, and place cards attached to the inside of glazing of store-fronts; provided, that no more than 25 percent of the store-front window area, calculated using the measurements of the store-front in its entirety, is covered. In the case of convenience stores and other similar retail establishments, views from the public right-of-way to the cash register area shall not be impeded by window signs or merchandise. The intent is to provide visibility of the sales counter for increased public safety.
 - c. Flags, on a permanent pole with a permanent foundation, provided they meet the following standards. The minimum setback from the public right-of-way for all poles is 10 feet.
 - i. Agricultural and Residential Zones and Uses. There shall be no limit on the number of flags or the number or height of poles.
 - ii. All Other Zones. A maximum of two poles. The maximum allowed height of each pole is 25 feet.

d. Temporary construction signs, provided there are no more than two signs per site, not individually exceeding 24 square feet in area, set back at least 10 feet from the public right-of-way, not to exceed 10 feet in height, and not illuminated. Signs may be attached to a building, provided they do not exceed the roofline or parapet wall of the building. Signs must be stationary and must be removed at the time of the final inspection for occupancy.

e. Political, religious, and civic campaign signs, not exceeding 32 square feet in size. Such signs shall be located on private property (with owner's consent) and set back a minimum of 10 feet from the public right-of-way. Such signs are authorized in any zone for a period not to exceed 90 days provided such signs are removed within 10 days following the conclusion of the campaign.

f. Electronic time and temperature signs as part of an on-site advertising sign are permitted as regulated by development standards contained in [RCMG Section 23.743.065](#) (~~Standards for electronic message signs~~).

g. On-Site Directional Signs. Exit, entrance, or other on-site traffic directional signs are permitted. When located within a required front yard or street side yard area, the maximum height of any directional sign shall be 30 inches and the maximum size shall be ~~four~~ 4 square feet. No advertising or message other than for traffic directions shall be displayed and such signs shall be subject to review and enforcement authority. The use of iconic signage as part of on-site directional signs is highly encouraged and may be required as part of a unified sign program. For village centers, local town centers, regional town centers, and other special developments and districts, it may be appropriate to design directional signs with the height and appearance similar to a city street sign.

h. Community interest group signs (e.g., fraternal, benevolent, social services, and religious organizations) displaying a noncommercial message, such as time and place/location of meetings, provided said signs are combined onto a common sign structure, the overall area of which does not exceed 100 square feet, and the area devoted to any one organization does not exceed 20 square feet. Such signs may be located off-site of where the activity takes place; however, no more than four locations for such signs will be permitted within the city. Such signs must be set back a minimum of 25 feet from the public right-of-way in residential districts and 10 feet in nonresidential and mixed-use districts and must be located a minimum of 75 feet from any other freestanding sign.

i. Menu/Order Board Signs. A maximum of two menu/order board signs shall be permitted for each drive-in or drive-through establishment; provided, that each sign does not exceed a maximum of 40 square feet in sign area and each sign be limited in height to ~~eight~~ 8 feet. Menu/order board signs do not count toward the total allowed signage for the establishment as described in Table 23.743-1 (Allowed Permanent On-Site Sign Standards).

j. New Business Signs. Newly established businesses and businesses under new ownership may rely upon temporary signage for the initial 60 days during which the business is first opened or initial 60 days of new ownership without need of a temporary use permit. Types, sizes, and locations of all such temporary signs allowed for new businesses shall be those identified in [RCMG Section 23.743.070](#) ([Allowed temporary on-site sign standards](#)). Following the initial 60-day period, the business must convert to permanent signage of the types and sizes allowed by the code or must have been issued a temporary use permit for the continued use of the temporary signs in the time frames allowed. The initial 60-day period does not contribute to the time allowances established by the temporary use permit. [Ord. 12-2014 § 3 (Exh. C)].

23.743.050 Prohibited signs.

The signs listed in this section are inconsistent with the purposes and standards of this chapter as described below and as such are prohibited in all zoning districts, unless specifically authorized by another provision of this chapter:

A. Moving or rotating signs, except barber poles at barbershops.

B. Signs with flashing, moving, or animated illumination (e.g., flashing signs), except barber poles at barbershops and electronic readerboards. Sign content must remain static and not change message or appearance and may only change message or appearance after a minimum period of 60 minutes.

- C. Any sign displaying any obscene matter.
- D. Signs located within the clear vision triangle as defined by Improvement Standard 4-18, Visibility Restrictions at Driveways and Intersections, and any future updates thereto.
- E. Signs which imitate or resemble official traffic warning devices or signs, that by color, location, content, or lighting may confuse or disorient vehicular or pedestrian traffic, excluding on-site directional signs as specified in [RCMC Section 23.743.040 \(Sign exemptions\)](#)⁵.
- F. Portable signs (e.g., A-frame sign), except ~~as provided~~ for real estate signs as provided in [RCMC Section 23.743.085 \(Real estate sign standards\)](#) or as permitted as a temporary sign with a temporary use permit as provided in [RCMC Section 23.743.070 \(Allowed temporary on-site sign standards\)](#).
- G. Temporary signs, except when a valid temporary use permit has been issued or as otherwise exempted in [RCMC Section 23.743.0340 \(Permit requirements for signs\)](#).
- H. Inflatable or lighter-than-air devices (e.g., balloon sign) of any kind when attached or secured from the ground or to any object on the ground, except for residential real estate as part of zoning certification and under the standards of [RCMC Section 23.743.085 \(Real estate sign standards\)](#) or except when a valid temporary use permit has been issued as provided for in [Section RCMC 23.743.070 \(Allowed temporary on-site sign standards\)](#).
- I. Portable readerboard advertising devices which are readerboard signs affixed with wheels so as to make them moveable signs.
- J. Signs projecting over roofs and roof signs, except where specifically provided for under the provisions of signs attached to buildings.
- K. Signs projecting from buildings, except where provided for in a special sign district ordinance or otherwise specifically provided for.
- L. Banners, except when allowed through a temporary use permit or a grand opening event as described in [RCMC Section 23.743.070 \(Allowed temporary on-site sign standards\)](#).
- M. Pennant flags and string pennant flags.
- N. Wind signs.
- O. Vehicle signs (large) as defined in this chapter.
- P. Video display signs, ~~prohibited~~ except as provided for in [RCMC Section 23.743.065 \(Standards for electronic message signs\)](#).
- Q. Electronic changeable copy signs, ~~are prohibited~~ except as provided for in [RCMC Section 23.743.065 \(Standards for electronic message signs\)](#).
- R. Digital freeway signs, ~~are prohibited~~ except as provided for in [RCMC Section 23.743.150 \(Digital freeway signs overlay\)](#).
- S. Electronic graphic display sign, ~~prohibited~~ except as provided for in [RCMC Section 23.743.065 \(Standards for electronic message signs\)](#).
- T. Signs with fluctuating illumination ~~are prohibited~~, including any changes in light intensity or use of intermittent, strobe, or moving light that does not fall under the definition of another sign type (e.g., video display sign).
- U. Any other advertising device attached to a building, fence, pole, or vehicle on display not specifically mentioned, unless otherwise provided for in this code.

V. Any sign in the public right-of-way unless otherwise permitted in this code or by the public works director (e.g., encroachment permit).

W. Signs on portions of a structure exempted from the height requirements as described in [RCMC Section 23.701.0450](#) (Height exceptions) when said features exceed the height limit of the underlying zone.

X. Pylon signs [as defined in this chapter](#).

Y. Pole signs [as defined in this chapter](#). [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.050)].

23.743.060 Allowed permanent on-site sign standards.

Table 23.743-1 (Allowed Permanent On-Site Sign Standards) lists the development standards for all on-site permanent signs. These regulations are based on use type, rather than by zoning district, except as otherwise described herein. Only those signs that are permitted are listed. As provided in [RCMC Section 23.743.0340\(A\)](#), all signs require zoning clearance prior to construction/installation, unless otherwise exempted. The purpose of these regulations is to regulate permanent signs that have a commercial message so that they comply and are consistent with the intent of this chapter. Regulations for temporary signs are listed in [RCMC Section 23.743.070](#) (Allowed temporary on-site sign standards). Regulations for off-site signs are listed in [RCMC Section 23.743.080](#) (Allowed off-site sign standards). General development, maintenance, and removal provisions for on-site signs are listed in [RCMC Section 23.743.090 \(General development, maintenance, and removal provisions for all sign types\)](#).

The following rules apply to permanent signs regulated by this section:

A. Collective Sign Area. The total sign area allowed herein for each sign type may be distributed among the maximum number of signs permitted for that sign type. For example, the total allowed area for wall signs for a particular establishment may be distributed amongst the maximum number of wall signs allowed for that same establishment.

B. Sign Area Allowance. Allowable sign area is either a set square footage per establishment or is based on a ratio of sign area to primary building frontage. It is calculated as described in [RCMC Section 23.743.090](#) (General development, maintenance, and removal provisions for all sign types). Where a ratio is described, it applies up to the listed maximum sign area.

C. Building Frontage for Multiple-Story Office Buildings. For multi-story office buildings, the maximum sign area for building-attached signs is based on the primary building frontage of the building, not of the tenants. The total area allowed may be distributed among the tenants at the owner's discretion.

Table 23.743-1: Allowed Permanent On-Site Sign Standards

Sign Type		Maximum Number Permitted	Maximum Area ³	Maximum Height	Illumination Allowed	Minimum Setback from ROW	Other Standards
Home Occupations							
Building-Attached Sign	All types	1/home occupation	4 sf	Not extending above the roofline of the building	No		
Agricultural Uses							
Freestanding Sign	Monument only	1/establishment	Parcels < 5 ac, 16 sf; Parcels > 5 ac, 24 sf	6 ft	No	10 ft	
Permanent Subdivision Identification Signs							

Sign Type		Maximum Number Permitted	Maximum Area ³	Maximum Height	Illumination Allowed	Minimum Setback from ROW	Other Standards
Freestanding Sign	Monument or on fence/wall, not in ROW	1/entrance	24 sf	6 ft	Yes	10 ft	
	Monument, w/in ROW	1/entrance	24 sf	6 ft	No	¹	
Multifamily Dwellings and Complexes							
Building-Attached Signs	All types	1/entrance	24 sf	Not extending above the roofline of the building	Yes		
Freestanding Sign	Monument only	1/entrance	24 sf	6 ft	Yes	10 ft	
Commercial Uses							
Building-Attached Signs	All types	No maximum	< 50 ft from ROW: 2:1; ≥ 50 ft from ROW: 3:1	Not extending above the roofline of the building	Yes		
Freestanding Signs for Individual Buildings Not Part of an Integrated Development	Monument only	1/project entrance	50 sf	10 ft	Yes	10 ft	
Freestanding Signs for Integrated Developments	Monument only	1/project entrance	150 sf/sign	10 ft	Yes	10 ft	
Office Uses							
Building-Attached Signs	All types	1/establishment/building frontage	1:1	Not extending above the roofline of the building	Yes		
Freestanding Signs for Individual Buildings Not Part of an Integrated Development	Monument only	1/project entrance	25 sf	10 ft	Yes	10 ft	
Freestanding Signs for Integrated Developments	Monument only	1/project entrance	50 sf/sign	10 ft	Yes	10 ft	
Industrial Uses							
Building-Attached Signs	All types	No maximum	< 50 ft from ROW: 2:1; ≥ 50 ft from ROW: 3:1	Not extending above the roofline of the building	Yes		
Freestanding Signs for Individual Buildings Not Part of an Integrated Development	Monument only	1/parcel	40 sf	10 ft	Yes	10 ft	
Freestanding Signs for Integrated Developments	Monument only	1/project entrance	40 sf/sign	10 ft	Yes	10 ft	
Automotive Service Stations²							

Sign Type		Maximum Number Permitted	Maximum Area ³	Maximum Height	Illumination Allowed	Minimum Setback from ROW	Other Standards
Building-Attached Signs	All types	No max	125 sf all signs	Not extending above the roofline of the building	Yes		
Freestanding Signs	Monument only	2	36 sf for freestanding signs. 52 sf including pricing signs	10 ft	Yes	10 ft	
Institutional and Public/Quasi-Public Uses							
Building-Attached Signs	All types	1	24 sf	Not extending above the roofline of the building	Yes		
Freestanding Signs	Monument only	1/main entrance	24 sf	6 ft	Yes	10 ft	
Public Assembly Uses							
Building-Attached Signs	All Types	1	36 sf total	Not extending above the roofline of the building	Yes		
Freestanding Sign	Monument only	1	24 sf for freestanding sign	6 ft	Yes	10 ft	

Notes:

1. Within median island, sign must be set back ~~three~~ 3 feet from sides and 12 feet from ends.
2. Excludes the gas pricing component of the subject sign, which is regulated by state law.
3. Maximum total sign area may be exceeded with the approval of a unified sign program. Signage may also be permitted to exceed the total signage allowance based on primary site or building frontage by 25 percent with the approval of a unified sign program. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.060)].

23.743.065 Standards for electronic message signs.

A. Applicability. Permit requirements for electronic message signs are established in RCMC Section 23.743.0340(C). Provisions of this section apply to the following sign types as defined in this chapter:

1. Video display signs;
2. Electronic graphic display signs; ~~and~~.
3. Time and temperature signs.

B. Development Standards. The following provisions apply to electronic message signs:

1. Signs are permitted in any zoning district and must be located a minimum distance of 100 feet from an abutting residential district boundary.
2. An electronic sign(s) ~~or signs are~~ is limited to a maximum of 32 square feet per site and shall be included as part of the total sign area allowances established by Table 23.743-1.
3. Sign must be located on the site of the use identified or advertised by the sign.
4. Audio speaker or any form of pyrotechnics are prohibited in association with any electronic message signs.
5. Illumination levels shall be regulated such that the illumination is appropriate to the time of day through the use of such means as light meters and programmed illumination regulation or LEDs that are designed to limit

the spread of light. Dimmer controls that are automatically responsive to surrounding light levels are highly encouraged.

6. Time and Temperature Signs. A time and/or temperature sign does not count toward the otherwise applicable limits as to number and size of signs for the property on which it is located, provided:

- a. Maximum Area and Height. The sign shall have a maximum area of 36 square feet and shall comply with the height requirements established in Table 23.743-1 (Allowed Permanent On-Site Sign Standards) for the type of sign (building/freestanding) to which it is attached.
- b. Design. The sign shall be designed in a manner that is architecturally compatible with other signs and with the structure on which it is placed. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A)].

23.743.070 Allowed temporary on-site sign standards.

This section describes standards for temporary on-site signs. All temporary signs require a temporary ~~use~~ sign permit prior to their establishment. Temporary commercial signs may include, but are not limited to, signs for special product, sale, or event advertising. All temporary signs must comply with the standards listed in Table 23.743-2 (Allowed Temporary On-Site Sign Standards) and are subject to the following:

A. Time Duration. Permitted for a period not to exceed 60 days. No more than two temporary use permits for temporary signs shall be issued for the same property per calendar year.

B. Sign Area. The allowable combined square footage of all temporary signage on a single property shall not exceed 200 square feet.

C. Illumination. Temporary signs may not be internally illuminated. Any external illumination of temporary signage shall comply with ~~RCMC Section~~ 23.743.090(D).

D. Message. Temporary signs displaying a commercial message shall be limited to on-site signage only. Off-site signage displaying a commercial message shall not be permitted.

E. Prohibited Signs. No prohibited signs identified in ~~RCMC Section~~ 23.743.050 (Prohibited signs) shall be permitted as a temporary sign.

Table 23.743-2: Allowed Temporary On-Site Sign Standards

Type	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW ¹
Commercial, Office, and Industrial Uses, Temporary Building-Attached Signs	2/establishment	2:1	roofline	
Commercial, Office, and Industrial Uses, Freestanding Signs	2/establishment	32 sf/sign	10 ft	5 ft
Commercial, Office, and Industrial Uses, Feather Flags	5/establishment	50 sf	12 ft	5 ft
Commercial, Office, and Industrial Uses, A-frame Signs ²	1/establishment	8 sf	4 ft	5 ft
Commercial, Office, and Industrial Uses, Inflatables	1/establishment	100 sf	25 ft	10 ft
Multifamily Dwelling Complexes (e.g., apartments)	3/complex	< 10 units: 24 sf > 10 units: 32 sf	roofline if on building; otherwise 10 ft	5 ft
Agricultural Uses	1/establishment	5 sf	5 ft	5 ft
Public/Quasi-Public Uses	2/use	5 sf/sign	5 ft	5 ft

Notes:

1. Must be located outside of the clear vision triangle.
2. Must comply with standards in [RCMC Section 23.743.100\(A\)](#).
[Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.070)].

23.743.080 Allowed off-site sign standards.

New off-site commercial signage is prohibited within the city except as permitted in this section and [RCMC Section 23.743.150](#) (~~Digital freeway signs overlay~~). Existing off-site commercial signs (e.g., billboards) not permitted pursuant to subsection (A) of this section or [RCMC Section 23.743.150](#) ([Digital freeway signs overlay](#)) are considered nonconforming signs as regulated by [RCMC Section 23.743.140](#) ([Nonconforming and abandoned signs](#)). However, consistent with state law, the city does permit off-site subdivision directional signs as regulated in [RCMC Section 23.743.085](#) ([Real estate sign standards](#)). Off-site signs shall be regulated as follows:

A. Billboard Relocation. Off-site signs which meet the eligibility criteria outlined below may be relocated from one location to another location, subject to issuance of a conditional use permit from the ~~city~~ council. Billboard relocations that include the use of a digital display area(s) must meet the permit requirements and development standards identified in [RCMC Section 23.743.150](#) ([Digital freeway signs overlay](#)), in addition to the eligibility criteria outlined below.

1. Eligibility Criteria for Existing Signs and Site Locations.

- a. Existing sign has been documented by the applicant/owner to have been lawfully erected and maintained.
- b. Site has not been acquired by any public agency necessitating sign removal.
- c. Existing sign owner and/or property owner has not been notified by the city that the sign must be amortized because it is presently located in an agricultural or residential zone.
- d. The proposed sign location is within an industrial zone.

2. Development Standards for Relocated Signs. Relocated billboard signs shall comply with the following standards:

- a. Area. The maximum area allowed shall be 720 square feet.
- b. Length. The maximum length allowed shall be 50 feet.
- c. Location. Each off-site sign shall be located not less than 300 feet from any other off-site sign nor closer than 75 feet from any on-site freestanding sign. No off-site sign shall be located within 200 feet of a parcel located within any agricultural or residential zone nor shall any such off-site sign be located more than 1,000 feet from a parcel lawfully used for commercial or industrial purposes. Each off-site sign shall be so located that the part of the sign closest to the street right-of-way shall be not less than 50 feet from the right-of-way. An off-site sign may be permitted with a setback the same as the building on the parcel, ~~with a minimum setback of 25 feet~~ [but not less than 25 feet](#).
- d. Height. The maximum height shall be 30 feet.
- e. Measurement of the Spacing of Off-Site Signs Regulated by This Section.
 - i. When measuring the separation of signs or uses along a public street, the location of each sign shall be projected at right angles to the center line of the street and distance measured along the street center line between the two points projected thereto.
 - ii. When measuring distance between signs located on parcels located at intersecting streets, the sign location is to be projected at right angles to the street center line and the distance is measured on the

center line of the two streets between the two projected points. Only one off-site sign shall be permitted per corner parcel.

iii. Any measurement from a sign to another land use zone shall be by straight line measurements from the closest point of the sign to the zoning boundary.

f. Aesthetics.

i. The sign will not require removal or substantial trimming of existing vegetation or landscaping.

ii. The sign will not obstruct or obscure on-site signs on the same or adjacent properties.

g. Traffic Safety.

i. The sign will not be a visibility hazard to traffic on adjacent streets or parking areas.

ii. The sign will not reduce parking availability as required by this title.

iii. The sign will not interfere with on-site vehicular circulation.

h. Compatibility. The sign will not have substantial detrimental effects on views from and light striking adjacent or surrounding properties.

3. Proposed Sign and Site Location Guidelines for Relocated Signs within Automotive and Industrial Areas.

The following guidelines are not mandatory but should be considered by the designated ~~approving authority~~ approval authority during public hearings on conditional use permit applications for relocated signs:

a. All relocated off-site signs should be freestanding and should be built with a single supporting post, if at all possible, and should be located on no more than two supporting posts.

b. Signs should not be relocated into any special sign district.

c. Double-paneled signs should not have an interior angle between the face of the panels greater than 20 degrees. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.080)].

23.743.085 Real estate sign standards.

This section describes the standards for on- and off-site limited term signs associated with real estate sales activities.

A. Allowed on-site real estate signs are exempt from permit, subject to the following limitations:

1. Not more than one on-site for sale sign and one for lease sign is permitted per property frontage.
2. The size of all on-site nonresidential real estate signs is limited to a maximum of 10 feet in height and an area of 32 square feet and shall be set back a minimum of ~~three~~ 3 feet from the right-of-way (window signs are exempt from setback requirement) and shall not obstruct the corner visibility requirements of Improvement Standard 4-18, Visibility Restrictions at Driveways and Intersections.
3. The size of all residential real estate signs is limited to 10 square feet and must be set back a minimum of ~~three~~ 3 feet and shall not obstruct the corner visibility requirements of Improvement Standard 4-18, Visibility Restrictions at Driveways and Intersections.

B. Allowed Off-Site Real Estate Signs. Portable real estate signs located off-~~site~~ from the property advertised, for purposes of directing traffic to the property in question, may be allowed, provided they do not exceed an overall size of ~~nine~~ 9 square feet each, including supports, and do not exceed a height of 30 inches. Such signs may not be located within the public right-of-way and may only be displayed on weekends and holidays when open house sales activities are ongoing (e.g., the home is open to the public for viewing and inspection). One sign may be placed for each change in direction of travel to a maximum of five signs.

C. Allowed Temporary Signs for Subdivision Real Estate Sales. Signs of this type are temporary, limited-term signs that provide direction/location information to motorists and pedestrians for initial home sales of multiple lots with a single builder within a master planned community, including both single-family and multifamily for-sale products. These signs are allowed during active home sales and must be removed when sales have concluded. These signs are exempt from permit, subject to the following limitations:

1. On-Site Subdivision Balloons. Five balloons per sales trailer or model home complex to a maximum height of 65 feet are allowed.
2. On-Site Subdivision Directional Signs. One temporary subdivision directional sign per subdivision entrance to a maximum of six such signs are allowed. Each sign can be up to 32 square feet and a maximum height of 10 feet. Signs must be set back 10 feet from the right-of-way.
3. On-Site Subdivision Flags. Up to 10 flag poles per subdivision are allowed. Flags can be up to 15 square feet each and up to 20 feet tall. Poles must be set back 10 feet from the right-of-way.
4. Weekend Directional Stake Signs. Weekend directional stake signs are those signs customarily displayed on the weekends, measuring less than ~~nine~~ 9 square feet in area, and mounted on wooden stakes. Such signs may be used to identify the name and location of active home sales as part of a new residential subdivision/condominium project; provided, that each face of the sign does not exceed ~~four~~ 4 square feet, and it is mounted such that it is no more than ~~four~~ 4 feet tall from the ground and is set back a minimum of ~~five~~ 5 feet from the edge of the roadway pavement. Additionally, such signs are only allowed on a temporary basis from noon on Friday to no later than noon on the following Monday. In the event that Friday is a nationally recognized holiday, said signs may be erected on Thursday after noon. In the event that Monday is a nationally recognized holiday, said signs may remain in place until Tuesday by noon. In no event may a weekend directional stake sign be located within a roadway median.
5. Off-Site Subdivision Freestanding Signs. Off-site subdivision freestanding signs are allowed within the city limits, up to five such signs per subdivision, to a maximum of 32 square feet and 10 feet in height for each individual sign. These signs are prohibited within the public right-of-way or on any city-owned property. These signs shall be kept in good repair for the duration of the home sales activities. [Ord. 12-2014 § 3 (Exh. C)].

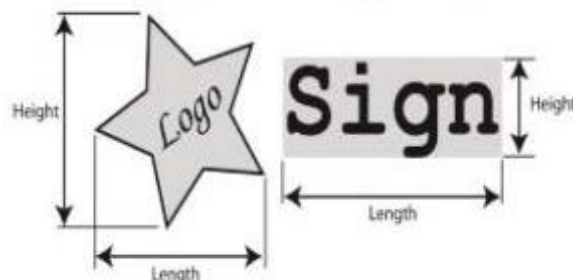
23.743.090 General development, maintenance, and removal provisions for all sign types.

This section describes the standards applied to the development, maintenance, and removal of signs within the city.

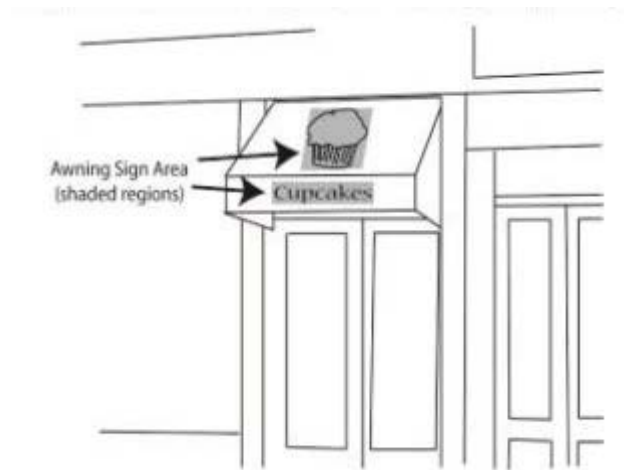
A. Measurement of Sign Area.

1. Generally. When the sign is composed of letters applied to the building without a distinctive background (e.g., channel letters), the area of the sign may be measured by the height of the letters times the length of each line of letters and may be computed at 75 percent; otherwise, the area of the sign shall be measured to the outside perimeter of the sign, including the area of any voids within a simple bounding perimeter. See Figure 23.743-~~5~~ 1 (Sign Area).

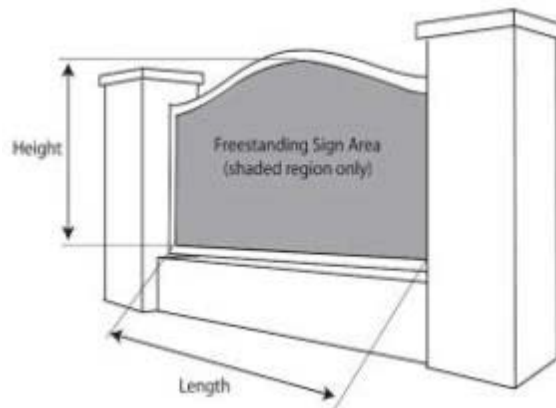
Figure 23.743-~~15~~ 1 Sign Area



2. Awning or Canopy Signs. Sign copy which is applied to an awning or canopy shall be computed at 100 percent of the area within a single rectangle enveloping the sign copy. See Figure 23.743-~~6~~ 2 (Awning or Canopy Sign Area).

Figure 23.743-26 Awning or Canopy Sign Area

3. Freestanding Signs. Freestanding signs are to be computed as total height by the total length of the sign or signs for one side for double-faced signs, excluding framework of separate single wood post or masonry column and single wood or masonry beam. The base of a monument sign is not part of the sign. See Figure 23.743-37 (Freestanding Sign Area).

Figure 23.743-37 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, sculpture, or statue-like trademarks), the sign area shall be measured at their maximum projection upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. Such area contributes to the overall allowable sign area for the development type.

B. Measurement of Sign Height. Sign height shall be measured from the uppermost part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign.

C. Maintenance of Signs. All signs shall comply with the following criteria:

1. All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the building or shall be concealed within the sign.
2. All permanent signs shall be constructed of quality, low-maintenance materials such as metal, concrete, natural stone, glass, and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements.

3. All signs shall be constructed in compliance with any applicable building, electrical, or other code in effect at the time of construction or maintenance, with particular respect to wind and seismic loads and overturning moment.

4. All freestanding signs that incorporate lighting shall have underground utility service.

5. Signs shall be cleaned, updated, and/or repaired as necessary to maintain an attractive appearance and to ensure safe operation of the sign. Unacceptable sign conditions include broken or missing sign faces, broken or missing letters, chipped or peeling paint, water damage, missing or inoperative lights, exposed mechanical or electrical components, and missing or broken fasteners. Failure to respond to a written request from the city to perform maintenance work shall result in revocation of the sign's permit or status as exempt from permit, subject to the appeal provisions of this code.

6. All temporary signs and banners shall be made of a material designed to maintain an attractive appearance for as long as the sign is displayed.

7. All illuminated signs shall be of such intensity or arranged in such a manner so as to avoid unreasonable glare for abutting properties or vehicular traffic.

D. Illumination Standards. The artificial illumination of signs, either from an internal or external source, shall be designed to minimize negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:

1. External light sources shall be directed and shielded to limit direct illumination of an object other than the sign.

2. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impact on residential properties in direct line of sight to the sign.

3. Unless otherwise permitted by another provision of this chapter, signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color, unless otherwise allowed as an electronic message sign.

4. Colored lights shall not be used in a manner so as to be confused with traffic control devices.

5. Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property.

6. Light sources shall utilize energy-efficient fixtures to the greatest extent possible.

E. 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 building surfaces shall be restored to match the adjacent portion of the structure. This provision does not apply to routine maintenance.

F. Setback and Spacing of Freestanding Signs.

1. The minimum setback distance for signs shall be measured from the back of the public right-of-way, unless an encroachment permit is granted.

2. Except as provided herein, setback for signs shall be measured from the future right-of-way as provided by subsection (F)(1) of this section to the closest edge of the sign. For streets which are improved to a width less than the future right-of-way, setback for signs may be measured from the existing improvements meeting current city standards; provided, that a relocation agreement shall be recorded at the owner's expense which guarantees that the property owner agrees to relocate the sign at his/her own expense to the required setback from the right-of-way at such time that the city widens (or causes to be widened) the street to the future right-of-way. For parcels where improvements are not complete to meet present city standards, setback shall be measured from that point which would abut city standard improvements if they were installed. For parcels that do not have existing improvements and where other parcels within the same block have improvements, the

setback may be measured from a projection of existing street improvements within the same block. In no case shall a sign be located within the dedicated right-of-way.

G. Location of Building Signs. Building signs may be located along any frontage of a building that faces directly onto a public right-of-way or an internal circulation path of the site. Orientation of signs such that they face directly onto residential property is to be avoided and is allowed only when there is no practical alternative and the visibility of the sign from the residence is minimized. Building-mounted signage on multi-story buildings shall be integrated into the building architecture and shall not be installed in a manner that results in the sign either extending above the roofline or appearing as such. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.090)].

23.743.100 Special development standards for specific sign types.

This section describes the standards for certain types of signs as defined in [RCMC Chapter 23.1104 23.743.030](#) (Definitions). These provisions are consistent with the development standards for signs as listed in Table 23.743-1 (Allowed Permanent On-Site Sign Standards).

A. A-Frame Signs. A-frame signs may be permitted with a temporary use permit and subject to the standards in Table 23.743-2 and the following:

1. A-frame signs shall only contain information and advertising for the establishment placing the sign.
2. A-frame signs shall not be located within the public right-of-way, clear vision triangle, required path of travel, parking spaces, drive aisles, and landscape planters, and shall not block building entries or emergency exits.
3. A-frame signs shall have a locking arm or other device to stabilize the structure.
4. A-frame signs shall be displayed only during the regular business hours of the establishment.
5. A-frame signs shall not be illuminated.
6. A-frame signs shall be made of sturdy material not susceptible to fading or damage from use and weather. The use of paper or cloth is not permitted unless located within a glass or plastic enclosure.

B. Awning and Canopy Signs. Awning or canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied. Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.

C. Blade/Bracket Signs. All signs projecting over walks, halls, corridors, passageways, or aisles shall be installed in compliance with the Handicapped Access Regulations, California Code of Regulations, Title 24, State Building Code, Part 2, Section 2-1721, entitled "Protruding Objects."

D. Freestanding Signs.

1. Design. The mass/scale of a freestanding sign shall be consistent with the overall design of the building. The design and placement of the sign shall not interfere with the required clear vision triangle.
2. Landscape Requirements. See [RCMC Section 23.716.060\(H\)](#) (Signs).
3. Construction. Only monument signs are permitted types of permanent freestanding signs in the city. Signs constructed with exposed metal poles that are not architecturally integrated into the design of the sign are considered pole signs and are prohibited. Freestanding signs may be constructed with poles as a substructure; provided, that the poles are covered with architectural cladding or coverings so they appear to be architecturally integrated.

E. Building-Attached Signs. Building-attached signs (e.g., wall signs, channel letter signs) shall comply with the following development standards:

1. Location. The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.
2. Maximum Area and Height. The sign shall not project above the edge of a structure and shall comply with the height requirements established in Table 23.743-1 (Allowed Permanent On-Site Sign Standards).
3. Projection from Wall. The sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 18 inches. See [RCMC Section 23.743.090](#) (General development, maintenance, and removal provisions for all sign types) for three-dimensional elements on all signs. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.100)].

23.743.110 Special sign districts.

Nothing within this chapter shall prohibit the city from establishing special sign districts for specific areas or districts of the city. The intent of these special sign districts is to provide a uniform and consistent branding and identification for areas of the city, [such as the downtown and the convention district](#), which would benefit from such regulations. ~~Examples may include, but are not limited to, the downtown and the convention district.~~ As part of the special sign district, the city may adopt special development standards for private party signs that apply to property within this ~~e-special sign~~ district. The designated ~~approving authority~~ [approval authority](#) for adoption of special sign districts shall be the ~~city~~ council and the process for adoption shall be the same as for text amendments to this zoning code. Upon adoption, each special sign district shall be listed herein for reference, and the boundaries and title of the special sign district shall be added to or otherwise designated on the city zoning map. Applications for zoning clearance under the regulations of a special sign district shall be reviewed in the same manner as other zoning clearances for signs. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.110)].

23.743.120 Special sign corridors.

A. Purpose and Designation. The special sign corridors are hereby designated along state highways, county roads, and rivers which accommodate the traveling public. These types of corridors have traditionally attracted large, bright, gaudy signs in an effort to attract the attention of the traveler to a business or a product which may or may not be related to the travel-way or the needs of the traveler. The purpose of the regulations in this section is to make provisions for signs that identify the name and type of business in an aesthetic manner that complements the architecture of the building and serves the needs of the traveling public.

B. Locations and Boundaries of Special Sign Corridors. The following roads, rivers, and other travel-ways shall have a special sign corridor established for them based upon a radius/buffer from the established centerline of the roadway as identified. These special sign corridors and their respective radii shall be delineated on the city zoning map (see [RCMC Section 23.301.030](#), Zoning map).

1. ~~U.S.~~ Highway 50: 1,000-foot radius/buffer.;
2. Sunrise Boulevard from the American River to Jackson Highway: 500-foot radius/buffer.;
3. American River centerline/northern city limits: 500-foot radius/buffer.

C. Permit Required.

1. Within the special sign corridors, an administrative use permit shall be required from the designated ~~approving authority~~ [approval authority](#) prior to issuance of zoning clearance for any freestanding sign located within the special sign corridor. A freestanding sign included in an approved unified sign program provided for by subsection (C)(2) of this section is exempt from the administrative use permit requirement. For all other signs, only zoning clearance (administrative approval) is required.
2. Where the building and facilities are of size, shape, height, or of such geographical conditions or location that office use sign provisions are not appropriate, building-mounted signage and freestanding signs for said parcel or integrated development may be considered by ~~the~~ unified sign program when the designated ~~approving authority~~ [approval authority](#) finds that the proposed sign or signs:

- a. Are proportional and in scale with the buildings.
- b. Are compatible in design, color, and material with the building and surrounding area.
- c. Do not constitute a special privilege over adjoining uses.
- d. Do not block from view existing buildings and existing signs.
- e. Are unobtrusive.
- f. Are in keeping with the intent of the sign regulations.
- g. Do not exceed the height and size allocation established in Table 23.743-1 (Allowed Permanent On-Site Sign Standards) for signs located on parcels in the same zone which are not within the special sign corridor.

D. Applicability to Special Standards. Unless otherwise exempted, all signs proposed for property located either entirely or partially within a special sign corridor shall require issuance of zoning certification and shall conform to the special development standards herein established. Those signs specifically exempted from these special standards include the following:

- 1. Signs otherwise exempt from the requirement for zoning clearance as identified in RCMC Section 23.743.0405 (Sign exemptions), provided they conform to any applicable development standards listed therein (e.g., directional signs);
- 2. Signs for automotive service stations, limited to signage specifically required by state law;
- 3. Signs which can be shown by the applicant through a visual simulation or other quantifiable justification to not be visible from the roadway or travel-way associated with the respective special sign corridor.

E. Prohibited Signs. In addition to the provisions of RCMC Section 23.743.050 (Prohibited signs), the following additional sign types shall be prohibited within special sign corridors:

- 1. Pole signs.
- 2. Any off-site sign except the following:
 - a. Off-site subdivision signs developed consistent with the standards of RCMC Section 23.743.085(C)(5) (Off-Site Subdivision Freestanding Signs);
 - b. Billboards relocated pursuant to the standards of Section RCMC 23.743.080(A) (Billboard Relocation), provided the sign being relocated to the special sign corridor was already located within a special sign corridor.
 - c. Digital freeway signs allowed pursuant to the standards of Section RCMC 23.743.150 (Digital freeway signs overlay), provided the digital freeway sign is a refurbished, existing traditional billboard, or replaces an existing sign that is being relocated from elsewhere within the special sign corridor.

F. Standards for Signs in Special Sign Corridors.

- 1. Generally, all signs located within a special sign corridor, regardless of associated use type or underlying zoning district, shall conform to the development standards listed in Table 23.743-1 (Allowed Permanent On-Site Sign Standards) for office uses.
- 2. The exception to this standard shall be, as described in subsection (D) of this section (Applicability to Special Standards), if an applicant can demonstrate that a proposed sign will not be visible from the roadway or travel-way associated with the respective special sign corridor, that sign may be developed consistent with the provisions for the associated use type.

3. For parcels with no public street frontage and being served by access easement, mutual parking agreement, or a private road, that parcel may have one monument sign at the point of access to a public or private street consistent with the following standards:

- a. The maximum area allowed shall be 24 square feet.
- b. The maximum height allowed shall be ~~six~~ 6 feet.
- c. The minimum setback allowed shall be 10 feet from existing street improvements or right-of-way line, or as otherwise determined by enforcement agency when other than a public street.
- d. A minimum of 50 feet of spacing shall be maintained between the subject freestanding sign and any other freestanding sign.
- e. The sign shall be located within a landscaped area with a minimum of ~~three~~ 3 feet of landscape area in each direction. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.120)].

23.743.130 Gateway signage program.

A. Establishment and Purpose. The city does hereby establish a gateway signage program for the purposes of establishing special signage at key entrances into the city and major districts within the city. The city recognizes that by providing major signage opportunities at key entrances to the city and major districts (e.g., downtown, convention area, regional town center), the businesses, activities, events, and places of the community can be promoted for the greater public benefit.

B. Location Requirements for Gateway Signs. Gateway signs may be located at each of the entrances to the city from U.S. Highway 50, including Bradshaw Road, Mather Field Road, Zinfandel Drive, Sunrise Boulevard, and Rancho Cordova Parkway. Gateway signs must be located on property within the city limits, within the city's public right-of-way, or within the Caltrans right-of-way upon issuance of a Caltrans encroachment permit. Gateway signs may also be located as part of any regional town center zone.

C. Administration, Design, and Operation of Gateway Signs. The gateway signage program is a city-administered program. The process for securing sites, designing the signs, leasing or otherwise providing space on the sign for identification of uses and events in the city, maintaining the signs, and other functions shall be established by ~~city~~ council resolution and may be updated from time to time as deemed necessary by the council. Nothing herein shall prohibit the city from acquiring the services of a private organization for purposes of designing, constructing, maintaining, and operating the sign(s).

D. Special Development Standards for Gateway Signs. Because of the unique location and purpose of gateway signs, the following general development standards shall apply:

1. As a freestanding sign, gateway signs may be either monument or pylon signs. The maximum height allowed shall be 60 feet. The maximum allowed area for all signage on each gateway sign shall be 1,000 square feet.
2. No more than one sign shall be located at each freeway off-ramp site or regional town center zone.
3. The sign should include the city logo and identification, through text and/or iconic signage, of the area of the city with which it is associated (e.g., Cordova Town Center, Sunrise Station, Mills Station/Mather Field).
4. All other development standards listed in ~~RCMC Section~~ 23.743.090 (General development, maintenance, and removal provisions for all sign types) shall be adhered to, especially illumination standards. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.130)].

23.743.140 Nonconforming and abandoned signs.

A. Except as otherwise provided in this chapter, any sign lawfully in use on the effective date of the ordinance codified in this title, or any amendment thereto, shall be considered a legal use and as such may continue to operate and exist, provided:

1. Nonconforming signs shall be kept in good repair and visual appearance. Structural alterations or modifications of any nonconforming sign are prohibited. Structural repair resulting in same size and shape is permitted subject to the provisions of RCMC Title 16. Change of copy on a nonconforming sign shall be allowed, provided the change does not increase the area of the sign (see [RCMC Section 23.743.040, Sign exemptions](#)).

2. Whenever any modifications, alterations, or changes occur or are proposed as provided in Chapter 23.170 [RCMC](#) (Nonconforming Uses and Structures), the sign shall be brought into conformance with the provisions, standards, and regulations of this chapter, requiring issuance of zoning clearance.

B. The [city](#) council or other designated [approving authority](#) [approval authority](#) may, as a condition of rezoning, design review or use permit (any type), or other development entitlement, require any nonconforming sign on the applicable property to be removed or altered so as to comply with the provisions of this chapter.

C. Off-site signs, except off-site subdivision directional signs that were lawfully erected pursuant to the zoning code in effect immediately prior to December 26, 1985, and which do not comply with Sacramento County Ordinance No. SZC 85-124, shall be nonconforming signs subject to the remedies in Business and Professions Code Section 5412. The failure to have a conditional use permit for an off-site sign as of December 26, 1985, shall not, by itself, cause a sign to become nonconforming.

D. Sign structures which have no message attached to them for more than 90 days shall be considered abandoned signs and as such may be abated by the city. For regulatory purposes, any factors indicating abandonment shall not begin occurring until 90 days after the ordinance codified in this chapter first goes into effect.

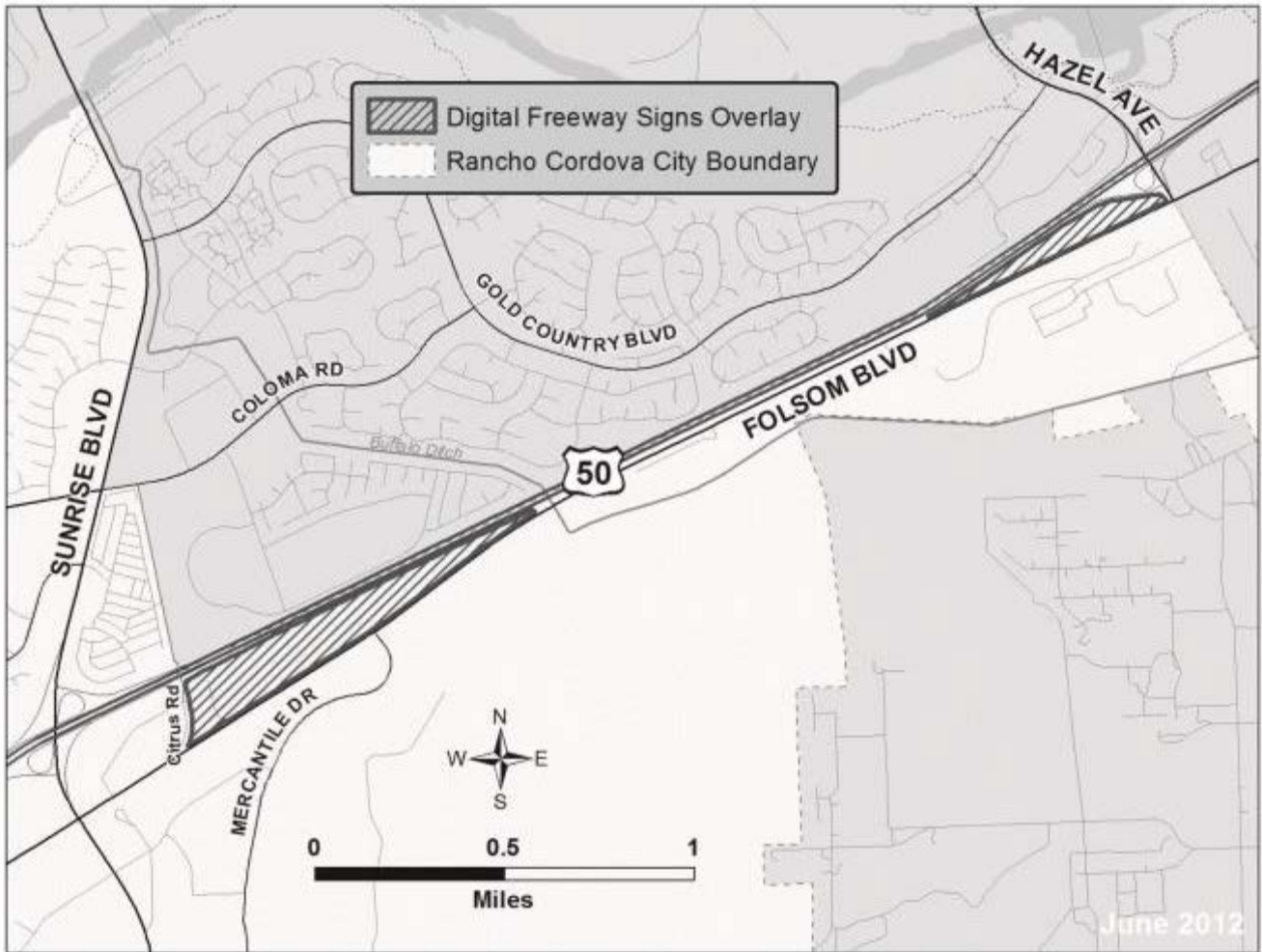
E. Abandoned Signs. An abandoned sign pursuant to [RCMC Chapter 23.1104 \(Definitions\) 23.743.030](#) shall be removed or altered within 90 days after it becomes an abandoned sign. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.140)].

23.743.150 Digital freeway signs overlay.

A. Purpose and Designation. The digital freeway signs overlay is hereby established to enable the consideration of digital freeway signs in certain, specific locations within the city. Digital freeway signs located within the overlay area that meet the development standards established below may be permitted through a conditional use permit. Digital freeway signs are only allowed as billboard relocations or as conversions of an existing billboard in place.

B. Location. The digital freeway signs overlay encompasses two specific geographies in the northeastern area of the city. As seen in Figure 23.743-~~84~~, the Sunrise Boulevard area is bound by Highway 50 on the north, Folsom Boulevard on the south, Citrus Road on the west, and the terminus of the industrially zoned parcels on the east. Also, as seen in Figure 23.743-~~84~~, the Hazel Avenue area is bound by Highway 50 on the north, Folsom Boulevard on the south, and Hazel Avenue on the east. Digital freeway signs proposed outside of these two specific areas are prohibited.

Figure 23.743-48: Digital Freeway Signs Overlay Location



C. Development Standards.

1. Legally existing billboards may be refurbished to become a digital freeway sign, subject to the development standards below and issuance of a conditional use permit.
 - a. Number of Faces. A digital freeway sign may consist of, at most, two digital display areas, each positioned to be visible only by opposing directions of traffic. Double-faced signs shall not have an interior angle between the face of the panels greater than 45 degrees.
 - b. Height. The maximum height shall be 60 feet.
 - c. Area. The maximum area of each digital display area is 672 square feet.
 - d. Distance between Signs. No digital freeway sign shall be located within 2,500 feet of any other digital freeway sign within the city limits.
 - e. Sign Structure. The sign structure supporting and surrounding the digital display area shall be as small as feasibly possible so as to avoid any unnecessary height or width to the sign. The sign structure shall not add stylistic or architectural detailing to further call attention to the sign.

f. Pole Cladding. Decorative pole covering is required for newly constructed digital freeway signs as well as any existing traditional billboard that is converted to a digital freeway sign. Such covering shall be simple and streamlined in material and design so as to not call further attention to the sign.

g. Message Display. Digital freeway signs shall display static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement in or on any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include flashing or scintillating lighting, or varying light intensity.

h. Minimum Display Time. Each message on the sign must be displayed for a minimum of eight seconds.

i. Illumination. Digital freeway 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.

j. Aesthetics. The sign will not require substantial trimming or reduction of existing vegetation and landscaping. The sign will not obstruct or obscure on-site signs on the same or adjacent properties.

k. Traffic Safety. The sign shall not create a visibility hazard to traffic on adjacent streets, freeways, or parking areas. The sign will not reduce parking availability as required by this title. The sign will not interfere with on-site vehicular circulation.

l. Future Technologies. There may be alternate, preferred, or superior technology available in the future to illuminate digital freeway signs. These alternate technologies may be incorporated into existing legally permitted digital freeway signs in the future without additional permissions from the ~~city~~ council so long as (i) the requisite maximum brightness standards are met and (ii) no exterior physical change to the digital display area will occur. The owner is responsible for obtaining any required ministerial permits for technology improvements as required by applicable code standards. The city will expedite any such required approvals for technology that is superior in energy efficiency over previous generations or types.

m. Community Messaging. The city shall be provided with access to a portion of the total available display time to allow the city to present messages of community interest. This access shall also include other appropriate agencies for the purpose of displaying public safety messages such as "Amber Alert" messages and emergency-disaster communications.

n. Quality and Maintenance Plan. The applicant must establish a quality and maintenance plan in order to ensure implementation of all above-listed development standards and to ~~en~~assure the proper maintenance and repair of the digital freeway sign as needed.

2. Billboard Removal. For every one digital freeway sign installed, the applicant must permanently remove at least four legally existing billboard structures (each of which may have more than one billboard sign face) within the city prior to operation of the digital freeway sign. An existing billboard being refurbished as a digital freeway sign may count as one of the four required permanent removals.

3. Operating Agreement. At the applicant's request, the city and applicant may enter into an operating agreement in conjunction with the issuance of a conditional use permit for a digital freeway sign. The city and applicant may use the operating agreement, on a case-by-case basis, to deviate from the development standards in subsection (C)(1) of this section or reduce the required billboard removals under subsection (C)(2) of this section. The ~~city~~ council will only approve an operating agreement if it determines that the operating agreement achieves community benefits that are equivalent to those that would be achieved through strict compliance with subsections (C)(1) or (C)(2) of this section. [Ord. 12-2014 § 3 (Exh. C); Ord. 23-2012 § 3 (Exh. A); Ord. 16-2012 § 3 (Exh. A)].

RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 – ZONING CODE

Public Hearing Draft November 14, 2016

Article 9

Specific Use Provisions

Overview

This Article includes special provisions for certain land use categories and activities. These regulations are in addition to other development standards and regulations in other parts of this Code, such as Article 7 (Site Planning and Development Standards). The intent of this Article is to ensure that the uses regulated are compatible with the surrounding uses.

Article 9. Specific Use Provisions¹**Overview**

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Article 9 Contents

Chapter 23.901 – Residential Uses

Chapter 23.904 – Agricultural, Resources, and Open Space Uses

Chapter 23.907 – Utility, Transportation, and Communication Uses

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Chapter 23.901

RESIDENTIAL USES

Sections:

23.901.010	Purpose and applicability.
23.901.020	Caretaker housing.
23.901.030	Home occupations.
23.901.040	Live/work facility.
23.901.050	Mobile homes and mobile home parks.
23.901.060	<u>Accessory Second dwelling units.</u>
<u>23.901.065</u>	<u>Junior Accessory dwelling units.</u>
23.901.070	Senior independent living facility.
23.901.080	Family day care (large).
23.901.090	Residential care home (large).

23.901.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to establish site planning, development, and/or operating standards for caretaker housing, home occupations, live/work facilities, mobile homes, mobile home parks, and accessory dwelling units. It is the city's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by applying special design requirements, regulating activities within the use, and establishing special setback and other development standards.

B. Applicability. The regulations and standards contained in this chapter shall apply only to caretaker housing, home occupations, live/work facilities, mobile homes, mobile home parks, and accessory dwelling units as expressly identified in the corresponding sections and shall be in addition to any other development standards and regulations contained elsewhere within this zoning code (e.g., lighting, landscaping, parking). These uses may only be located in those zoning districts as described in, and shall only be authorized in concert with, the permit requirements of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.1.010)].

23.901.020 Caretaker housing.

A. Purpose and Applicability. The regulations contained in this section shall apply to caretaker housing as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new caretaker housing shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as with other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply.

B. Associated Use. One caretaker housing unit may be permitted in conjunction with an otherwise permitted nonresidential use on the same property. The caretaker unit must be associated with and directly support the nonresidential use of the property (e.g., night watchman or site superintendent for an industrial use).

C. Occupancy. Occupancy of the caretaker unit shall be limited to the caretaker or superintendent of the associated nonresidential use of the site and his or her household.

D. Design. The design of the caretaker unit shall be consistent and uniform with the design of the associated use. Temporary trailers as caretaker units may be permitted with issuance of a temporary use permit (see Chapter 23.116 RCMC, Temporary Use Permits) for a period of not more than six months as described in Chapter 23.922 RCMC (Temporary Uses). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.1.020)].

23.901.030 Home occupations.

A. Purpose and Applicability. The regulations contained in this section shall apply to home occupations to ensure the compatibility of the home occupations with the principal residential uses in order to protect the integrity and character of neighborhoods.

~~B. Definition. A “home occupation” is an accessory, nonresidential business activity that is conducted within a dwelling by its inhabitants, incidental to the residential use of the dwelling, which does not change the character of the surrounding area by generating more traffic, noise, or storage of material than would be normally associated with a residential zone.~~

~~B.C.~~ Approval Process. A home occupation shall not be conducted prior to approval of zoning certification (see Chapter 23.113 RCMC, Zoning Certification).

~~C.D.~~ Business License. A business license from the city is required for any home occupation.

~~D.E.~~ Performance Standards. It is the intent of the following standards to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity. These standards shall be incorporated as conditions of the zoning clearance. Failure to comply with these standards will result in revocation of the home occupation permit and/or business license.

1. Number of Home Occupations. There is no limit on the number of home occupations at a residence; provided, that the performance standards identified in this section are met. All of the following standards are calculated and/or applied based on a single residence.
2. Employees. Off-site employees or partners are permitted as part of the home occupation so long as they do not report for work at the subject property.
3. Habitable Floor Area. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
4. Off-Site Effects. There shall be no mechanical equipment or operation used which creates or makes dust, odor, vibration, or other effects detectable at the property line. Noise level at the property line shall not exceed 55 dBA and shall comply with the city’s noise ordinance (Chapter 6.68 RCMC). No process shall be used which is hazardous to public health, safety, morals, or welfare.
5. On-Site Sales. There shall be no products sold on the premises except artist’s originals or products individually made to order on the premises except as provided by the California Health and Safety Code for cottage food operators and except as specified in subsection (E)(7) of this section.
6. Products which are not artist’s originals or individually made to order may be constructed on site, using equipment normally found in a residence; however, these products may only be sold at a permitted commercial location.
7. Servicing, repair and sales of firearms are permitted, subject to obtaining any state or federal license.
8. Display. There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.
9. Traffic/Vehicles. The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than two additional vehicles at the home at any one time. No motor vehicle that is used or kept on the premises in conjunction with the home occupation shall exceed two axles or a length of 20 feet.
10. Storage. There shall be no storage of material or supplies within view of a public right-of-way and storage shall not utilize a required parking space (e.g., within a required garage).
11. Exterior Appearance. There shall be no remodeling or construction of facilities especially for the home occupation which changes the external appearance of the neighborhood from a residential to a more commercial look when viewed from the front of the building.
12. Signs. Signs shall be allowed for the home occupation in accordance with Chapter 23.743 RCMC (Signs).

13. Visitors and Customers. Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than one business visitor an hour and eight a day, during the hours of 8:00 a.m. to 7:00 p.m. (regardless of how many businesses operate out of the home).

14. Deliveries. Deliveries shall not exceed those normally and reasonably occurring for a residence and not more than one delivery of products or materials a week. Deliveries of materials for the home occupation shall not involve the use of commercial vehicles except for FedEx-, UPS-, or USPS-type home pickups and deliveries.

15. Hazardous Materials. No storage of hazardous materials is permitted beyond normal household use. Businesses that require hazardous chemicals (e.g., pest control, pool cleaning, etc.) are not permitted as home occupations.

E.F. Limitations on Specific Home-Based Businesses.

1. Certified massage practitioners are permitted if the following criteria are met:
 - a. Only one client is on site at a time and by appointment only.
 - b. The use shall be conducted on a part-time basis.
 - c. The practitioner must submit proof of a certificate of training from a state-approved school (e.g., Department of Education, Office of Post Secondary Education).
 - d. The use will not be conducted in such a fashion as to constitute a public or a private nuisance.
2. Mobile food vendor vehicles cannot be parked at a private residence (see mobile food vendor limitation in RCMC 23.910.040).
3. Taxicab, limousine, or pedicab service shall not be on call and available for service; no vehicle shall be dispatched from the residence by radio, telephone, or other means, but may be parked at the residence when not in service.
4. Cottage food operations, as defined by and consistent with the requirements of the California Health and Safety Code, are limited to one full-time employee, not including a family member or household member of the cottage food operation.

E.G. Prohibited Home Occupations.

1. Alcohol beverage manufacturing or sales business;
2. Ambulance service;
3. Ammunition reloading, including custom reloading;
4. Boarding house, bed-and-breakfast hotel, timeshare condominium;
5. Carpentry, cabinet makers;
6. Ceramics (kiln of six cubic feet or more);
7. Firearms sales;
8. Health salons, gyms, dance studios, aerobic exercise studios;
9. Medical, dental, chiropractic, or veterinary clinics;
10. Mortician, hearse service;

11. Noncertified massage practitioners;
12. Palm reading, fortunetelling;
13. Private clubs;
14. Repair or reconditioning of boats or recreation vehicles;
15. Restaurants or taverns;
16. Retail sales from site (except direct distribution of artist's originals, and as provided by the California Health and Safety Code for cottage food operations);
17. Storage, repair, or reconditioning of major household appliances;
18. Storage, repair, or reconditioning of motorized vehicles or large equipment on site;
19. Tattoo service;
20. Tow truck service;
21. Veterinary uses (including boarding);
22. Welding services. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.1.030)].

23.901.040 Live/work facility.

A. Purpose and Applicability. The regulations contained in this section shall apply to live/work facilities as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new live/work facilities shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply.

B. Limitations on Use. The nonresidential component of a live/work facility shall be a use allowed within the applicable base zoning district; however, the uses and activities described below shall be prohibited:

1. Any automobile and vehicle uses as listed in Chapter 23.1101 RCMC (Land Use Descriptions).
2. Any special regulated uses as listed in Chapter 23.1101 RCMC (Land Use Descriptions).
3. Any activity which involves:
 - a. Storage of flammable liquids or hazardous materials beyond those normally associated with a residential use;
 - b. Welding, machining, or any open flame work; and/or
 - c. Major manufacturing as defined in Chapter 23.1101 RCMC (Land Use Descriptions).
4. Any other activity or use as determined by the planning director as incompatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or that would be hazardous because of materials, processes, products, or wastes.

C. Density. Live/work units shall comply with the density regulations of the applicable base zoning district.

D. Design Standards.

1. Floor Area Requirements. No more than 50 percent of the ground floor area shall be reserved for living space. Up to 100 percent of the ground floor area may be dedicated to working space.
2. Separation and Access. Each live/work unit shall be separated from other units and other uses in the structure. Access to each unit shall be provided from common access areas, corridors, or halls, and the access to each unit shall be clearly separate from other live/work facilities or other uses within the same structure.
3. Facilities to Accommodate Commercial or Industrial Activities. A live/work facility shall be designed to accommodate commercial or industrial uses, as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.
4. Integration of Living and Working Space. The living space within the live/work facility shall be designed as an integral part of the unit and not with separate access from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this section, and living and working space may be separated by interior courtyards or similar private space.
5. Parking. Each live/work facility shall comply with the parking standards of Chapter 23.719 RCMC (Parking and Loading).

E. Nonresident Employees. Up to two persons who do not reside in the live/work unit may work in the unit at any one time. Additional employment may be permitted through issuance of a limited use permit based on findings that the employment will not adversely affect traffic and parking conditions in the vicinity of the site.

F. Changes in Use. After approval, a live/work facility shall not be converted to entirely residential use, nor shall the ratio of living space to working space be changed, unless authorized through limited use permit approval. As part of the approval of the limited use permit, the designated approving authority must find that the exclusive residential use will not impair the ability of nonresidential uses on and adjacent to the site to continue operating because of potential health or safety concerns or nuisance complaints raised by the exclusively residential use and/or its occupants. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.1.040)].

23.901.050 Mobile homes and mobile home parks.

A. Purpose and Applicability. This section applies to new and existing mobile homes and mobile home parks within the city. The purpose of this chapter is to establish standards for the development, modification, and operation of mobile home parks.

~~B. Definitions. For purposes of this section, the following terms shall have the definitions set forth herein.~~

~~1. "Mobile/manufactured home" means a trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including a recreational vehicle, commercial coach, or factory built (modular) housing (single family dwelling). A mobile home on a permanent foundation is included under the definition of single family dwellings.~~

~~2. "Mobile home park" means a residential facility arranged or equipped for the accommodation of two or more mobile homes, with spaces for such mobile homes available for rent, lease, or purchase, and providing utility services and other facilities either separately or in common to mobile home spaces therein.~~

~~B~~C. Special Standards for Mobile Homes. Mobile homes outside of a mobile home park shall comply with the standards set forth for single-family homes in Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards), as well as the following criteria:

1. A mobile home must be built on a permanent foundation as approved by the building department.
2. It must have been constructed after June 15, 1976, and must be certified under the National Manufactured Home Construction and Safety Act of 1974.
3. The unit's skirting must extend to the finished grade.

4. Exterior siding must be compatible with adjacent residential structures, and shiny and metallic finishes are prohibited.

~~C.D.~~ Mobile Home Parks. Mobile home parks must be constructed and designed according to state law.

~~D.E.~~ Management and Maintenance. Every mobile home park community shall be properly managed to ensure maintenance of common facilities and to ensure individual home sites are developed and maintained in accordance with recorded rules and regulations for the park. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.1.050)].

23.901.060 Accessory ~~Second~~ dwelling units.

A. Purpose and Applicability. This section applies to accessory dwelling units within the city. ~~Accessory Second~~ dwelling units are permitted by right in the agricultural, residential, and residential mixed-use zoning districts subject to the standards of this section. The purpose of this chapter is to regulate ~~accessory second~~ dwelling units in residential zoning districts and on residential property consistent with state law (California Government Code Section 65852.150 et al.). Implementation of this section is intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

~~B. Definitions. For purposes of this section, the following terms shall have the definitions set forth herein.~~

~~1. "Primary dwelling unit" means an existing single family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities occupied and intended for one household.~~

~~2. "Second dwelling unit" means an attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation situated on the same parcel as the primary dwelling unit. This definition includes granny flats. This definition shall also include:~~

~~a. Efficiency unit as defined in Section 17958.1 of the California Health and Safety Code;~~

~~b. Manufactured home as defined in Section 18007 of the California Health and Safety Code.~~

~~3. "Guest house/pool house" means an attached or detached habitable structure with only sleeping, living, and bathroom provisions, exclusive of kitchen or cooking facilities. Such structures shall not be used or rented as a separate dwelling for permanent living quarters unless a conditional use permit is granted to do so.~~

~~B.C.~~ Development Standards. Pursuant to Government Code Section 65852.2, ~~accessory dwelling second~~ units shall be permitted on agricultural, residential, and residential mixed-use parcels when the following conditions are met:

1. ~~Accessory dwelling second~~ units shall only be located on lots with an area of 5,000 square feet or larger.
2. ~~Accessory dwelling second~~ units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit. City may impose additional standards (such as parking, height, and setback standards) to ensure that accessory dwelling units shall not have adverse impacts on any real property that is listed in the California Register of Historic Places.
3. No more than one ~~accessory second~~ dwelling unit shall be allowed per parcel.
4. The property owner shall occupy either the primary unit or ~~accessory second~~ dwelling unit. The property owner shall record a declaration acknowledging owner occupancy, recorded with the property as a condition of the administrative permit.
5. An ~~accessory second~~ dwelling unit shall not exceed 1,200 square feet, excluding garage area. The floor area for attached accessory dwelling units shall not exceed 50 percent of the existing living area.
6. Building setbacks for ~~accessory second~~ dwelling units shall comply with all required building setbacks for the primary unit.

7. The maximum height of a detached accessory second dwelling unit shall not exceed the height of the primary dwelling unit.

8. No accessory second dwelling unit may be sold separately from the primary dwelling unit.

9. Parking. See Chapter 23.719 RCMC (Parking and Loading).

10. No fire sprinklers shall be required in an accessory dwelling unit if fire sprinklers are not required for the primary residence.

11. A building permit application shall be ministerially approved for an accessory dwelling unit contained within the existing space of a single-family dwelling or accessory structure that has independent exterior access and the side and rear setbacks are sufficient for fire safety.

[Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.1.060)].

23.901.065 Junior accessory dwelling units

A. Purpose and Applicability. This section applies to junior accessory dwelling units, as defined in Chapter 23.1104, within the city. Junior accessory dwelling units are permitted by right in single-family residential zoning districts subject to the standards of this section. The purpose of this chapter is to regulate junior accessory dwelling units in single-family residential zoning districts and on residential property consistent with state law (California Government Code Section 65852.22). Implementation of this section is intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

B. Limitations. Pursuant to Government Code Section 65852.22, only one junior accessory dwelling unit shall be permitted per residential lot zoned for single-family residences with a single-family residence already built on the lot.

C. Owner-occupancy. The property owner shall occupy either the primary unit or junior accessory dwelling unit. The property owner shall record a declaration acknowledging owner occupancy, recorded with the property as a condition of the administrative permit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

D. For parcels with a junior accessory dwelling unit, a deed restriction shall be recorded and run with the land that includes:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section 23.901.065.

E. Development Standards. Pursuant to Government Code Section 65852.22, junior accessory dwelling units shall be permitted on single-family residential parcels when the following conditions are met:

1. The junior accessory dwelling unit must be constructed within the existing walls of the primary structure, and must include an existing bedroom.

2. The junior accessory dwelling unit must include a separate entrance from the main entrance to the primary structure, with an interior entry to the main living area. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.

3. The junior accessory dwelling unit must include an efficiency kitchen, which shall include all of the following:

- a. A sink with a maximum waste line diameter of 1.5 inches;
- b. A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas; and
- c. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- 4. No additional parking may be required by the city as a condition to grant a permit for a junior accessory dwelling unit.

F. An application for a permit pursuant to this section shall, notwithstanding Government Code section 65901 or 65906 or any city ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. The city may charge a fee based on the costs incurred in connection with the issuance of a permit pursuant to this section.

G. For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit the city from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit, so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

H. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

I. This section shall not be construed to prohibit the city from adopting an ordinance or regulation related to parking or a service or a connection fee for water, sewer, or power that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

23.901.070 Senior independent living facility.

A. Elevators shall be provided for all multi-story structures; or

B. A management program shall be in place to address the aging in place issue that is acceptable to the director. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.1.070)].

23.901.080 Family day care (large).

A. Plans shall be approved by the fire department prior to any approval and additional fire protection measures may be required.

B. City business license is required.

C. Any required play area cannot be contained within any front or side setbacks.

D. Use of converted garages for day care use is not permitted.

E. Minimum lot size of 5,000 square feet is required.

F. A family day care (large) is not permitted within 300 feet of another family day care facility (large or small).

G. One additional off-street parking space is required for each employee. These spaces can be provided in a driveway and can have a tandem orientation. [Ord. 12-2011 § 3 (Exh. A)].

23.901.090 Residential care home (large).

A. Plans shall be approved by the fire department prior to any approval and additional fire protection measures may be required.

B. City business license is required.

C. Minimum 1,000-foot separation is required between other residential care home facilities. [Ord. 12-2011 § 3 (Exh. A)].

¹ Code reviser's note: Ordinance 13-2013 Exhibit B sets out all of Article 9 without intending to amend the entire article. Only sections intended to be amended by the ordinance cite the ordinance in the section's legislative history.

Chapter 23.904

AGRICULTURAL, RESOURCE, AND OPEN SPACE USES

Sections:

- 23.904.010 Purpose and applicability.
- 23.904.020 Agricultural activities.
- 23.904.030 Urban Agriculture.

23.904.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to establish site planning, development, and/or operating standards for agricultural, resource, and open space land uses and/or activities that are allowed by Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) within individual or multiple zoning districts. It is the city's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses.

B. Applicability. The regulations and standards contained in this chapter shall apply only to those uses expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within this zoning code (e.g., lighting, landscaping, parking). These uses may only be located in those zoning districts as described herein and shall only be authorized in concert with the permit requirements of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). Specifically, this chapter covers those uses within the agricultural, resource, and open space land use categories. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.2.010)].

23.904.020 Agricultural activities.

A. Purpose and Applicability. The purpose of this section is to establish development and operating standards for incidental agricultural activities and intensive agricultural activities. The intent of these provisions is to mitigate the potential adverse impacts of these activities on adjacent and surrounding land uses while implementing the city's right to farm ordinance (RCMC Title 14). Uses subject to these standards include:

1. Incidental agricultural uses pertaining to estate uses common in estate residential districts (ER), including row crop cultivation and animal husbandry other than kennels; hog farms; feedlots; equestrian activities that consist of riding stables, boarding stables, and riding academies, whether private or commercial; and the keeping of domestic pets, exotic pets, livestock, and poultry, provided the activity is conducted on a hobby-type basis for personal use or consumption and that such activity is not a primary use of the premises; and
2. Intensive agricultural activities pertaining to agricultural uses common in the agricultural zoning districts (AG-80 and AG-20), including the cultivation and tillage of the soil; dairying; the production, cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture; the raising of livestock, fur-bearing animals, fish, or poultry; and any practices performed by a farmer or on a farm as incidental to or in conjunction with farming operation, including preparation for market, delivery to storage or to market, or to carriers for transportation to market, as protected in the city's right to farm ordinance (RCMC 14.05.030).

B. Development Standards for Incidental Agricultural Activities. In addition to the development standards of the underlying zoning district, the following special standards apply to all incidental agricultural activities:

1. Yards and Height. All buildings and structures erected or maintained on any lot or parcel for uses set forth in this section shall have yards and height limitations as follows:
 - a. All barns, stables, and other structures used for the housing of animals on any lot or parcel used as a commercial, public, or private stable or for incidental agricultural uses shall be located not less than 25 feet from all property and street right-of-way lines, except as otherwise herein provided. Said buildings or structures shall not exceed one story, except for a storage loft, nor be greater than 24 feet in height, unless a conditional use permit is first obtained from the city council.

2. Building Area. The maximum area of buildings or structures used for incidental agricultural uses shall be limited to 1,000 square feet, unless a conditional use permit is first obtained from the city council.

3. Lot Area. The minimum lot area for any lot used for any use set forth in this section, whether such use is a principal use of the property or is incidental to another principal use, shall be the area specified in this code applicable to the zone in which the property is located or the area hereinafter specified, whichever is the greater:

- a. For any commercial or public stable, the minimum lot area shall be the area specified in this code applicable to the zone in which the property is located, or three acres, whichever is the greater.
- b. For any private stable, the minimum lot area shall be the area specified in this code applicable to the zone in which the property is located, or 20,000 square feet, whichever is the greater.
- c. For the keeping of small animals (with a weight of less than 75 pounds at maturity), other than domestic pets as defined in Chapter 23.1101 RCMC, on a noncommercial scale as an incidental use, the minimum lot area shall be the area specified in this code applicable to the zone in which the property is located, or 10,000 square feet, whichever is the greater.
- d. For any other incidental agricultural use, the minimum lot area shall be 20,000 square feet.
- e. For the incidental keeping of animals on any parcel or lot, a minimum lot area is not required; provided, that:
 - i. The conditions, standards, and requirements of the Rancho Cordova Municipal Code are met to the satisfaction of the chief of animal control.
 - ii. All areas devoted to such uses shall comply with the standards adopted by the Department of Public Health relative to noise, dust, odor, and pests, and shall be maintained to the satisfaction of the Director of Public Health.
 - iii. The keeping of animals on lots smaller than 20,000 square feet, except for the keeping of animals provided for in subsection (B)(3)(c) of this section, shall be conducted in accordance with a development plan and management plan approved by the city council at a public hearing for a conditional use permit.
 - iv. The provisions of this section shall not apply to public or private stables, or where such animals are kept as a general agricultural use.

4. Riding Stables and Corral Standards. In addition to the requirements set forth in this chapter, riding stables, boarding stables, and riding academies, whether private or commercial, shall not be erected, located, enlarged, or maintained without complying with the following standards:

- a. Any corral, riding ring, or exercise yard used for keeping horses shall be enclosed by fence or other enclosure; and no part of any such corral, riding ring, or exercise yard shall be located closer than 20 feet from any door, window, or other opening of any building or structure on the same or any other parcel used or designed to be used for human habitation.
- b. All fences which enclose livestock shall be designed, constructed, and maintained as provided in Chapter 23.731 RCMC (Fences, Walls, and Screening).
- c. An operator of a commercial or private stable shall not allow dust, odor, or flies to become a public nuisance according to the provisions of the Public Health and Safety Code and at a minimum shall comply with the following:
 - i. The operator of a stable shall take every reasonable precaution to prevent the breeding of flies or the emission of dust or odors into the neighborhood. Reasonable precautions shall include:

- ii. Routine manure and bedding clean-out of stalls and routine cleanup of manure deposited on the property.
 - iii. Maintaining sufficient natural vegetation.
 - iv. Watering down the corral area as often as necessary.
 - v. Disposal of animal wastes in a manner and location approved by the department of health, such as:
 - (A) Properly drying or composting, away from neighboring properties;
 - (B) Burying (two feet minimum); and/or
 - (C) Removal to approved disposal site.
 - vi. All areas shall be maintained in a sanitary condition and in compliance with the following standards: water usage and drainage shall not mix with manure accumulations and shall not be disposed of contrary to local and state requirements.
 - vii. Animal feed shall be stored and utilized in a manner that will not encourage rodent populations.
- C. Development Standards for Intensive Agricultural Activities. In addition to the development standards of the underlying zoning district and Chapter 14.05 RCMC, the right-to-farm ordinance, the following special standards apply to all intensive agricultural activities:
1. The right to conduct intensive agriculture shall not invalidate any provisions contained in the Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 (commencing with Section 13000) of the State of California Water Code, if the agricultural activity, operation, or facility, or appurtenances thereof, constitutes a nuisance, public or private, as specifically defined in any such provisions (RCMC 14.05.050(C)) to the satisfaction of the director.
 2. Agricultural operation shall be conducted in a manner consistent with accepted agricultural practices. If residents raise complaints that agricultural activities are not conducted in a reasonable manner or that operations are not conducted according to currently acceptable methods, a complaint may be filed according to the provisions established in the municipal code. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.2.020)].

23.904.030 Urban Agriculture.

A. An urban agricultural activity is the production of food in a form and scale that is appropriate for the urban context. Urban agriculture includes: Market garden, private community garden, public community garden, private garden, and aquaculture.

1. Development Standards for Urban Agriculture Activities. An individual wanting to conduct Urban Agricultural activities on their property must first obtain any necessary permits or approvals from the City acknowledging and agreeing to all applicable development standards below. This includes Zoning Certification for uses allowed by right in a particular zoning district to ensure compliance with relevant standards.

a. Maintenance.

- i. Urban agriculture uses shall be maintained in a clean and orderly manner, including litter removal, irrigation, weeding, pruning, pest control and removal of dead or diseased plant materials.

b. Equipment.

- i. Heavy equipment may be used initially to prepare the land for agriculture use.

ii. Landscaping equipment designed for household use is permitted.

iii. Equipment when not in use must be enclosed or otherwise screened from sight.

d. Structures.

i. On-site urban Agricultural stands are allowed up to a maximum 120 square-feet in non-residential and mixed use districts. Structures shall be set back a minimum of 5 feet from the public right-of-way and property line.

ii. Structures to support urban agriculture, such as storage sheds, hoop-houses, and greenhouses, are permitted, subject to compliance with the regulations of the underlying zone relative to structural setbacks and lot coverage as appropriate.

e. Signage.

i. A maximum of 4 square feet of signage is allowed but the sign may only be displayed during approved business hours and be located on the same property where produce is being sold. Compliance with Chapter 23.743 of the RCMC is required.

f. Front Yard Setback

ii. The maximum height of any crop located in the front yard setback is 5 feet (i.e., corn, peas, etc.) and outside of the required clear visibility triangle at the intersection of streets and driveways.

g. Aquaculture operations.

i. The operation shall be contained entirely within an enclosed structure that meets the requirements of the underlying zoning, or in a yard that is screened from view of adjacent streets by fencing or landscaping.

h. Temporary sales of produce in residential zoning districts:

i. Produce may be sold from a residential garage and/or table located within the front yard setback and a minimum distance of 5 feet from the public right-of-way.

ii. Any tables, chairs, canopies, umbrellas, or other accessories needed for the sale of on-site produce must be temporary in nature and must be taken down and stored out of public view at the end of each day.

iii. Product sales are limited to produce grown and processed on-site.

iv. Operating hours for urban agriculture sales are limited to 8:00 a.m. to 7:00 p.m on Tuesdays and Saturdays only.

v. All products for sale must comply with State and Federal Food and Health safety rules and regulations.

vi. Fallow land/areas must comply with city storm water drainage rules and regulations.

Chapter 23.907

UTILITY, TRANSPORTATION, AND COMMUNICATION USES

Sections:

- 23.907.010 Purpose and applicability.
- 23.907.020 Telecommunication facilities.
- 23.907.030 Utility facilities and infrastructure.

23.907.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to establish site planning, development, and/or operating standards for utility, transportation, and communication uses, including telecommunication facilities and utility facilities and infrastructure. It is the city's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by regulating the size, scale, and location of these uses, as well as requiring additional setbacks, landscaping, and other buffering between the subject use and surrounding property.

B. Applicability. The regulations and standards contained in this chapter shall apply only to telecommunication facilities and utility facilities and infrastructure as expressly identified in the corresponding sections and shall be in addition to any other development standards and regulations contained elsewhere within this zoning code (e.g., lighting, landscaping, parking). These uses may only be located in those zoning districts as described in, and shall only be authorized in concert with the permit requirements of, Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.3.010)].

23.907.020 Telecommunication facilities.

A. Purpose and Applicability. This section establishes standards for placement of telecommunication facilities within the city and regulates the installation of antennas and other wireless communication facilities consistent with federal law. The city promotes and protects the public safety and public welfare while protecting the visual character of the city to minimize potential impacts of wireless telecommunication facilities development and installation.

~~B. Definitions. For purposes of this section, the following terms shall have the definitions set forth herein:~~

~~1. "Antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure or is portable or moveable. Antennas shall include devices having active elements extending in any direction and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.~~

~~2. "Antenna, amateur radio" means any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.~~

~~3. "Antenna, directional" (also known as a "panel antenna") means an antenna that transmits and/or receives radio-frequency signals in a directional pattern of less than 360 degrees.~~

~~4. "Antenna, building mounted" means any antenna directly attached or affixed to a building, tank, tower, or other structure. Building mounted antennas are identified in two distinct categories herein as follows:~~

~~a. "Wall mounted" means attached or affixed to the elevation of the structure.~~

~~b. "Roof mounted" means attached or affixed to the rooftop or top of the structure.~~

~~5. "Antenna, ground mounted" means any antenna with its base (either single or multiple posts) placed directly on the ground or a mast 12 feet or less in height and six inches in diameter.~~

6. “Antenna, parabolic” (also known as a “satellite dish antenna”) means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl, or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern from orbiting satellites or ground transmitters. This definition is meant to include what are commonly referred to as television receive only (TVRO) and satellite microwave antennas.—

7. “Collocation” means a wireless communication facility owned and operated by a communication service provider which is located on the same tower, building, accessory structure, or property as another communication facility owned or operated by a different communication service provider.—

8. “Direct broadcast satellite (DBS) service” means a system in which signals are transmitted directly from a satellite to a small home receiving dish.—

9. “Electromagnetic” means an electrical wave propagated by an electrostatic and magnetic field of varying intensity.—

10. “NIER” means non-ionizing electromagnetic radiation (e.g., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).—

11. “Related equipment” means all equipment ancillary to the transmission and reception of voice and data by means of radio frequencies. Such equipment may include cables, conduits, connectors, equipment pads, equipment shelters, cabinets, buildings, and access ladders.—

12. “Satellite earth station” means a facility consisting of more than a single satellite dish or parabolic antenna that transmits to and/or receives signals from an orbiting satellite.—

13. “Tower” means a mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas. This definition includes ground mounted structures 12 feet or greater in height and building mounted structures that extend above the roofline, parapet wall, or other roof screen with a mast greater than six inches in diameter supporting one or more antennas, dishes, arrays, or other associated equipment.—

14. “Wireless communication facility” means a facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.—

B.C. A use permit (limited or conditional as identified in Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) is required for the following wireless facilities:

1. Any new telecommunication tower that is not part of a collocation.
2. Any collocation that increases the overall height of an existing tower in order to add antennas.
3. Any building-mounted or roof-mounted antennas that are not screened from view.

C.D. Exemptions. The following wireless communication facilities are exempt from the requirements of this chapter as specified below and are subject to compliance with other provisions of this title:

1. A wireless communication facility shall be exempt from the provisions of this section if and to the extent that a permit issued by the California Public Utilities Commission (CPUC) or the rules and regulations of the Federal Communications Commission (FCC) specifically provide that the antenna is exempt from local regulation.
2. Satellite earth station (SES) antennas, which are two meters (6.5616 feet) or less in diameter or in diagonal measurement, located in any nonresidential zoning district. In order to avoid the creation of an attractive public nuisance, reduce accidental tripping hazards, and maximize stability of the structure, such antennas shall be placed whenever possible on top of buildings and as far away as possible from the edges of rooftops.

3. Parabolic antennas, direct broadcast satellite (DBS) antennas and multi-point distribution service (MDS) antennas, which are one meter (3.2808 feet) or less in diameter or diagonal measurement, and television broadcast service (TVBS) antennas, so long as said antennas are located entirely on private property and are not located within the required front yard setback area.
4. Amateur radio antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions and are therefore exempt from permit provisions of this chapter in compliance with the following standards:
 - a. Height Limits. Amateur radio antennas in any district may extend to a maximum height of 75 feet; provided, that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum permitted building height for the zone when not in operation.
 - b. Location Parameters. All antenna structures shall be located outside of required front and street side yard areas. Antenna structures shall also be set back a minimum distance of five feet from interior property lines.
 - c. Tower Safety. All antennas shall be located within an enclosed fenced area or have a minimum five-foot-high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight feet.
5. Collocation on an existing telecommunications structure with a valid use permit.
6. Antennas placed on a building or rooftop that are completely screened from view.

D.E. General Development Standards. Unless otherwise exempt pursuant to subsection (D) of this section (Exemptions), the following general development standards shall apply to all wireless communication facilities:

1. All wireless communication facilities shall comply with all applicable requirements of the current uniform codes as adopted by the city and shall be consistent with the General Plan and this code, as well as other standards and guidelines adopted by the city.
2. To minimize the overall visual impact, new wireless communication facilities shall be collocated with existing facilities, with other planned new facilities, and with other facilities such as water tanks, light standards, and other utility structures whenever feasible and aesthetically desirable. To facilitate collocation when deemed appropriate, conditions of approval for conditional use permits shall require all service providers to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site when found to be feasible and aesthetically desirable. The applicant shall agree to allow future collocation of additional antennas and shall not enter into an exclusive lease for the use of the site.
3. At least 10 feet of horizontal clearance shall be maintained between any part of the antenna and any power lines unless the antenna is installed to be an integral part of a utility tower or facility.

E.F. Development Standards for Antennas (Excluding Amateur Radio Antennas). Unless otherwise exempt pursuant to subsection (D) of this section (Exemptions), the following development standards shall apply to receive-only antennas (ground- and building-mounted), parabolic antennas, and satellite earth stations as defined in this section:

1. Antenna Location. Parabolic antenna and satellite earth stations shall be ground-mounted in residential zoning districts. In all nonresidential zoning districts, the preference is for building-mounted antennas. No antenna shall be located in the required front or street side yard of any parcel unless entirely screened from pedestrian view of the abutting street rights-of-way (excluding alleys). In all zoning districts, ground-mounted antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function, and all portions of the structure/antenna shall be set back a minimum of five feet from any property line.
2. Height Limit. The height limit for a ground-mounted antenna is six feet. However, the height may be increased to a maximum of 15 feet if the setback distance from all property lines is at least equal to the height of the antenna and if the structure is screened in accordance with subsection (F)(3) of this section (Screening).

Building-mounted and roof-mounted antennas shall not extend above the roofline, parapet wall, or other roof screen beyond a maximum of four feet or extend out from the face of the building or other support structure by more than 18 inches.

3. Screening. Ground-mounted antennas shall be screened consistent with the provisions of RCMC 23.731.080(A)(4) (Screening of Ground-Mounted Antennas).

FG. Development Standards for Amateur Radio Antennas. Amateur radio antennas as defined in subsection (B) of this section (Definitions) may exceed the height limit and/or amend the setback provisions of the exempt amateur radio antenna structures only when said regulation will result in unreasonable limitations on, or prevent, reception or transmission of signals.

GH. Development Standards for Towers. The following development standards shall apply to towers (including collocation facilities):

1. Site Design. All facilities (including related equipment) shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, and/or camouflage, to be compatible with existing architectural elements, landscape elements, and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objective. A visual impact analysis is required to demonstrate how the proposed facility will appear from public rights-of-way (including public trails).

2. Safety Design. All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight, or attractive nuisances.

3. Location. Towers shall not be located in any required front or street side yard in any zoning district. The setback distance from any abutting street right-of-way, residential property line, or public trail shall be equal to the height of the facility (tower and related equipment). Otherwise, the minimum setback distance from all other property lines shall be at least equal to 20 percent of the height of the tower. In order to facilitate collocations, setback distance will be waived for placement of antennas on existing towers when there is no increase in the overall height of the tower.

4. Height Limit. The height limit for towers shall be consistent with the maximum building height of the zoning district of the subject parcel. Exceptions to the height limit may be granted when the designated approving authority finds that reasonable alternatives do not exist to provide the necessary service. There is no height limit specified for collocations on existing structures, provided facilities are screened from view of abutting street rights-of-way or camouflaged by matching the color(s) and/or material(s) of the structure to which they are attached.

5. Lighting. Towers and related equipment shall be lit consistent with the provisions of RCMC 23.725.070(J) (General Lighting Standards).

6. Landscape. Towers shall be landscaped consistent with the provisions of RCMC 23.716.060(E) (Telecommunication Towers).

7. Design/Finish. New towers shall be camouflaged whenever possible. If not feasible to camouflage, the tower and related equipment shall have subdued colors and nonreflective materials that blend with the colors and materials of surrounding areas.

8. Advertising. The tower and related equipment shall not bear any signs or advertising devices other than certification, warning, or other required seals or signs.

HI. Operation and Maintenance Standards.

1. Noise. All wireless communication facilities shall comply with the city's noise ordinance (Chapter 6.68 RCMC).

2. Non-Ionizing Electromagnetic Radiation (NIER) Exposure. No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To this end, no facility or combination of facilities shall produce, at any time, power densities in any inhabited area that exceed the FCC's maximum permissible exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city or by the county, state, or federal government.

J. Removal Provisions. In the event one or more antennas, towers, or related equipment are not operated for the provision of wireless telecommunication services for a continuous period of three months or more, such antenna, tower, and/or related equipment shall be deemed abandoned. The owner of same shall remove all such items within 30 days following the mailing of written notice that removal is required. If two or more providers of wireless telecommunication services use the antenna support structure or related equipment, the period of non-use under this section shall be measured from the cessation of operation at the location by all such providers. Failure to remove shall constitute a public nuisance and shall be enforced as such.

K. Effects of Development. The city shall not be liable if development within the city, after installation of the antenna, impairs antenna reception. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.3.020)].

23.907.030 Utility facilities and infrastructure.

A. Purpose and Applicability. The regulations contained in this section shall apply to utility facilities and infrastructure as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new utility facilities and infrastructure shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The intent of these provisions is to minimize the visual and physical impacts of the use on surrounding property by balancing the need for the facilities with a desire to minimize the visual impact.

B. Definitions. For the purpose of this chapter, the following terms shall have the definitions set forth herein:

1. "Communication substation" means a telephone switching station or similar facility used to route telecommunication signals from their origin to their destination. Wireless communication facilities (e.g., cellular towers) are included in the use listing "telecommunication facility" and are regulated in RCMC 23.907.020 (Telecommunication facilities).
2. "Electrical substation," for the purposes of this zoning code, means any structure with 100,000 volts or greater incoming capacity which either:
 - a. Converts electrical energy to a lesser voltage for the purpose of subregional or localized distribution;
 - b. Functions as a transition point from overhead to underground electrical transmission lines; or
 - c. Acts as the point of convergence for two or more transmission lines.
3. "Fixed-base structures and facilities" shall include substations (both communication and electrical), potable water storage facilities, public water system wells, natural gas regulating and distribution facilities, and treatment plants.
4. "Potable water storage facility" means a water tank or similar structure that collects and/or stores potable water, either just prior to or after treatment to make the water safe for human consumption.
5. "Transmission lines and pipelines" means those facilities that transmit or transport electricity, potable water, reclaimed water, natural gas, sewage, and telephone, telegraph, cable television, and other communication transmission facilities that utilize direct physical conduits.
6. "Treatment plants" means a facility used to treat water into potable water suitable for human consumption or used to treat sewage/waste water so that it may be reclaimed for use as irrigation water or otherwise released

back into the natural environment. It may also include settling ponds and disposal fields related to the operation of the treatment plant.

C. Permit Requirements and Exemptions. To the extent allowed by state or federal law, the uses regulated by this section shall be subject to the allowed use and permit requirements of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). In addition, such facilities may be subject to design review as required by Chapter 23.140 RCMC (Minor Design Review) or Chapter 23.141 RCMC (Major Design Review) and allowed by state and federal law.

D. Location Requirements for Transmission Lines and Pipelines.

1. General Location. Generally, transmission lines and pipelines shall be located within public rights-of-way (with approval of the public works director) or within dedicated easements for transmission lines (e.g., public utility easement).
2. Electrical Transmission Lines. Electrical transmission lines of 100,000 volts or greater capacity may be located in any zone and shall be located in easements or rights-of-way which permit access for maintenance with minimal disruption to surrounding properties. Preference shall be given to the location of transmission lines in the rank order specified below; every reasonable effort shall be exerted to avoid established residential areas. In the event SMUD determines that it has no alternative but to route a 100,000 volt or greater capacity transmission line through an established residential area, such lines shall be installed underground except when SMUD can demonstrate that it is not feasible to do so. "Feasible" shall be as defined in California Government Code Section 53096(c).
 - a. Within existing SMUD transmission rights-of-way or those anticipated for other projects proposed subject to this code.
 - b. Adjacent to railroads or adopted freeway routes.
 - c. Along or adjacent to major arterial streets where existing or planned uses are commercial or industrial.
 - d. Adjacent to or through existing or planned commercial, industrial, or agricultural uses.
 - e. Along arterial streets where residential uses designated in an adopted plan are RD-20 or greater density.
 - f. Through areas where land uses in an adopted plan are predominantly commercial, but include residential uses.
 - g. Through residential areas, including side and rear yards, irrespective of density.

E. Location Requirements for Fixed-Base Structures and Facilities. In siting fixed-base structures and facilities, the city shall place preference on the locations listed below in the order listed. In any case, siting fixed-base facilities within residential zoning districts, particularly those intended for multifamily housing, shall be a last resort. All new subdivisions and land planning (e.g., Specific Plans) shall include provisions for siting fixed-base facilities in dedicated, reserved locations that are identified with assistance from the utility service provider.

1. Sites zoned community service (CS), transportation corridor (T), or parks and open space (POS);
2. Areas within Specific Plans or special planning areas specifically identified for utility facilities and infrastructure uses;
3. Sites zoned heavy industrial (M-2);
4. Sites zoned any mixed-use zoning district, provided the facility is not located at the intersection of two major streets;
5. Any other portion of a mixed-use zoning district not otherwise described above; or

6. Within a residential or agricultural zoning district.

F. Development Requirements for Fixed-Base Structures and Facilities.

1. Communication Substations. Communication substations shall be entirely located within an enclosed building, the design of which shall be consistent with the standards of the underlying zoning district and the citywide design guidelines, the intent being to integrate the design of the facility into the area in which it is located.

2. Electrical Substations.

a. Overhead electrical transmission lines of 100,000 volts or greater capacity shall be installed in such a manner as to minimize adverse visual impacts. When feasible, SMUD shall relocate and combine existing overhead transmission poles and lines with new installations.

b. Substations shall be designed and constructed in such a manner as to minimize off-site visual and noise impacts. Planted or landscaped setbacks of at least 25 feet shall be provided on all property lines.

3. Potable Water Storage Facility. Potable water storage facilities shall observe all development standards of the underlying zoning district. Additionally, such facilities shall be screened consistent with the provisions of Chapter 23.731 RCMC (Fences, Walls, and Screening).

4. Treatment Plant. Treatment plants shall observe all development standards of the underlying zoning district, except that any treatment ponds or other structures that may emit an odor shall be located a minimum of 200 feet from a residential zoning district or residential use. The use shall also provide landscaping along the perimeter of the use, including a minimum 25-foot-wide landscape area and evergreen trees planted 30 feet on center. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.3.030)].

Chapter 23.910

RETAIL, SERVICE, AND OFFICE USES

Sections:

- 23.910.010 Purpose and applicability.
- 23.910.020 Convenience stores.
- 23.910.030 Drive-in and drive-through sales and service.
- 23.910.040 Mobile food vendors.

23.910.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to establish site planning, development, and/or operating standards for retail, service, and office uses within individual or multiple zoning districts. Specifically, this chapter applies to convenience stores and drive-in and drive-through sales and service. It is the city's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by requiring additional setbacks, screening, lighting, and specific security measures beyond those otherwise required in the underlying zoning district.

B. Applicability. The regulations and standards contained in this chapter shall apply only to convenience stores and drive-in and drive-through sales and service as expressly identified in the corresponding sections and shall be in addition to any other development standards and regulations contained elsewhere within this zoning code (e.g., lighting, landscaping, parking). These uses may only be located in those zoning districts as described in, and shall only be authorized in concert with the permit requirements of, Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.4.010)].

23.910.020 Convenience stores.

A. Purpose. The purpose of this section is to provide additional design and operational standards for convenience stores for increased security and safety for employees and patrons of the convenience store and compatibility with surrounding businesses and residents.

B. Applicability. The regulations contained in this section shall apply to all new convenience stores as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new convenience stores shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply.

C. Outdoor Lighting. New convenience stores shall maintain the special lighting standards listed in RCMC 23.725.070(D) (Level of Illumination).

D. Property Maintenance and Litter Removal. Property management shall be responsible for the removal of litter from adjacent property and streets that results from the convenience store developed after the date of adoption of the ordinance codified in this section (with adjacent property owner consent).

E. Security Measures. Convenience stores shall incorporate the following features:

1. Store Windows. Window placement and design shall allow for window surveillance by employees of all outside areas from the employee's primary work position. No more than 15 percent of a window may be covered by displays, posters, or other coverings.

2. Building Security. Building security systems shall be installed to resist crime attempts by incorporating the following improvements:

- a. Raised cashier stations to give an advantage of height against would-be criminals.

- b. Display counter low enough that the cashier has visibility throughout the store. Install mirrors to increase visibility in any corners or hidden areas.
- c. Buzzer on doors of the coldbox so that the clerks will know when someone has removed merchandise from the refrigerator areas.
- d. The cashier station shall be designed to be visible from the parking area. Windows or doors shall not be blocked with posters or signs. Counters shall be maintained free from excess displays to enhance visibility of the cashier station.
- e. Inside doors to storage, utility, and office areas shall be provided with two-way mirrors to create uncertainty as to how many people are in the store and to deter criminals.
- f. A timed drop safe shall be provided adjacent to the cashier station. Premises shall be posted accordingly.
- g. Height tape installed next to the exit.
- h. A prominently displayed video camera for identifying criminals. The video camera should include a device that records 24 hours of video.

F. Required Signs. Signs shall be posted prohibiting loitering and the consumption of alcoholic beverages in the business or in the parking areas, and any other signs as required by the city. This signage requirement shall not count toward the maximum signage allowed by Chapter 23.743 RCMC (Signs).

G. Hours of Operation. The hours of operation for all new convenience stores shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. daily. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.4.020)].

23.910.030 Drive-in and drive-through sales and service.

A. Purpose. The purpose of this section is to regulate drive-through windows and remote tellers with development standards that address the mitigation of traffic, congestion, excessive pavement, pedestrian connections, litter, and noise.

B. Applicability. Development standards herein shall apply to all new facilities with drive-in and drive-through sales and services and will be reviewed in conjunction with the required conditional use permit and/or design review application.

C. Permit Requirements. Pursuant to Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards), a conditional use permit is required for all drive-in and drive-through sales and services.

D. Required Findings. All of the findings below shall be made in order for the designated approving authority to approve a conditional use permit for a drive-in and drive-through sales and service use:

1. The design and location of the facility and lane will not contribute to increased congestion on public or private streets adjacent to the subject property.
2. The design and location of the facility and lane will not impede access to or exit from the parking lot serving the facility nor impair normal circulation within the parking lot.
3. The design and location of the facility will not create a nuisance for adjoining properties.

E. Development and Design Standards. The following standards shall be the minimum requirements for all drive-through windows and remote tellers. Deviations from these provisions may be considered through the issuance of a conditional use permit.

1. Drive-Through and Remote Teller Aisles. The minimum standards for drive-through aisles are as follows:
 - a. Aisles shall have a 12-foot minimum width on curves and an 11-foot minimum width on straight sections.

b. Aisles shall provide at least 180 feet of reservoir space for each facility, as measured from the service window or unit to the entry point into the drive-up lane. Nonfood and/or nonbeverage businesses may reduce the stacking space to a minimum of 60 feet. Exceptions may be granted by the designated approving authority when an applicant demonstrates that the required reservoir space is unnecessary.

c. Aisle entrances and exits shall be at least 25 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the curb-cut on an adjacent property. When an aisle encroaches into the front yard and side street setbacks, 25 feet of landscaping shall be provided, with at least 10 feet of landscaping between the aisle and right-of-way. Exceptions may be granted by the designated approving authority when aisle pull-out spaces are provided.

d. Aisles shall be separated from the site's ingress and egress routes or access to a parking space.

e. Landscaping of Drive-Through Aisles. Landscaping of drive-through aisles shall be consistent with the requirements of RCMC 23.716.060(C) (Screening of Drive-Through Aisles).

2. Pedestrian Access and Crossings. Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous, minimum four-foot-wide sidewalk or delineated walkway. Generally, pedestrian walkways should not intersect the drive-through aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving and shall be clearly signed to alert vehicles in the drive-through aisles.

3. Parking. Drive-up windows, remote tellers, and drive-through aisles shall be designed and constructed to be consistent with the requirements of Chapter 23.719 RCMC (Parking and Loading). The placement of drive-up windows, remote tellers, and drive-through aisles shall not be considered as justification for reducing the number of parking spaces which are otherwise required.

4. Congestion. The conditional use permit is revocable if congestion attributable to the facility regularly occurs on public streets or within the parking lot and the management cannot alleviate the situation.

5. Noise. Drive-up windows and their order stations with amplified sound shall be located to reduce the noise impact on adjacent property to less than 45 dB as measured at the nearest residential property line.

6. Signs. Signage for drive-up windows and remote tellers shall be consistent with the requirements of Chapter 23.743 RCMC (Signs).

7. Drive-through windows shall be visible from a public way to ensure that all activity can be viewed from an adjacent street. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.4.030)].

23.910.040 Mobile food vendors.

A. Purpose. The purpose of this section is to regulate mobile food vendors to ensure that operations do not conflict with the functional aspects of commercial site and building operations and that the operation is limited to a short time period.

B. Applicability. Development standards herein shall apply to all mobile food vendors applied as conditions as part of a business license.

C. Standards.

1. The maximum time period for a vendor in a single location is two hours.

2. Vendor shall be able to demonstrate property owner permission.

3. No freestanding signs are permitted.

4. No tables or chairs are permitted at site locations.

5. Vehicles cannot be parked at a private residence if more than two axle vehicle. [Ord. 12-2011 § 3 (Exh. A)].

Chapter 23.913

AUTOMOTIVE AND VEHICLE USES

Sections:

- 23.913.010 Purpose and applicability.
- 23.913.020 Automobile dismantling.
- 23.913.030 Service stations.
- 23.913.040 Accessory automobile sales and rental uses.

23.913.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to establish site planning, development, and/or operating standards for automotive and vehicle uses within individual or multiple zoning districts. Specifically, this chapter includes regulations for automobile dismantling and service stations. It is the city's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by applying special location and design requirements beyond those otherwise required in the underlying zoning district.

B. Applicability. The regulations and standards contained in this chapter shall apply only to automobile dismantling and service stations as expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within this zoning code (e.g., lighting, landscaping, parking). These uses may only be located in those zoning districts as described in, and shall only be authorized in concert with the permit requirements of, Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.5.010)].

23.913.020 Automobile dismantling.

A. Purpose and Applicability. The regulations contained in this section shall apply to new or expanded automobile dismantling uses as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new automobile dismantling uses shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The intent of these provisions is to promote compatibility between automobile dismantling and adjacent uses through the application of special screening provisions.

B. Location. Automobile dismantling uses may only be located in those zoning districts as described in Article 3 of this title (Zoning Districts, Allowed Land Uses, and Development Standards).

C. Screening. All outdoor storage areas of the automobile dismantling use shall be screened from public view consistent with the standards of RCMC 23.731.080(A)(8) (Screening for Special Uses). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.5.020)].

23.913.030 Service stations.

A. Purpose. The purpose of this section is to establish requirements for the location and construction of new service stations (as defined in Chapter 23.1101 RCMC, Land Use Descriptions). The intent of these provisions is to ensure that new service stations are compatible with surrounding uses and activities by mitigating associated problems with traffic, congestion, excessive pavement and lighting, litter, and hazardous materials.

B. Applicability. The regulations contained in this section shall apply to service stations as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new service stations shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply.

C. Special Requirements for Use Permit Approval.

1. Approving Authority. In those instances where a conditional use permit is required by Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) for the establishment of a new service station, the designated approving authority shall be the city council.

2. Conditions of Approval. In addition to any other conditions which may be imposed, any conditional use permit issued pursuant to this section shall include the following conditions:

- a. If the operation of the service station is discontinued for any reason for a continuous period in excess of 180 days, such discontinuance of operation shall be grounds for revocation or modification of the conditional use permit, consistent with RCMC 23.173.080 (Permit revocation or modification); and
- b. Upon the revocation of the conditional use permit, the applicant shall remove all buildings, pumps, pump islands, signs, underground storage tanks, fences, walls, and all other structures and instruments related to the service station and shall return the property to substantially the condition it was in prior to the construction of the service station.

D. Location Requirements.

1. Abutting Residential Zones or Uses. No new service stations shall be permitted or located on lots abutting property in any agricultural or residential zoning district or residential use, unless the designated approving authority can make the finding that the design of the service station, along with the conditions placed upon the conditional use permit, will mitigate any adverse effects the station may have on the abutting property. In the event that the property adjacent to an existing service station is subsequently rezoned to an agricultural or residential zoning district, such rezoning shall not cause the service station to be nonconforming with regard to this location requirement.

2. Location Near Nonoperational Service Stations. In deciding whether a service station shall be permitted pursuant to this section, the designated approving authority shall consider, in addition to any other limitation provided by this section, whether there are any vacant or unoccupied service stations within a half-mile radius of the proposed service station site and, if so, shall determine whether the area immediate to such proposed service station suffers from an overconcentration of service stations. If it is determined that the area does suffer from an overconcentration of service stations, then the application for a conditional use permit shall be denied. An "overconcentration of service stations" shall be defined as when the approval of a new service station would result in five or more stations within a radius of 350 feet around the proposed site and 10 stations in a one-and-one-half-square-mile area around the proposed site.

E. Development and Design Standards. The following special standards apply to all new service stations and qualifying expansions/improvements to existing service stations. Service station uses shall also comply with all applicable state and federal regulations regarding site design, pricing signs, containment, maintenance, and operations.

1. Frontage. The minimum public street frontage shall be 135 feet on each public street for all new service stations.
2. Pump Islands. Service station pump islands may be placed in required yards provided they are no closer than 15 feet to the street right-of-way.
3. Access Driveways. Driveway design shall be consistent with the city of Rancho Cordova public works improvement standards, except that the minimum width for driveways shall be 35 feet. The width shall be expanded to 45 feet whenever the driveway accesses a street with a width of, or with a planned ultimate width of, 84 feet or greater. Driveways shall be no closer than 40 feet from the nearest intersecting point of street right-of-way lines, or as otherwise determined by the public works director for traffic safety.
4. Landscaping. Landscape shall be provided consistent with the provisions of RCMC 23.716.060(D) (Service Stations).
5. Signs. Signs shall be consistent with the standards of Chapter 23.743 RCMC (Signs).

6. Fences and Walls. A wall shall be provided between service stations and abutting residential zoning or uses consistent with the provisions of RCMC 23.731.080(A)(8) (Screening for Special Uses).

7. Structure Height. Structures shall observe the height limits of the underlying zoning district, except that canopies constructed over pump islands located outside the buildable area of the lot shall not exceed a maximum height of 17 feet. Deviations from these standards may be allowed in conjunction with design review. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.5.030)].

23.913.040 Accessory automobile sales and rental uses.

A. Purpose. The purpose of this section is to establish requirements for automobile sales and rentals when this activity is accessory to a primary use. The display and storage of these vehicles can consume needed customer parking spaces, can have negative visual impacts and can result in other activities which may not be allowed in this zoning district, or not allowed without a CUP (e.g., auto repair and/or detailing).

B. Development Standards.

1. Vehicles for sale or for rent may not occupy required parking spaces.
2. Vehicles must be directly related to the primary use (e.g., home improvement store renting trucks to carry large products to customer's home is permitted). [Ord. 12-2011 § 3 (Exh. A)].

Chapter 23.916**INDUSTRIAL, MANUFACTURING, AND PROCESSING USES**

Sections:

- 23.916.010 Purpose and applicability.
23.916.020 Junk tire facility.

23.916.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to establish site planning, development, and/or operating standards for industrial, manufacturing, and processing uses within individual or multiple zoning districts. Specifically, this chapter includes regulations for junk tire facilities. It is the city's intent, in establishing these standards, to mitigate the potential adverse visual impacts of this use on adjacent and surrounding property by requiring additional setbacks, screening, and other location standards.

B. Applicability. The regulations and standards contained in this chapter shall apply only to junk tire facilities as expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within this zoning code (e.g., lighting, landscaping, parking). This use may only be located in those zoning districts as described in, and shall only be authorized in concert with the permit requirements of, Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.6.010)].

23.916.020 Junk tire facility.

A. Purpose and Applicability. The regulations contained in this section shall apply to junk tire facilities as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new junk tire facilities shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The purpose of these provisions is to ensure compatibility with surrounding land uses by limiting the amount and duration of tire storage, requiring special siting of storage areas, and requiring additional screening of storage areas from public view.

B. Fire Department Review. No conditional use permit to allow junk tire facilities shall be approved unless the designated approving authority has considered any recommendations concerning potential fire hazards associated with the proposed use made by the chief of the fire district.

C. Development Standards. The following special standards apply to all new junk tire facilities and qualifying expansions/improvements to existing junk tire facilities:

1. Junk tires shall be removed from the site within 30 days after their receipt or acquisition.
2. An approved site shall contain no more than one acre of junk tire storage area.
3. All equipment necessary to conduct the proposed junk tire handling activities shall be at the site and in operating condition before operations (including collection, receipt, or storage of junk tires) commence. Any shredder to be used shall be capable of shredding at least 250 passenger tires an hour.
4. The approved junk tire operation shall comply with all federal, state, and local statutes or ordinances, including nuisance laws and noise and air quality standards. The granting of a conditional use permit under this section shall not be deemed to indicate that all such statutes have been obeyed.
5. Junk tire storage shall be screened consistent with the provisions of RCMC 23.731.080(A)(8) (Screening for Special Uses).
6. Junk tires located on properties approved pursuant to this section shall be located at least 500 feet from property zoned or used for residential or agricultural/residential purposes.

7. If junk tires are to be stored within areas subject to flooding, no storage is to be permitted during the winter flood season from November 1st through March 31st.

8. No junk tires shall be stored within 100 feet of any area where any material is burned, including, but not limited to, farming activities, vehicle dismantling yards, welding shops, or any other activity utilizing flame or fire. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.6.020)].

Chapter 23.919

SPECIAL REGULATED USES

Sections:

23.919.010	Purpose and applicability.
23.919.020	Card room.
23.919.030	Check cashing businesses.
23.919.040	Pawnshop.
23.919.050	Recycling facility, collection.
23.919.060	Sexually oriented business.
23.919.070	Smoke shop.
23.919.080	Tattoo parlor.
23.919.090	Thrift store.

23.919.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to establish site planning, development, and/or operating standards for special regulated uses within individual or multiple zoning districts. These provisions apply to card rooms, check cashing businesses, pawnshops, recycling facilities (collection), sexually oriented businesses, smoke shops, tattoo parlors, and thrift stores. It is the city's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by requiring special siting and location standards.

B. Applicability. The regulations and standards contained in this chapter shall apply only to those uses expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within this zoning code (e.g., lighting, landscaping, parking). These uses may only be located in those zoning districts as described in, and shall only be authorized in concert with the permit requirements of, Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). Specifically, this chapter covers those uses within the special regulated uses land use category. Other land use categories are addressed in other chapters of this article. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.7.010)].

23.919.020 Card room.

A. Purpose and Applicability. The regulations contained in this section shall apply to all new and qualifying expansion of existing card rooms as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new card rooms shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The purpose of these regulations is to prevent the overconcentration of card rooms within the city and ensure compatibility with surrounding uses by requiring additional lighting and site maintenance.

B. Business License. All new card rooms shall comply with the business license requirements of Chapter 4.22 RCMC.

C. Location. All new card rooms shall be located consistent with the following standards:

1. Located a minimum of 1,000 feet from another card room.
2. Located a minimum of 500 feet from a public school, community center, or library.

D. Development Standards. In addition to the development standards of the underlying zoning district, the following special standards apply to all new card rooms:

1. Lighting. Card rooms shall maintain lighting consistent with the provisions of RCMC 23.725.070(D) (Level of Illumination).

2. Site Maintenance. Management shall be responsible for the removal of litter from adjacent property and streets that results from the card room (with adjacent property owner consent). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.7.020)].

23.919.030 Check cashing businesses.

A. Purpose and Applicability. The standards of this section shall apply to all new and qualifying expansion of existing check cashing businesses as defined in Chapter 23.1101 RCMC (Land Use Descriptions) and as permitted in those zoning districts as described in Article 3 of this title (Zoning Districts, Allowed Uses, and General Development Standards). The provisions of this section shall apply in addition to other regulations of this zoning code. In those instances where there are conflicts between other sections and this section, the provisions of this section shall apply. The purpose of these regulations is to prevent the overconcentration of check cashing businesses and ensure compatibility with surrounding uses by requiring additional lighting, security, and maintenance, as well as limiting the hours of operation.

B. Location. All new check cashing businesses shall be located consistent with the following standards:

1. Located a minimum of 1,000 feet from another check cashing establishment;
2. Located a minimum of 500 feet from all of the following uses:
 - a. Public school, community center, or library;
 - b. State or federally chartered bank, savings association, credit union, or industrial loan company; and
 - c. Alcoholic beverage sales, excluding restaurants, grocery stores/supermarkets, and neighborhood markets.

C. Development Standards. In addition to the development standards of the underlying zoning district, the following special standards apply to all new check cashing businesses:

1. Lighting. Check cashing businesses shall maintain lighting consistent with the provisions of RCMC 23.725.070(D) (Level of Illumination).
2. Days and Hours of Operation. Operation of check cashing establishments shall be limited to Monday through Saturday, from 7:00 a.m. to 7:00 p.m.
3. Site Maintenance. Management shall be responsible for the removal of litter from adjacent property and streets that results from the check cashing business (with adjacent property owner consent).
4. On-Site Security. A minimum of one certified uniformed security guard shall be on duty at all times the establishment is open. The guard shall patrol both the interior and exterior portions of the property under control of the owner or lessee including, but not limited to, parking lots and any open public spaces such as lobbies. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.7.030)].

23.919.040 Pawnshop.

A. Purpose and Applicability. The regulations contained in this section shall apply to all new and qualifying expansion of existing pawnshops as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new pawnshops shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The purpose of these provisions is to limit the overconcentration of pawnshops within the city by applying minimum distance standards between pawnshops and other sensitive land uses and ensuring compatibility with surrounding uses by limiting the hours of operation.

B. Business License. All new pawnshops shall comply with the business license requirements of Chapter 4.30 RCMC.

C. Location and Development Standards. In addition to the development standards of the underlying zoning district, the following special standards shall apply to all new pawnshops:

1. Location. New pawnshops shall not be located closer than 1,000 feet from an existing pawnshop and no closer than 250 feet from a public school, park, community center, or library.
2. Hours of Operation. The hours of operation of pawnshops shall be limited to between 8:00 a.m. and 9:00 p.m. daily. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.7.040)].

23.919.050 Recycling facility, collection.

A. Purpose and Applicability. The regulations contained in this section shall apply to all recycling collection facilities as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of recycling collection facilities shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district (e.g., setbacks, screening requirements, etc.). Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The purpose of these provisions is to provide for compatibility with surrounding uses by requiring additional setbacks, limitation on mechanical equipment, and special parking provisions.

B. Location. New recycling collection facilities shall not be located within 75 feet of a residential use or residential zoning district and shall not be located within a required setback. Must serve a state-defined “convenience zone” (typically within one-half-mile radius of a full service market with more than \$2,000,000 in annual sales).

C. Development Standards. All new recycling collection facilities shall observe all development standards of the underlying zoning district, except that they shall also comply with the following additional standards:

1. Recycling facilities can accept only post-consumer recyclable containers comprised of glass, plastic, or metal commonly found in household-generated waste. Scrap metal shall not be accepted.
2. Power-driven processing equipment shall not be used except for reverse vending machines.
3. Containers must be constructed with durable waterproof and rustproof material(s), secure from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.
4. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
5. Use of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows that existing capacity is not fully utilized during the time the mobile recycling facility would be on the site.
6. Facilities shall be maintained free of litter. All convenience facilities shall be swept and cleaned of all debris at the end of each day. Materials shall not be left outside when attendant is not present.
7. The design of the facility shall meet the following requirements:
 - a. Shall not impair the existing required landscaping.
 - b. Design and color of the facility shall be compatible with the existing use on the site.
 - c. Improvements to the recycling facility shall be required to ensure compatibility with existing buildings, including but not limited to landscaping, screening, trailer skirting, and parking lot improvements. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.7.050)].

23.919.060 Sexually oriented business.

A. Purpose.

1. As defined in this section, “sexually oriented businesses” include adult bookstores, adult motion picture theaters, adult live theaters, and adult video tape stores. Subparagraph (g) of Government Code Section 65850 provides that the city may regulate, pursuant to a content-neutral ordinance, the time, place, and manner of operation of sexually oriented businesses. As hereinafter set forth, the city council has determined that the regulations of this section serve a substantial governmental interest and do not unreasonably limit alternative avenues of communication and are based on narrow, objective, and definite land use standards.

In adopting this section, the city council relied upon the experience of the city of Renton and the city of Seattle and the findings of federal and state court decisions in establishing the reasonableness and the constitutionality of the provisions of this section and the reliance thereto the specific effects such adult businesses may have on the residents and businesses of Rancho Cordova, and the proximity of such businesses to other land uses, including but not limited to churches, schools, parks, places frequented by children, and other sexually oriented businesses.

2. The city council, as a result of concerns regarding the harmful secondary effects of sexually oriented businesses, finds that such establishments require special regulations to restrict the location, operation, and concentration of these businesses.

3. Increasing urbanization, changing community standards, and evolving legal standards for the regulation of such sexually oriented businesses dictated that the city of Rancho Cordova address its regulations of such establishments so as to provide for such uses, taking into consideration the compatibility thereof with existing land uses and land use regulations, and to minimize the cumulative impacts and harmful secondary effects.

4. The city council recognizes that the land uses regulated by this section constitute protected expressions of speech and that said uses must be permitted, and reasonably available to potential patrons, within certain areas of the city of Rancho Cordova. The council also recognizes that the nature of such uses, and the activities of patrons on or near the premises on which the adult uses are located, can be a threat to the public health and safety and the welfare of the citizens of the city of Rancho Cordova. The council is fully aware that the activities conducted in such businesses are provided protection under the federal and state Constitutions. Accordingly, the council finds that the regulations of this section are based on narrow, objective, and definite standards that are intended to provide a reasonable number of available sites for such uses while minimizing the harmful secondary effects of these uses.

~~B. Definitions. For the purpose of this chapter, the following terms shall have the definitions set forth herein:~~

~~1. “Adult bookstore” means a building or portion thereof used by an establishment under either of the following circumstances:—~~

~~a. Where 25 percent or more of the floor space of the area of the building open to the public, and actually used for the display of books, magazines, or other publications, is devoted to the sale of books, magazines, or other publications which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18; or~~

~~b. Where 25 percent or more of the total number of books, magazines, or other publications offered for sale to the public consist of books, magazines, or other publications which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18.~~

~~2. “Adult live theater” means a building or portion thereof or an area, open or enclosed, which regularly features live performances distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities as defined in this section or specified anatomical areas as defined in this section for observation by patrons or customers.—~~

~~3. "Adult motion picture theater" means a building or portion thereof or an area, open or enclosed, which regularly features motion pictures distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities as defined in this section or specified anatomical areas as defined in this section.~~

~~4. "Adult uses," as used in this zoning code, shall mean sexually oriented businesses.~~

~~5. "Adult video store" means a building or portion thereof used by an establishment under either of the following circumstances:~~

~~a. Where 25 percent or more of the floor space of the area of the building open to the public, and actually used for the display of videos (tapes, DVDs, etc.) is devoted to the sale or rental of videos which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18; or~~

~~b. Where 25 percent or more of the total number of videos offered for sale or rental to the public consist of videos which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18.~~

~~6. "Sexually oriented business," as used in this zoning code, is an adult bookstore, an adult video store, an adult motion picture theater, or a live adult theater, or any establishment that consists of any combination of such uses.~~

~~7. "Specified anatomical areas" means:~~

~~a. Less than completely and opaquely covered human genitals, pubic region, buttock, 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.~~

~~8. "Specified sexual activities" means:~~

~~a. Display or manipulation of human genitals in a state of sexual stimulation or arousal;~~

~~b. Acts of human masturbation, sexual intercourse, or sodomy;~~

~~c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.~~

BC. Location Conditions.

1. Sexually oriented businesses are permitted subject to compliance with the following conditions:

a. Such use is more than 1,000 feet from any residential zoning district as identified in Chapter 23.310 RCMC (amended June 2010).

b. Such use is situated more than 1,000 feet from any other sexually oriented business.

c. Such use is located more than 1,000 feet from any of the following uses:

i. Single-family, duplex, or multifamily residences;

ii. Clinic, child/family guidance;

iii. Library;

iv. Public park;

v. Church;

- vi. Citizens improvement club/community center;
 - vii. Public or private K – 12 school;
 - viii. Indoor or outdoor recreation facilities that are primarily designed to serve persons under the age of 18.
- d. The 1,000-foot separation shall be measured as a radius from the primary entrance of the sexually oriented business to the property lines of the property so zoned or used.
- e. No more than three such uses shall be permitted within the boundary of the planning area for a community planning advisory council established by the city council pursuant to the Rancho Cordova Municipal Code.
- f. Such use is situated in either an LIBP, M-1 or M-2 land use zone. [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 7-2010 § 3; Ord. 27-2008 § 1 (Exh. A § 5.7.060)].

23.919.070 Smoke shop.

A. Purpose and Applicability. The regulations contained in this section shall apply to new and qualifying expansion of existing smoke shops as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new smoke shops shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The purpose of these regulations is to limit the overconcentration of smoke shops within the city by applying minimum distance standards between smoke shops and ensuring compatibility with the surrounding community by limiting the location of smoke shops near schools, parks, community centers, and libraries.

B. Location. Smoke shops shall not be located closer than 500 feet from another smoke shop and no closer than 1,000 feet from a public school, park, community center, or library. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.7.070)].

23.919.080 Tattoo parlor.

A. Purpose and Applicability. The regulations contained in this section shall apply to new and qualifying expansion of existing tattoo parlors as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new tattoo parlors shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The purpose of these regulations is to limit the overconcentration of tattoo parlors within the city by applying minimum distance standards between tattoo parlors and ensuring compatibility with the surrounding community by limiting the location of tattoo parlors near schools, parks, community centers, and libraries.

B. Location. Tattoo parlors shall not be located closer than 1,000 feet from another tattoo parlor and no closer than 250 feet from a public school, park, community center, or library. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.7.080)].

23.919.090 Thrift store.

A. Purpose and Applicability. The regulations contained in this section shall apply to new and qualifying expansion of existing thrift stores as defined in Chapter 23.1101 RCMC (Land Use Descriptions). The establishment of new thrift stores shall be consistent with the allowed use provisions of Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The purpose of these regulations is to limit the overconcentration of thrift stores within the city by applying minimum distance standards between thrift stores and ensuring compatibility with surrounding uses by requiring special standards for collection/receiving and refuge areas and requiring additional property maintenance.

B. Location. Thrift stores shall not be located closer than 1,000 feet from another thrift store.

C. Development Standards. All new thrift stores shall observe all development standards of the underlying zoning district, except that they shall also comply with the following additional standards:

1. Enclosed Activities. All activities shall be completely enclosed within the building for the use.
2. Collection/Receiving Area. The collection area shall be located on the side or rear of the building. Adequate directional signage shall be provided from the main entrance to the use to direct individuals to the collection area. The collection area shall be noticed to prohibit depositing goods when the store is closed.
3. Property Maintenance. Management shall be responsible for the removal of litter from the subject property, adjacent property, and streets that results from the thrift store (with adjacent property owner consent). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.7.090)].

23.919.100 Smokers' Lounges, Hookah Bars, E-Cigarette Lounges and Vapor Lounges/Bars

A. Purpose and findings.

1. The city council finds that the use of hookah pipes, electronic cigarettes, and other similar devices in smokers' lounges, hookah bars, and vapor bars/lounges and the activities associated with such businesses (including loud music, large numbers of customers congregating for long periods, etc.) have been associated with increases in odors, noise, vapors, second-hand smoke, parking impacts, loitering, and disturbances in the peace. The purpose of this section is to prevent the overconcentration of this land use and to mitigate the negative impacts associated with this land use.
2. The city council also finds that smoking and vaping uses expose minors to dangerous secondhand smoke byproducts and increase the potential for minors to associate smoking of electronic tobacco devices and hookah pipes with a normative or healthy lifestyle.
3. The city council also finds that the tobacco smoke, including secondhand smoke, from hookah pipes and electronic cigarettes contributes to indoor air pollution and is a significant health hazard and carcinogen to smokers and nonsmokers alike, including employees of smokers' lounges and hookah bars.
4. The U.S. Food and Drug Administration conducted laboratory analysis of electronic cigarette samples and found them to contain carcinogens and toxic chemicals to which users and bystanders could potentially be exposed, suggesting that the same health and public nuisance concerns present with conventional cigarettes exist with electronic cigarettes.
5. The U.S. Centers for Disease Control and Prevention reports that smoking a hookah has many of the same health risks as cigarette smoking; that hookah use by youth is increasing; that the charcoal used to heat hookah tobacco can have negative health risks because it produces high levels of carbon monoxide, metals, and carcinogens; that hookah smokers may absorb more of the toxic substances also found in cigarette smoke than cigarette smokers do; that secondhand smoke from hookahs can be a health risk for non-smokers; and that new forms of electronic hookah smoking are now on the market and very little information is available on the health risks of electronic tobacco products.
6. The city has banned indoor smoking in places accessible to the public under Chapter 6.84 of the RCMC. However, California Labor Code section 6404.5(d)(4) allows for indoor smoking within retail or wholesale tobacco shops and private smokers' lounges and such businesses do currently exist within the city; and therefore the city council finds that it is necessary to enact clear and defined regulations for this use.

B. Applicability.

1. The provisions of this section shall apply in addition to other regulations of this zoning code and municipal code. In the event of a conflict between other sections and this section, this section shall control.
2. The provisions of this section shall apply to new facilities established following the effective date of this ordinance. All legal, code compliant smokers' lounges, hookah bars, vapor bars, and e-cigarette lounges

currently located in the City shall become legal, nonconforming uses and as such must comply with the regulations set forth in Chapter 23.170 RCMC.

D. Location. Smokers' lounges, hookah bars, e-cigarette, vapor bars/lounges shall only be permitted in general commercial (GC) and light industrial (M-1) zoning districts.

E. Operational and Development Standards.

The following operational and development standards shall apply to all smokers' lounges, hookah bars, vapor bars, and e-cigarette lounges in the city and shall be included as conditions imposed upon any license, permit, or other entitlement granted for such a business.

1. Distance Requirements. All e-cigarette lounges, hookah bars, vapor bars, and smokers' lounges shall be located at least 500 feet from other e-cigarette lounges, hookah bars, smokers' lounges, smoke shops, and tobacco shops. All e-cigarette lounges, hookah bars, vapor bars, and smokers' lounges shall be located at least 1,000 feet from the following:

- a. Public or private K-12 schools and daycares,
- b. Libraries,
- c. Churches,
- d. Community and recreation centers,
- e. Liquor stores,
- f. Sexually oriented businesses,
- g. Tattoo parlors,
- h. Pawnshops,
- i. Bars and nightclubs,
- j. Card rooms,
- k. Check cashing businesses,
- l. Parks, and
- m. Residential zones.

2. The business shall be owner-operated or otherwise exempt from the prohibition of smoking in the workplace pursuant to California Labor Code section 6404.5.

3. The establishments shall operate in compliance with all federal, state, county, and local laws and regulations.

4. Minors prohibited. No persons under 18 years of age shall be permitted within the establishment, including as employees, and business owners or operators shall require proof of identification to verify the age of customers, visitors, and employees. This means that all employees must be at least 18 years of age.

5. Parking standards. Parking shall be provided under the standards established for bars and nightclubs in Table 23.719-1, as may be amended from time to time.

6. Hours of operation. Operating hours shall be limited to 8 a.m. to 10 p.m.

7. Indoor operation only. All business-related activity, including smoking, shall be conducted entirely within a building. Outdoor seating, operating outdoor barbecues or braziers, and/or lighting coals outdoors shall not be permitted.

8. Entertainment and admission charges prohibited. No live entertainment, including dancers, singers, disc jockeys, or comedians shall be permitted within the business. No admission charges, including a cover charge or minimum purchase requirement, shall be permitted.

9. Food and beverages, including alcoholic beverages and pre-packaged food and beverages, shall not be sold, served, or consumed on the premises.

10. Visibility and illumination. No window coverings or signage shall prevent visibility of the interior of the establishment from the outside during operating hours. The interior of the establishment shall have lighting adequate to make the conduct of patrons within the establishment readily discernible to people of normal visual capabilities.

11. Ventilation. Adequate ventilation must be provided in accordance with all standards imposed by the building official and fire department, and those establishments by state or federal laws. The requirements imposed by the building official or fire department may be more comprehensive than current building codes to prevent negative health and nuisance impacts on neighboring properties, including a requirement for a separate system to prevent smoke and vapors from migrating to adjoining suites or buildings. The ventilation shall, at a minimum, prevent smoke and vapors from migrating into adjacent buildings and/or suites and to outdoor public areas. A mechanical exhaust hood system shall be required if an establishment heat coals indoors.

12. Noise. Any amplified noise shall be subject to the regulations established in the RCMC, including those in Chapters 6.68 and 23.737 RCMC, as may be amended from time to time.

13. Security. Uniformed security guard(s) shall be provided, as deemed necessary by the chief of police or his/her designee.

F. Penalties and enforcement. Any violation of this Section shall be enforced under Chapter 23.173 RCMC [Ord. 1-2016 § 2].

Chapter 23.922

TEMPORARY USES

Sections:

23.922.010	Purpose.
23.922.020	Permit required.
23.922.030	Temporary use regulations.
23.922.040	General development standards.
23.922.050	Similar uses.

23.922.010 Purpose.

The purpose of this chapter is to establish regulations for uses of private property that are temporary in nature. These provisions place restrictions on the duration of the temporary use, its location, and other development standards. The intent of these regulations is to ensure that the temporary use does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing within the community. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.8.010)].

23.922.020 Permit required.

A. Except as otherwise provided in this zoning code, the temporary uses listed in this chapter shall require the issuance of a temporary use permit from the designated approving authority prior to establishment of the use. The process for accepting, reviewing, and approving or denying a temporary use permit shall be as described in Chapter 23.116 RCMC (Temporary Use Permits). Additionally, the designated approving authority may impose conditions on the approval of a temporary use consistent with the standards of Chapter 23.116 RCMC (Temporary Use Permits).

B. Applicants seeking a temporary use permit for a time period longer than otherwise allowed by this chapter may submit for an administrative use permit for said activity; provided, that it complies with all other relevant development and operational standards (other than time duration) for the use as provided in this chapter. Approval of the administrative use permit shall be in accordance with the standards of Chapter 23.125 RCMC (Administrative and Limited Use Permits). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.8.020)].

23.922.030 Temporary use regulations.

A. Exempt Temporary Uses. The following temporary uses are exempt from the permit requirements of this chapter, provided they comply with the development standards listed herein:

1. Garage and yard sales. Permitted on any parcel where the sale operator resides, not to exceed three sales per calendar year and two consecutive days for each sale.
2. Emergency facilities. Temporary facilities to accommodate emergency public health and safety needs and activities.
3. Construction yards – on-site. Yards and sheds for the storage of materials and equipment used as part of a construction project provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity.
4. Portable storage containers. Any pod or box-like container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building and outside of the public right-of-way. No more than one portable storage container may be on a property at any given time and storage is limited to a maximum of 60 consecutive days.
5. Fireworks stands. Other permit(s) may be required by the Fire District and/or other regulatory agencies and a valid business license may be required.

6. Mobile food vendors are permitted on property with a nonresidential zoning designation (see RCMC 23.910.040 for additional standards).
7. Activities conducted on public property or within the public right-of-way that are approved by the city or as otherwise required by the municipal code.

B. Allowed Temporary Uses and Related Standards. The following temporary uses may only be established after first obtaining a valid temporary use permit as described in RCMC 23.922.020 (Permit required). Uses that do not fall within the categories defined below shall comply with the use and development regulations and planning permit requirements that otherwise apply to the property:

1. Construction office. A temporary construction office, used during the construction of a main building or buildings on the same site.
2. Construction yards – off-site. Site contractors' construction yards, in conjunction with an approved construction project.
3. A mobile home for temporary caretaker quarters during the construction of a subdivision, multifamily, or nonresidential project, while a valid building permit is in force.
4. Model homes. A model home or model home complex may be authorized before the completion of subdivision improvements.
5. Temporary real estate offices, including sales trailers and related facilities, may be established within the area of an approved residential subdivision project, solely for the first sale of homes. In addition, conditions of approval regulating the hours of operation, landscaping, or other aspects as deemed necessary may be imposed as part of the temporary use permit.
6. Outdoor storage, displays, and ~~sales~~ (e.g., sidewalk sales). Outdoor storage, ~~sales~~, and display of goods, including promotional sales, may be conducted as part of an otherwise lawfully permitted or allowed permanent use. The temporary activity must be related to the on-site use and provided all activities shall be conducted within the buildable portion of the lot. The temporary activity is limited to a maximum of 30 consecutive days. A total maximum of four 30-day periods are permitted per year. Storage, s~~ales~~ and display may not occupy more than 10 percent of the parking area and shall not substantially alter the existing circulation pattern of the site. Temporary storage, sales and displays shall not obstruct any existing handicapped-accessible parking space.
7. Seasonal sales lots. Temporary seasonal sales activities (e.g., Christmas trees, pumpkin sales, and other similar outdoor sales) may be permitted in any commercial or industrial zoning district, or on any religious facility or school site that abuts a collector or arterial roadway as designated in the General Plan. Seasonal sales (e.g., Christmas tree sales, pumpkin sales) may be permitted in any nonresidential zoning district upon issuance of a temporary use permit. Only one permit per property is permitted within a one-year time period and the term of permit shall not exceed 60 days. Temporary dwellings, including mobile homes, when a primary dwelling is being constructed or remodeled may be permitted, provided a valid building permit has been issued. The temporary dwelling shall be limited to a maximum of one year.
8. Temporary signs. Banners and other signage displays are permitted for a period not to exceed 60 days. No more than two temporary use permits for temporary signs shall be issued for the same property per calendar year. Inflatable signs are prohibited. See RCMC 23.743.070, Allowed temporary on-site sign standards, for standards and additional limitations.
9. Temporary structures (e.g., tents). A Sacramento metro fire permit is required as part of application.
10. Grand opening event/special day or weekend event (e.g., auction, craft fair, carnival, parking lot sale). The temporary activity is limited to a maximum of 30 consecutive days. A total maximum of four 30-day periods are permitted per year. The use must be located on mixed-use, automotive, and industrial zoned land. Flea markets are not permitted.

11. Farmers' markets may be permitted, provided such markets qualify as certified farmers' markets and all producers/vendors qualify as certified producers under the California Department of Food and Agriculture. The market must be located within the buildable portion of the lot on which it is to be located. The temporary use permit may impose conditions establishing the length of the permit, days and hours of operation, and other development factors as deemed appropriate.

12. When a temporary use is not specifically listed in this section, the director shall determine whether the proposed use is similar in nature to listed use(s) and shall establish the term and make necessary findings and conditions for the particular use. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.8.030)].

23.922.040 General development standards.

Each use granted a temporary use permit shall comply with all applicable zoning district and development standards as outlined in this zoning code. The director shall establish the following standards in combination with the provisions in RCMC 23.922.030 (Temporary use regulations) and based on the type of temporary use, in addition to standards within the zoning code, for guidance:

A. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this zoning code; and

B. Limitation on the duration of approved temporary structures, to a maximum of one year, so that they shall not become permanent or long-term structures; and

C. Other requirements as appropriate to minimize any adverse impacts of the use. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.8.040)].

23.922.050 Similar uses.

When a temporary use is not specifically listed in this section, the director shall determine whether the proposed use is similar in nature to listed use(s) and shall establish the term and make necessary findings and conditions for the particular use, consistent with the provisions for similar use determination in Chapter 23.122 RCMC (Similar Use Determinations). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 5.8.050)].

Chapter 23.925**MEDICAL MARIJUANA DISPENSARIES AND COMMERCIAL MARIJUANA USES**

Sections:

- 23.925.010 Purpose.
23.925.020 Medical marijuana dispensary as a prohibited use.
23.925.030 Commercial marijuana uses as a prohibited use.

23.925.010 Purpose.

Pursuant to the city's police powers authorized in Article XI, Section 7 of the California Constitution, the city has the power to regulate permissible land uses throughout the city and to enact regulations for the preservation of public health, safety and welfare of its residents and community. In enacting this chapter, it is the intent of the city council of Rancho Cordova to protect the safety and welfare of the general public. The purpose of this chapter is to clarify that medical marijuana dispensaries and any and all commercial marijuana uses, as defined in RCMC 23.1104.040, are not permitted uses in any zone of the city. [Ord. 15-2013 § 2; Ord. 17-2013 § 2].

23.925.020 Medical marijuana dispensary as a prohibited use.

A medical marijuana dispensary, as defined in RCMC 23.1104.040, is prohibited in all zones of the city of Rancho Cordova. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of a medical marijuana dispensary. [Ord. 15-2013 § 2; Ord. 17-2013 § 2].

23.925.030 Commercial marijuana uses as a prohibited use.

Commercial marijuana uses, as defined in RCMC 23.1104.040, are prohibited in all zones of the City of Rancho Cordova. No permit or any other applicable license or entitlement for use, nor any business license shall be approved or issued for the establishment, maintenance or operation of any commercial marijuana use.

RANCHO CORDOVA MUNICIPAL CODE, TITLE 23 – ZONING CODE

Public Hearing Draft November 14, 2016

Article 11

Definitions

Overview

This Chapter provides all definitions that are used throughout the Zoning Code. Definitions are grouped according to Land Use descriptions, General definitions, Sign definitions, Telecommunication definitions, Sexually Oriented Business definitions, and House Incentives and Density Bonus definitions.

Article 11. Definitions¹**Overview**

This Chapter provides all definitions that are used throughout the Zoning Code. Definitions are grouped according to Land Use descriptions, General definitions, Sign definitions, Telecommunication definitions, Sexually Oriented Business definitions, and House Incentives and Density Bonus definitions.

Chapter 23.1104**GENERAL DEFINITIONS**

Sections:

23.1104.010	Purpose.
23.1104.020	General definitions.
<u>23.1104.030</u>	<u>Purpose</u>
<u>23.1104.040</u>	<u>Land use definitions</u>
<u>23.1104.050</u>	<u>Sign definitions</u>
<u>23.1104.060</u>	<u>Telecommunication definitions</u>
<u>23.1104.070</u>	<u>Sexually oriented business definitions</u>
<u>23.1104.080</u>	<u>House incentives and density bonus definitions</u>

GENERAL DEFINITIONS**23.1104.010 Purpose.**

The purpose of this chapter is to provide all general definitions used throughout this title. Definitions are organized alphabetically. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 10.2.010)].

23.1104.020 General definitions.

“Accessory Second dwelling unit” means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats. This definition shall also include:

- A. “Efficiency unit” as defined in Section 17958.1 of the California Health and Safety Code;
- B. “Manufactured home” as defined in Section 18007 of the California Health and Safety Code.

“Accessory structure” means a detached structure or building which is subordinate to, and the use of which is customarily incidental to, that of the main building, structure, or use on the same lot. Accessory structure, enclosed and/or solid-roofed” is a detached accessory structure which is either entirely enclosed by walls and a solid roof or is partially enclosed with a solid roof. This classification of accessory structures includes garages, greenhouses, poolhouses, sunrooms, workshops, storage sheds, and carports, patio covers and gazebos with solid roof construction.

“Antenna” means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure, or is portable or moveable. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna. Telecommunication related definitions are in Section 23.1104.060.

“Apiary” means a place where bees are kept, and includes a collection of hives, combs, appliances, or colonies wherever they are kept or located and no matter the number of hives, combs, appliances, or colonies.

“Applicant” means the owner(s) or subdivider(s) with a controlling interest in the proposed project and any successors in interest.

“Arcade” means a continuously covered public space open on the sides, except for structural columns or piers, adjacent to and extending along the facade of a building. The space may be located between the facade and a sidewalk or another public space, or it may replace a sidewalk along a private street where no building setback is present.

Figure 23.1104-1: Arcades

“Awnings” means any structure made of a flexible fabric or similar 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.

“Basement” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above which is partly below grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to the floor above.

“Beekeeping” means the keeping, maintaining, or allowing any hive of any size on any parcel in the City.

“Bees” mean honey-producing insects of the genus Apis, including adults, eggs, larvae, pupae or other immature states thereof, together with such materials as are deposited into hives by adult bees, except honey and rendered beeswax.

“Building entry space” means a public space adjacent to a pedestrian building entrance.

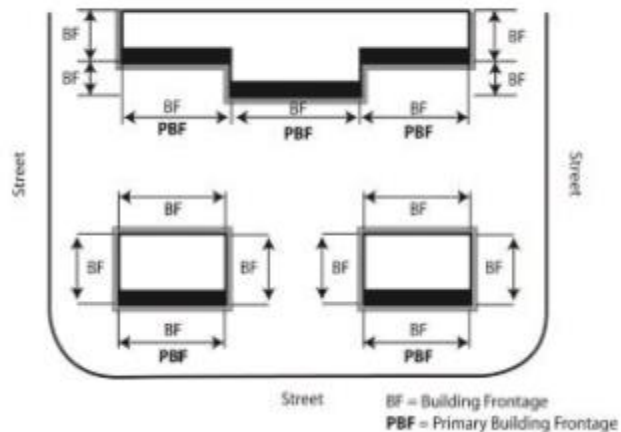
Figure 23.1104-2: Building Entry Spaces

“Building frontage, primary” means 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 (e.g., an entrance facing a courtyard). For multitenant

buildings, ground floor tenants may have their primary frontage determined independently of the rest of the building based upon the aforementioned rules.

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Figure 23.743-1: Building Frontage and Primary Building Frontage



“Clear Vision Triangle” means— ~~t~~he clear vision area (sometimes called the “sight triangle”) is a triangular-shaped area on corner lots or where driveways exit onto public streets. Fences and landscaping within this area are limited to 30 inches above the elevation of the curb or street centerline so that drivers stopped at an intersection can see oncoming traffic. Buildings are strictly prohibited within the clear vision triangle. Regulations related to the clear vision triangle are provided in Chapter 12.12 RCMC, Obstruction of Corners.

“Commercial mascot” means a human or live animal used as a commercial advertising or signaling device. Sometimes called sign twirlers or sign clowns.

“Commercial message” means any sign wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

“Commercial vehicle” means a motor vehicle used for commercial, industrial, or agricultural purposes and rated more than one ton (2,000 pounds) capacity. Examples of commercial use vehicles include but are not limited to tow trucks, flat-bed trucks, mobile food preparation vehicles including large trucks converted as food vehicles (ice cream, etc.), street sweepers, buses, utility trucks with hydraulic arms or lifts, and tractors and semi-trailers.

“Concertina wire” means a type of barbed wire or razor wire that is formed into large coils that usually sit atop another type of fencing.

“Condominium” means and includes the items below. The term “condominium” specifically includes, but is not limited to, the conversion of any existing structure for sale pursuant to a method described in subsections (A) through (D) of this definition:

- A. Condominium as defined by Section 783 of the Civil Code;

B. Community apartment project as defined by Section 11004 of the Business and Professions Code;

C. Stock cooperative as defined by Section 11003.2 of the Business and Professions Code; and

D. Planned development as defined by Section 11003 of the Business and Professions Code.

“Condominium project” or “project” includes the real property and any structures thereon, or any structures to be constructed thereon, which are to be divided into condominium ownership.

“Condominium unit or units” means the individual spaces within a condominium project owned as individual estates.

“Conversion” or “condominium conversion” means a change in the ownership of a parcel or parcels of property, together with structures thereon, whereby the parcel or parcels and structures previously used as rental units are changed to condominium ownership. Condominium conversion includes projects which have previously obtained final map approval, but have not proceeded to sell any of the apartment units to individual unit owners.

“Corner arcade” means a small covered space adjoining the intersection of two streets at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

“Custom home” means a site-specific home built from a unique set of plans for the wishes of a specific client.

“Deck/patio” means a detached porch or platform that is generally constructed with wood, concrete, or stone that is above the natural grade or located over a basement or story below.

“Density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable zoning district and land use element of the General Plan and applicable state law. Housing incentives and density bonus related definitions are in Section 23.1104.080.

“Development” means, for purposes of this zoning code, a proposed or already-constructed building or group of buildings.

“Earthtones” means colors similar to those found in earth and soils, such as shades of brown or reddish-browns.

“Electrical substation” means, for the purposes of this zoning code, any structure with 100,000 volts or greater incoming capacity which either:

A. Converts electrical energy to a lesser voltage for the purpose of subregional or localized distribution;

B. Functions as a transition point from overhead to underground electrical transmission lines; or

C. Acts as the point of convergence for two or more transmission lines.

“Electromagnetic” means an electrical wave propagated by an electrostatic and magnetic field of varying intensity.

“Eligible tenant” means any tenant who is a resident of the project proposed for conversion on the date notice of intent to convert is given as required by state law.

“Employee break area” means a public space reserved for employee use on a lot zoned for commercial, office, or industrial use.

Figure 23.1104-3: Employee Break Areas

“Establishment” means any nonresidential use of land involving structures, as defined in the building code, and the presence of human beings during normal hours of operation. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices, and libraries, but does not include power transformers or other utility facilities at which human beings are usually not present, single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums.

“Fixed-base structures and facilities” shall include substations (both communication and electrical), potable water storage facilities, public water system wells, natural gas regulating and distribution facilities, and treatment plants.

“Flag” means 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.

“Floor area ratio (FAR)” expresses the relationship between the amount of useable floor area permitted in a building (or buildings) and the area of the lot on which the building stands. It is obtained by dividing the gross floor area of a building by the total area of the lot. FAR is usually expressed as a decimal fraction (for example, 0.5 or 2.0).

“Foot-candle” means a unit of illumination produced on a surface, all points of which are one foot from a uniform point of one candle.

“Full shielding” means a technique or method of construction which causes all light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the lowest point on the fixtures from which light is emitted.

“Garage, yard, estate, and other home-based sales” means the occasional nonbusiness public sale of secondhand household and other goods incidental to household uses by a person or persons from a residential use.

“General advertising” means the business of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising; also known as advertising for hire.

“Glare” means light emitting from a luminaire with an intensity great enough to reduce a viewer’s ability to see and, in extreme cases, causing momentary blindness.

“Grade” means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet distant from said wall, or the lowest point of elevation on the finished surface of the ground between the exterior wall of a building and the property line if it is less than five feet distant from said wall. In cases where walls and fences are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way. In the case of signs, grade is the lowest point of elevation of the finished surface of the ground at the base of the sign, or in the case of a double support, the lowest point of elevation of the finished surface of the ground at the supports.

“Grade, existing” means the natural grade in place prior to the preparation of property for development. For individual recorded lots, “existing grade” shall mean natural grade or the grade established as a part of the development of the subdivision.

“Grade, finish” means the final contour of the ground surface of a site that conforms to the approved grading plan inclusive of cut and fill when not part of master grading of a subdivision.

“Guest house/pool house” means an attached or detached habitable structure with only sleeping, living, and bathroom provisions, exclusive of kitchen or cooking facilities. Such structure shall not be used or rented as a separate dwelling for permanent living quarters unless a conditional use permit is granted to do so.

“Hives” mean any receptacle or container made or prepared for the intended use of bees and/or storage of honey or brood, or box of similar container of which bees have taken possession and/or inhabited.

“Home occupation” means an accessory, nonresidential business activity that is conducted within a dwelling by its inhabitants, incidental to the residential use of the dwelling, which does not change the character of the surrounding area by generating more traffic, noise, or storage of material than would be normally associated with a residential zone.

“Housing development” means one or more groups of projects for residential units planned for construction in the city. It includes a subdivision or common interest development as defined in Section 1351 of the Civil Code, residential units or unimproved residential lots, the rehabilitation of existing multifamily dwellings where the rehabilitation would result in a net increase in available units, and the conversion and rehabilitation of an existing commercial building to residential use.

“Incentives and concessions” means such regulatory concessions as specified in subdivision (I) of Government Code Section 65915 which include, but are not limited to, the following:

- A. The reduction of 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 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.
- B. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the 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.
- C. Direct financial assistance.
- D. Other regulatory incentives or concessions which result in identifiable cost reductions or avoidance.

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure, as defined in Government Code section 65852.22. A “junior accessory dwelling unit” may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

“Landscape feature” means a detached decorative structure typically used in conjunction with plant materials for aesthetic enhancement, such as patio trellis covers, pergolas and gazebos with nonsolid roof construction, arched trellises, vertical lattice structures, statues, and similar features.

“Light pollution” means artificial light which causes a detrimental effect on the environment, astronomical research, or enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent property.

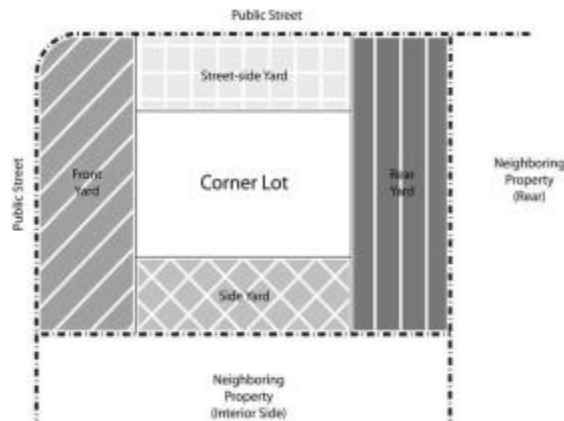
“Light trespass” means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

“Lot” means a parcel of land shown on a subdivision map, parcel map, certificate of compliance, or a record of survey map or described by metes and bounds and recorded in the office of the county recorder of Sacramento County, or a site in one ownership having an area for each main building or use as required in the applicable zone and having a frontage upon or access by adequate public easement to a public street, road, or highway. Types of lots include the following and are described in Figure 23.1104-X (Lot and Yard Types):

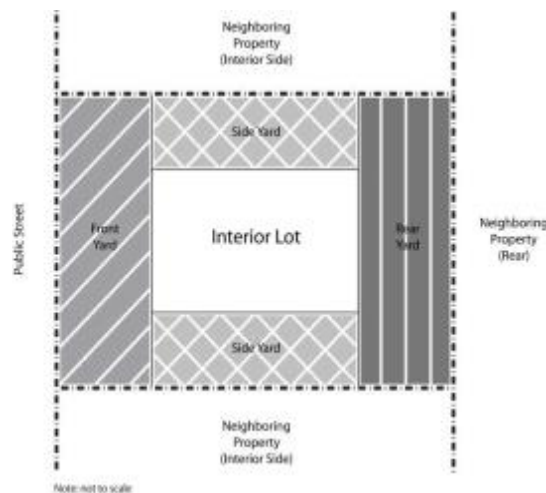
- A. “Lot, corner” means a lot situated at the intersection of two or more public streets having an angle of intersection of not more than 135 degrees.
- B. “Lot, flag” means a parcel of land shaped like a flag; the staff (access corridor) is a narrow strip of land providing vehicular and pedestrian access to the street with the bulk of the property lying to the rear of other lots.
- C. “Lot, interior” means a lot other than a corner lot.
- D. “Lot, through” means a lot having a frontage on two parallel or approximately parallel streets.

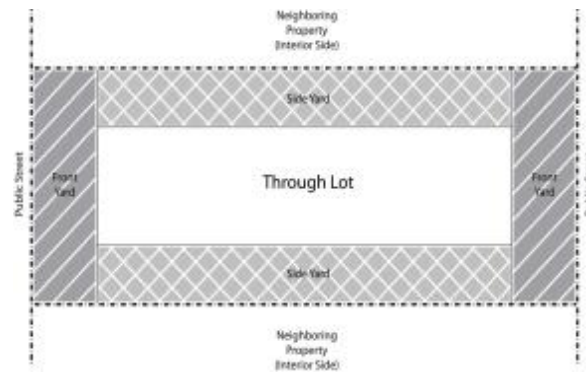
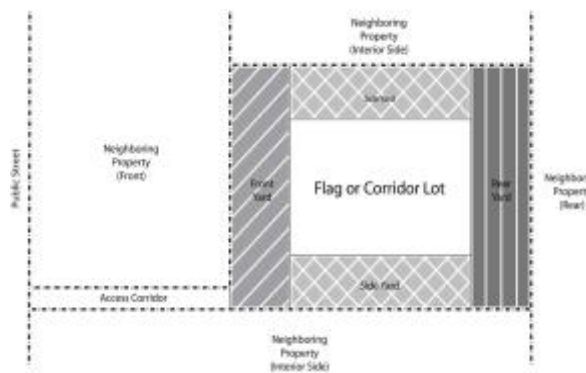
Figure 23.1104-X: Lot and Yard Types

Corner Lot



Interior Lot



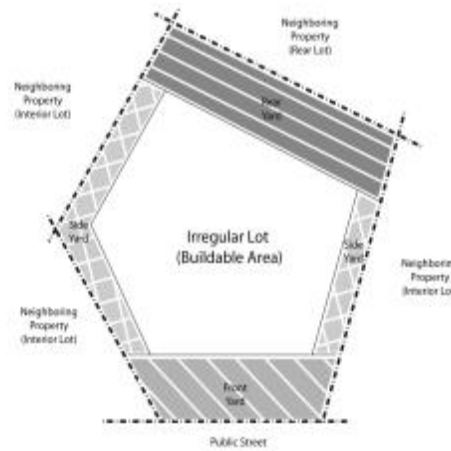
Through LotFlag Lot

“Lot depth” means the horizontal distance between the front and rear lot lines measured on the longitudinal center line.

“Lot frontage” means the portion of a property that abuts one side of a public street which allows primary access to the property. The public street frontage for lots fronting on a curved street, or on the curved portion of a cul-de-sac street, shall be measured along an arc located within the front 50 feet of the lot and based on a center point coincidental with the center point of the street curve. If such arc is farther than 20 feet from the right-of-way line of the street, that arc will be considered the front yard setback line of the lot.

“Lot line, front” means, in the case of an interior lot, a line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street. In the case of a square or nearly square-shaped corner lot, the owner may choose which street shall be designated as the front of the lot. Once the choice of frontage has been made, it cannot be changed unless all requirements for yard space are complied with.

“Lot line, rear” means a lot line which is opposite and most distant from the front lot line and, in case of an irregular, triangular, or gore-shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line. [See Figure 23.1104-Y \(Setback Determination for Irregular Lots\)](#)

Figure 23.1104-X: Setbacks for Irregular Lots

“Lot line, side” means any lot boundary line not a front lot line or a rear lot line.

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

“Low income” means, when used by itself or as a modifier of “person” or “household” or other term, a household whose income does not exceed 80 percent of the median income applicable to Sacramento County, adjusted for family size, as published and annually updated by the United States Department of Housing and Urban Development.

“Luminaire” means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. The pole, post, or bracket is not considered a part of the luminaire.

“Maximum residential density” means the maximum number of residential units permitted by the city’s General Plan land use element and this title at the time of application.

“Mobile food vendor” means a person or enterprise that 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 includes a person who operates a mobile food vending unit that visits multiple private property sites on a daily basis.

“Mobile home park” means a residential facility arranged or equipped for the accommodation of two or more mobile homes, with spaces for such mobile homes available for rent, lease, or purchase, and providing utility services and other facilities either separately or in common to mobile home spaces therein.

“Mobile vending operation” means peddling, vending, selling, serving, displaying, offering for sale or giving away goods, wares, merchandise or food from either a mobile vending unit, mobile stand/display or a mobile food vending unit located on private property.

“Mobile/manufactured home” means a trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including a recreational vehicle, commercial coach, or factory-built (modular) housing (single-family dwelling). A mobile home on a permanent foundation is included under the definition of single-family dwellings.

“Moderate income” means, when used by itself or as a modifier of “person” or “household” or other term, a household whose income does not exceed 81 percent to 120 percent of the median income applicable to Sacramento

County, adjusted for family size, as published and annually updated by the United States Department of Housing and Urban Development.

“Nonconforming structure” means a structure (including signs) which is not permitted under the provisions of this title (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of the ordinance codified in this zoning code or any subsequent ordinance. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.24.020)].

“Nonconforming use” means a use which is not permitted under the provisions of this title (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of the ordinance codified in this zoning code or any subsequent ordinance.

“Nonrestricted unit” means all units within a housing development excluding the target units.

“Notice of intent to convert” means a notice required to be served upon tenants or prospective tenants pursuant to the requirements of Section 66427.1, 66452.8, 66452.9, or 66459 of the Subdivision Map Act. The definition includes both 60-day and 180-day notices as further defined in the applicable section.

“Odor” means obnoxious odors or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.

“On-site main street” means a street or drive aisle located on a lot designed to resemble streets found in an urban context. Defining features of these “streets” include narrow travel lanes, on-street parking, wide sidewalks designed in accordance with Section 23.722.060(F)(2), and buildings located adjacent to or near sidewalks.

Figure 23.1104-X: On-Site Main Streets



“Open view fencing” means fencing that does not create a solid visual barrier, such as wrought iron or tubular steel.

“Park and ride facility” means a designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

“Parking facility” refers to a public or shared parking lot or structured parking garage.

“Particulate Matter and Air Contaminants” refers to the operation of facilities shall not directly or indirectly discharge air contaminants into the atmosphere, including smoke, sulfur compounds, dust, soot, carbon, noxious acids, gases, mist, odors, or particulate matter, or other air contaminants or combinations which exceed any local, state, or federal air quality standards or which might be obnoxious or offensive to anyone residing or conducting business either on site or abutting the subject site. Particulate matter shall not be discharged into the atmosphere in excess of the standards of the federal Environmental Protection Agency, the California Air Resources Board, or the SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT.

“Paseo” means a public space that is located within a block’s interior and that connects two streets that are parallel or within 45 degrees of being parallel to each other.

Figure 23.1104-X: Paseos



“Pedestrian pathways” refers to the infrastructure which provides a safe pedestrian circulation system throughout the development site that minimizes the conflict between pedestrians and vehicular traffic at all points, including parking areas and building access points. The pathway system comprises standard pedestrian paths – pathways that meet the ADA sidewalk width requirements of four feet – and enhanced pedestrian paths – pathways that exceed the ADA sidewalk width requirement and include amenities (e.g., seating, trash receptacles, and drinking fountains).

“Pennant” means 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.

“Play equipment” means structures and surfaces used for recreational purposes, including play structures, jungle gyms, and sports courts such as tennis and basketball courts.

“Plaza” means an urban public space typically bounded by buildings, public rights-of-way, and other secondary public spaces.

Figure 23.1104-X: Plazas



“Pool/spa” means a structure greater than 120 square feet with at least 2,000 gallons of water and a minimum depth of three feet.

“Potable water storage facility” means a water tank or similar structure that collects and/or stores potable water, either just prior to or after treatment to make the water safe for human consumption.

“Primary dwelling unit” means an existing single-family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities occupied and intended for one household.

“Primary site frontage” means the longest frontage of a site that adjoins or fronts onto a public right-of-way.

“Public space” means an open area for public use on a lot developed in accordance with requirements of an arcade, a building entry, an employee break area, or a plaza.

“Recreational vehicle (RV)” means an enclosed piece of equipment dually used as both a vehicle and a temporary travel home. Travel trailers are included under this definition. RVs are intended for everything from brief leisure activities, such as vacations and camping, to full-time living.

“Related equipment” means all equipment ancillary to the transmission and reception of voice and data by means of radio frequencies. Such equipment may include cables, conduits, connectors, equipment pads, equipment shelters, cabinets, buildings, and access ladders.

“Retaining wall” means a structure that holds back soil and rock from a building, structure, or area that helps to prevent erosion and the downward slide of such materials.

“Right-of-way line” means the future right-of-way line or plan lines of any highway or street as shown on the current circulation plan roadway system and sizing map of the city’s General Plan.

“Roofline” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

“Senior citizen housing development” means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units and complies with the requirements of California Civil Code Section 51.3.

“Setback” means the minimum distance between a structure and a property line of the lot, measured at a right angle from the designated property line.

“Shielding” means a technique or method of construction which causes light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the fixtures.

“Sign” means any structure, part thereof, device, fixture, or placard or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee or similar appendage, or permanently affixed to the glass on the outside or inside of a window so as to be seen from the outside of the building, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry when such image is visible from any public right-of-way. Sign related definitions are in Section 23.1104.050. Notwithstanding the generality of the foregoing, the following are not within this definition:

A. Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks, or moving parts).

B. Fireworks, etc. The legal use of fireworks, candles, and artificial lighting not otherwise regulated by this zoning code.

C. Gravestones and grave markers.

D. Manufacturers' marks. Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale.

E. Newsracks and newsstands.

F. Personal appearance. Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots).

G. Symbols embedded in architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal. The definition also includes foundation stones and cornerstones.

"Special category tenants" refers to persons or tenants who fall within one or more of the following categories:

A. "Elderly" means individuals 62 years of age or older;

B. "Handicapped or permanently disabled" as defined in Section 50072 of the California Health and Safety Code or 42 USC 423 and 24 CFR 8.3;

C. "Low income" or "very low income" as defined in this zoning code.

"Special needs population" means persons identified as having special needs related to any of the following:

A. Mental health;

B. Physical disabilities;

C. Developmental disabilities, including, but not limited to, mental retardation, cerebral palsy, epilepsy, and autism;

D. The risk of homelessness; or

E. Persons eligible for mental health services funded in whole or in part by the Mental Health Services Fund, created by Section 5890 of the Welfare and Institutions Code.

"Trailers" means generally an unpowered vehicle pulled by a powered vehicle. Commonly, the term "trailer" refers to such vehicles used for transport of goods and materials. Travel trailers are considered recreational vehicles.

"Transmission lines and pipelines" means those facilities that transmit or transport electricity, potable water, reclaimed water, natural gas, sewage, and telephone, telegraph, cable television, and other communication transmission facilities that utilize direct physical conduits.

"Treatment plants" means a facility used to treat water into potable water suitable for human consumption or used to treat sewage/waste water so that it may be reclaimed for use as irrigation water or otherwise released back into the natural environment. May also include settling ponds and disposal fields related to the operation of the treatment plant.

"Truck yard/freight terminal" means an establishment where the primary activities are furnishing services incidental to air, motor freight, and rail transportation, where freight transferring occurs. This includes freight forwarding services; freight terminal facilities; joint terminal and service facilities; packing, crating, inspection, and weighing services; postal service bulk mailing distribution centers; transportation arrangement services; repair and storage of vehicles as ancillary activities; truck terminals; and trucking facilities.

"Vacancy rate" means the actual, physical vacancy rate of nonrented apartments in the project.

“Very low income” means, when used by itself or as a modifier of “person” or “household” or other term, a household whose income does not exceed 50 percent of the median income applicable to Sacramento County, adjusted for family size, as published and annually updated by the United States Department of Housing and Urban Development.

“Very low income households” means households whose income does not exceed the very low income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

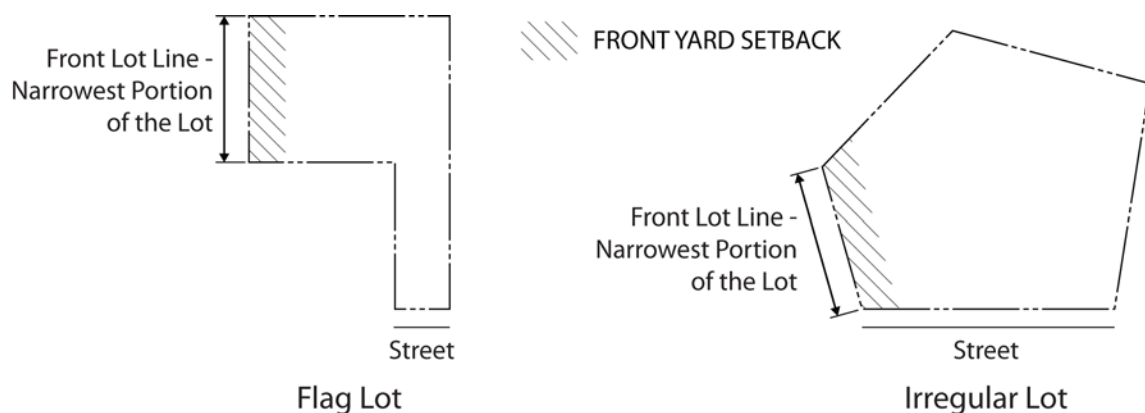
“Vessel” means watercraft used or capable of being used as a means of transportation on water.

“Yard” means an open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this code. Types of yards include the following and are described in Figure 23.1104-704-X1 (Lot and Yard Types):

A. “Yard, front” ~~means a yard extending across the full width of the lot between the front of the main building and the front lot line. The depth of the required front yard shall be measured horizontally between the nearest part of the closest building and the nearest point of the front lot line.~~

- a) For any lot other than a corner lot in a residential zoning district, the front yard area means the area which extends across the full width of the lot and from the front lot line along the street to a line defined by the front yard setback, excluding frontage area which is used primarily for ingress or egress to a flag lot.
- b) For a corner lot in a residential zoning district, the front yard setback area means the area which extends across the full width of the lot and from the narrower lot line along a public street to a parallel line defined by the front setback line.
- c) Irregular Lot. For flag lots and other irregularly shaped parcels, the front lot line is determined to be the narrowest portion of the lot. For flag lots, this excludes the narrow portion of the lot that represents the “pole.” See Figure 23.1104-Z.

Figure 23.1104-Z
Front Yard Setback Measurement for Irregular Lots



B. “Yard, rear” ~~means a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.~~

- a) For an interior lot, the rear yard setback area means the area which extends across the full width of the lot and from the rear lot line to a parallel line defined by the rear yard setback distance.
- b) For a corner lot, the rear yard setback area means the area which extends across the full width of the lot and from the lot line opposite the narrower lot line along a public street to a parallel line defined by the rear yard setback line.
- c) In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half of such alley may be assumed to be a portion of the rear yard.

C. “Yard, side” ~~means a yard, between a building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the closest building.~~ means that area which extends from a side lot line to a parallel line defined by the interior side yard setback between the front setback area and the rear yard setback area.

D. “Yard, side street” means the area that extends from the side lot line adjacent to the street right-of-way to a parallel line defined by the street side yard setback between the front setback area and the rear yard setback area. ~~a yard, between a building and the side lot line adjacent to the street right of way, extending from the front yard to the rear yard. The depth of the required side street yard shall be measured horizontally between the nearest part of the closest building and the nearest point of the side lot line adjacent to the street.~~

“Yard area, actual” means the horizontal area between the property line and a parallel line along the nearest structure located outside of the required setback area. See Figure 23.1104.704-X1, Lot and Yard Types.

Yard Area, Required. The required yard area (front, interior side, street side, and/or rear) of a lot is the horizontal area between the property line and the minimum setback distance for the respective yard pursuant to Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). [Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 10.2.020)].

LAND USE DEFINITIONS

23.1104.030 Purpose.

The purpose of this chapter is to provide descriptions for each of the land use categories used in this title. Descriptions are grouped by general category on the basis of function, product, or compatibility characteristics as used in Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 10.1.010)].

23.1104.040 Land use definitions.

“Adult day care facilities” means state-licensed facilities that provide nonmedical care and supervision for more than six adults for periods of less than 24 hours, with no overnight stays.

“Adult day care home” is defined by state law as the provision of nonmedical care to six or fewer adults, including seniors, in the provider’s own home, for a period of less than 24 hours at a time. Homes serving more than six adults are included in “Adult day care facilities.”

“Agricultural products processing” means the act of changing an agricultural crop after harvest from its natural state to the initial stage of processing in order to prepare it for market and for further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, cleaning and packing of fruits.

“Agricultural tourism” means establishments that cater to tourists and provide agricultural products either produced on the site or within the community. Such uses include but are not limited to wineries with tasting rooms and permanent roadside crop stands or fruit stands.

“Airport” means a facility where aircraft such as airplanes can take off and land. An airport minimally consists of one runway but other common components are hangars and terminal buildings.

“Alcoholic beverage sales” means the retail sale of beer, wine, and/or other alcoholic beverages for off-premises consumption.

“Ambulance service” means emergency medical care and transportation, including incidental storage and maintenance of vehicles.

“Animal husbandry” means raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping, but exclude slaughterhouses and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately under “Animal sales and grooming.” Keeping of animals is defined separately under “Animal keeping.”

“Animal keeping” means care and maintenance of animals on private property. The listing below provides a distinction between various types of animals related to allowed use provisions in Article 3 of this title (Zoning Districts, Allowable Uses, and General Development Standards). This classification is distinct from animal husbandry, animal sales and grooming, and equestrian facilities (commercial or hobby). Also see “Kennels, commercial,” which provides for the boarding of animals (e.g., “doggie day care”).

A. “Domestic pets” means small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry).

B. “Exotic animals” means wild animals not customarily confined or cultivated by man for domestic or commercial purposes, but kept as a pet or for display, including potbelly pigs, snakes, reptiles, and large tropical birds (including peacocks).

C. “Livestock animals” means domesticated animals that may be kept or raised in pens, barns, houses, and pastures, whether for commercial or private use. Livestock includes, but is not limited to, cattle, sheep, swine, goats, equine, and fowl.

D. “Poultry” means domesticated birds (fowl) customarily kept for eggs or meat. This classification includes chickens, roosters, ducks, geese, turkeys, guinea fowl, and Cornish game hens.

“Animal sales and grooming” means retail sales of domestic and exotic animals, bathing and trimming services, and boarding of said animals for a maximum period of 72 hours, conducted entirely within an enclosed building with no outdoor use.

“Aquaculture” means the cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Aquaponics is a subset of aquaculture which integrates aquaculture with hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants.

“Art, antique, collectable” means retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books. Stores selling handcrafted items that are produced on the site are defined separately as “Artisan shops.”

“Artisan shops” means retail stores selling art, glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

“Artisanal and specialty manufacture, display and sales” means the manufacture, display, and sales of specialty food and goods requiring the transformation of raw materials into products that may be edible, useful, or decorative. Outdoor display, sales and consumption on premises may be included subject to zoning and accessibility requirements, and any other state or local regulations such as, but not limited to, the California Uniform Food Facilities Law (CURFFL). This listing includes craft breweries, small scale winery production facilities, and craft distilleries. Such facilities manufacture alcoholic beverages with an annual production of less than 60,000 barrels of

beer or 60,000 gallons of wine or spirits respectively. Incidental to the manufacturing process, a tasting area not to exceed 50 percent of the floor area is allowed. Tasting rooms must comply with retail hours of operation from 10:00 a.m. to 10:00 p.m. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control (ABC). All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure. Prior to occupancy, all craft breweries, wineries, or distilleries shall provide evidence of acquisition of all required state and federal permits. See also "Tasting room, off-site."

"Auto and vehicle sales and rental" means retail establishments selling and/or renting automobiles, trucks, and vans. This use listing includes the sales and rental of mobile homes, recreation vehicles, and boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. It does not include the sale of auto parts/accessories separate from a vehicle dealership (see "Auto parts sales"), bicycle and moped sales (see "Retail, general"), tire recapping establishments (see "Vehicle services – major"), businesses dealing exclusively in used parts (see "Recycling facility – scrap and dismantling"), or "Service station," all of which are separately defined.

"Auto and vehicle sales, wholesale" means wholesale establishments selling new and used vehicles and used vehicle parts. This use is normally developed as part of an auto wrecking yard, junkyard, or salvage yard. Conventional automobile dealerships are listed under "Auto and vehicle sales and rental."

"Auto and vehicle storage" means facilities for the storage of operative and inoperative vehicles for limited periods of time. Includes but is not limited to storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreation vehicles. Does not include vehicle dismantling (see "Auto vehicle dismantling") or retail sales (see "Auto and vehicle sales, wholesale").

"Auto parts sales" means stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle services – minor"). Does not include tire recapping establishments, which are found under "Vehicle services – major" or businesses dealing exclusively in used parts, which are included under "Auto and vehicle sales, wholesale."

"Auto vehicle dismantling" means establishments for the dismantling of automobile vehicles, including the dismantling or wrecking of automobiles or other motor vehicles, and/or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. Retail sales are included under the definition of "Auto and vehicle sales, wholesale."

"Banks and financial services" means financial institutions such as banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, and investment companies. Also includes automated teller machines (ATM). "Banks and financial services" shall not mean check-cashing or finance lending businesses that do not qualify as a "financial institution" under California Financial Code statutes.

"Bars and nightclubs" means any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g., music and/or dancing, comedy) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Bars and nightclubs may include outdoor food and beverage areas.

"Bed and breakfast inns" means residential structures with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable health department regulations. A bed and breakfast inn with more than five guest rooms is considered a hotel or motel and is included under the definition of "Hotels and motels."

"Brew pub" means an establishment that produces ales, beers, meads, hard ciders, and/or similar beverages to serve on site. Sale of beverages for off-site consumption is also permitted in keeping with the regulations of the ABC. Service of brewed beverages must be in conjunction with the service of food. Manufacturing activities shall occur entirely within an enclosed building or outdoor work area screened from public view and be separated from the restaurant portion of the facility by applicable building codes. All beverage tasting shall occur within the restaurant portion of the facility. Brew pubs may not produce more than 5,000 barrels of beverage (all types of beverage

combined) annually per ABC licensing standards. May also include the wholesale distribution of beverages for off-site consumption.

“Brewery, winery, distillery” means a facility where specific alcoholic beverages are manufactured, with an annual production of more than 60,000 barrels of beer or 60,000 gallons of wine or spirits. Incidental to the manufacturing process, a tasting area not to exceed 50 percent of the floor area is allowed. Tasting rooms must comply with retail hours of operation from 10:00 a.m. to 10:00 p.m. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control. All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure. Prior to occupancy, all craft breweries, wineries, or distilleries shall provide evidence of acquisition of all required state and federal permits. See also “Tasting room, off-site.”

“Broadcasting and recording studios” means commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of “Telecommunication facility.”

“Building materials stores and yards” means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “Wholesaling and distribution.” Hardware stores are listed in the definition of “Retail, general,” even if they sell some building materials. Also see “Home improvement supplies” for smaller specialty stores.

“Bus and transit shelter” means a small structure designed for the protection and convenience of waiting transit passengers and that has a roof and usually two or three sides.

“Business support services” means establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:

- A. Equipment repair services (except vehicle repair; see “Vehicle services”);
- B. Commercial art and design (production);
- C. Computer-related services (rental, repair);
- D. Copying, quick printing, and blueprinting services (other than those defined as “Printing and publishing”);
- E. Equipment rental businesses within buildings (rental yards are “storage yards”);
- F. Film processing laboratories;
- G. Heavy equipment repair services where repair occurs on the client site;
- H. Janitorial services;
- I. Mail advertising services (reproduction and shipping);
- J. Mailbox services;
- K. Outdoor advertising services; and
- L. Photocopying and photofinishing.

“Call center” means an office equipped to handle a large volume of calls, especially for taking orders or servicing customers.

“Car washing and detailing” means permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day) are not part of this use classification.

“Card rooms” means gambling establishments that offer card games for play by the public.

“Caretaker housing” means a residence that is accessory to a site with a nonresidential primary use and that is needed for security, 24-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

“Cemeteries” or “mausoleums” means land used for the burial of the dead and dedicated for cemetery purposes, including crematories, columbariums, and mausoleums. Also see “Mortuaries and funeral homes.”

“Check cashing business” means an establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, title cashing, or other commercial paper serving a similar purpose. Also includes establishments primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks. This classification does not include a state or federally chartered bank, savings association, credit union or similar financial institution (see “Banks and financial services”).

“Child day care facility” means a state-licensed facility which provides nonmedical care, protection, and supervision to more than 14 children under 18 years of age, on a less than 24-hour basis. Commercial or nonprofit child day care facilities include infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

“Clubs, lodges, and private meeting halls” means permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; and other membership organizations.

“Commercial marijuana uses” means any and all commercial and nonprofit entities, businesses, organizations, facilities, enterprises, buildings, structures, delivery service, vehicle or location, whether fixed or mobile, where recreational or medical marijuana (cannabis), recreational or medical marijuana products, or devices for the use of recreational or medical marijuana or recreational or medical marijuana products are offered, either individually or in any combination, for retail sale, including an establishment that delivers recreational or medical marijuana and recreational marijuana products. “Commercial marijuana uses” also includes any and all uses involving the cultivation, testing, research, distribution, possession, processing, storing, labeling, transporting, or sale of medical or recreational marijuana or recreational or medical marijuana products, regardless of whether such uses are permitted under state laws.

“Community centers/civic uses” means multipurpose meeting and recreational facilities typically consisting of one or more meeting or multipurpose rooms, kitchens and/or outdoor barbecue facilities that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

“Community garden” means a site used for growing plants for food, fiber, herbs, or flowers, which is shared and maintained by city residents.

“Community garden, private” means an otherwise undeveloped lot divided into multiple plots for the growing and harvesting of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs, primarily for the personal use of the growers, and that is established, operated, and maintained by a group of persons, other than the City public agency. This does not include a private garden or edible landscaping that is incidental to the primary use of the lot.

“Community garden, public” means public land divided into multiple plots that are available to the public for growing and harvesting of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs primarily for the personal use of the growers, and that is established, operated, and maintained by the City public agency.

“Convenience stores” means easy-access retail stores of 5,000 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers’ shopping needs. These stores may be part of a service station or an independent facility. Also see “Neighborhood market” and “Grocery store/supermarket” for larger stores or stores oriented toward the daily shopping needs of residents.

“Cottage food operation” means a cottage food operation as defined in the California Health and Safety Code.

“Crop production” means raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. This classification includes accessory agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises. Excludes uses for which other garden, nursery, or landscape merchandise is stored and sold on the site.

“Drive-in and drive-through sales and service” means facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy products, photo stores, etc.

“Dwelling, multifamily” means a building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

“Dwelling, accessorysecond unit” means an attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats.

“Dwelling, single-family” means a building designed exclusively for occupancy by one family on a single lot. This classification includes manufactured homes (defined in California Health and Safety Code Section 18007) and model homes for the first sale of homes within the subdivision.

“Dwelling, two-family” means an attached building (e.g., duplex) designed for occupancy by two families living independently of each other, where both dwellings are located on a single lot. For the purposes of this title, this definition also includes halfplexes (two attached units, each with a separate lot). More than one two-family dwelling may be located on a single lot consistent with the density provisions of the General Plan. Does not include accessorysecond dwelling units (see “Dwelling, accessorysecond unit”).

“E-cigarette lounges” and “vapor bars” means any business, facility, building, establishment, structure or location, whether fixed or mobile, where customers or others utilize a heating element or other device that vaporizes a liquid solution that releases nicotine or flavored vapor, including but not limited to e-cigarettes, hookah pens, e-hookahs, or vape pipes. E-cigarette lounges and vapor bars shall include private smokers’ lounges and smokers’ lounges as defined below. “E-cigarette” or “electronic cigarette” shall have the same definition as that in Section 6.84.020(F) of the RCMC.

A. “Hookah bar” means any business, facility, building, establishment, structure or location, whether fixed or mobile, where customers or others utilize hookahs, pipes, or other mechanisms placed at various locations throughout the establishment to smoke tobacco or other substances.

B. “Private smokers’ lounges” or “smokers’ lounges” means any enclosed or unenclosed area within or attached to a retail or wholesale tobacco store or smoke shop that is dedicated, in whole or in part, to the use of tobacco or e-cigarette products, including but not limited to cigarettes, cigars, pipes, hookahs, e-cigarettes, hookah pens, e-hookahs, or vape pipes or pens. Such area need not be separated from the main floor area of the retail establishment.

“Emergency shelter” means any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless.

“Emergency facilities” means a temporary facilities to accommodate emergency public health and safety needs and activities

“Employee housing” means property used temporarily or seasonally for the residential use of five or more unrelated persons/families employed to perform agricultural or industrial labor. The accommodations may consist of any living quarters, dwelling, boarding house, tent, bunkhouse, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or one or more sites, and the premises upon which they are situated, including area set aside for parking of mobile homes or camping of five or more employees by the employer. Concurrent with the previous definition, employee housing may also involve permanent residency if the housing accommodation is a mobile home, manufactured home, travel trailer, or recreational vehicle.

“Equestrian facility, commercial” means commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals, and paddocks accessory and incidental to these uses.

“Equestrian facility, hobby” means stables, corrals, and paddocks used by the individual homeowners of corresponding property and their animals.

“Equipment sales and rental” means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).

“Family day care home, large” means state-licensed facilities that provide nonmedical care and supervision of minor children for periods of less than 24 hours within a single-family residence. The occupant of the residence provides care and supervision generally for seven to 14 children. As described in the California Health and Safety Code, large day care homes may provide services for up to 16 children when specific conditions are met.

“Family day care home, small” means state-licensed facilities that provide nonmedical care and supervision of minor children for periods of less than 24 hours within a single-family residence. The occupant of the residence provides care and supervision generally to six or fewer children. As described in the California Health and Safety Code, small day care homes for children may provide services for up to eight children when specific conditions are met.

“Fuel storage and distribution” means a large-scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

“Furniture, furnishings, and appliance stores” means stores engaged primarily in selling the following products and related services, including incidental repair services: draperies, floor coverings, furniture, glass and chinaware, home appliances, home furnishings, home sound systems, interior decorating materials and services, large musical instruments, lawn furniture, moveable spas and hot tubs, office furniture, other household electrical and gas appliances, outdoor furniture, refrigerators, stoves, and televisions.

“Garden center/plant nursery” means establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

“Golf courses/clubhouse” means golf courses and accessory facilities and uses including clubhouses with bar and restaurant, locker and shower facilities, driving ranges, “pro shops” for on-site sales of golfing equipment, and golf cart storage and sales facilities.

“Grocery store/supermarket” means a retail business of more than 15,000 square feet in size, where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full-service businesses do not typically have limited hours of operation. See separate but related listings for “Neighborhood market” and “Convenience store.”

“Group residential” means shared living quarters without separate kitchen and/or bathroom facilities for each room or unit. This classification includes residential hotels, dormitories, fraternities, sororities, convents, rectories, and

private residential clubs but does not include living quarters shared exclusively by a family. This category includes boarding houses, which are defined as a building other than a hotel or restaurant where meals or lodging or both meals and lodging are provided for compensation for four or more persons.

“Guest house” means a detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

“Heliport” means a designated, marked area on the ground or the top of a structure where helicopters may land at any time.

“Hog farm, commercial” means any premises used for the raising or keeping of hogs when raised, fed, and fattened for purposes of sale and consumption by other than the owner of the site. In agricultural and agricultural-residential zoning districts, the term “hog farm, commercial” does not exclude the raising of hogs as part of general agricultural practices and 4-H purposes (also see “Animal keeping”).

“Home improvement supplies” means establishments (retail or wholesale) that sell kitchen, bath, furnishings, carpeting, and other home-oriented supplies. Other retail uses are permitted if accessory to the primary use. These uses may include an expansive showroom. This category does not include the sale of lumber and does not permit the outdoor display of merchandise. This use classification is a subcategory of the larger building materials stores and yards use classification and may be combined with or separate from such uses.

“Home occupation” means the conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property. Examples include, but are not limited to, accountants and financial advisors, architects, artists, attorneys, offices for construction businesses (no equipment or material storage), and real estate sales.

“Hookah bar” means any business, facility, building, establishment, structure or location, whether fixed or mobile, where customers or others utilize hookahs, pipes, or other mechanisms placed at various locations throughout the establishment to smoke tobacco or other substances.

“Hotels and motels” means facilities with guest rooms or suites, provided without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

“Hotels and motels, extended stay” means facilities with guest rooms or suites, provided with kitchen facilities, rented to the general public for transient lodging (less than 30 days) or for longer periods of time. Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

“Hydroponics” means a method of growing plants in soil-less medium or an aquatic-based environment in which plant nutrients are distributed via water.

“Indoor amusement/entertainment facilities” means establishments providing indoor amusement and entertainment services for a fee or admission charge, including dance halls and ballrooms and electronic game arcades, as primary uses. Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or less machines are not considered a land use separate from the primary use of the site.

“Indoor fitness and sports facilities” means predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, athletic clubs, and health clubs. This use does not include special studios not a part of an athletic or health club (e.g., karate studio, dance studio, etc.). Also see “Schools, private and special/studio.”

Kennels, Commercial. These facilities provide boarding of animals as the primary use of the facility. May also include day-time boarding and activity for animals (e.g., “doggie day care”) and ancillary grooming facilities. Also see “Animal sales and grooming.”

“Kennels, hobby” means facilities for the keeping, boarding, or maintaining of five or more dogs (four months of age or older) or five or more cats. Excludes dogs or cats for sale in pet shops or patients in animal hospitals. This includes a kennel where the animals are owned or kept by the owner or occupant for personal, noncommercial purposes, including hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or for enhancing or perpetuating a given breed, other than dogs or cats used in conjunction with an agricultural operation on the lot or premises.

“Libraries and museums” means public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally noncommercial in nature.

“Live-work facility” means a structure or portion of a structure:

- A. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner’s employee, and that person’s household;
- B. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
- C. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

“Maintenance and repair, small equipment” means establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

Manufactured Home. California Health and Safety Code Section 18007 defines a manufactured home as a structure that meets the following criteria:

- A. Transportable in one or more sections;
- B. When in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet;
- C. Built on a permanent chassis;
- D. Designed to be used as a residential dwelling;
- E. Erected with or without a permanent foundation when connected to the required utilities;
- F. Includes the plumbing, heating, air conditioning, and electrical systems contained therein.

This term shall include any structure which meets all the requirements of this definition except the size requirements so long as the manufacturer voluntarily files a certification and complies with the standards established under this definition. “Manufactured home” includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 USC Section 5401 et seq.).

“Manufacturing, major” means manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on site or on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, and plastics and rubber products manufacturing. Also see “Manufacturing, minor” and “Manufacturing, small scale.” “Manufacturing” shall not mean any uses involving medical or recreational marijuana produces.

“Manufacturing, minor” means manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on site or on an adjacent site. Uses include but are not limited to furniture manufacturing and cabinet shops, laundry and dry cleaning plants, metal products fabrication, and food and beverage manufacturing, processing and assembly. Also see “Manufacturing, major” and “Manufacturing, small scale.” “Manufacturing” shall not mean any uses involving medical or recreational marijuana produces.

“Manufacturing, small scale” means establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. This use category also includes minor manufacturing, so long as the activity occurs on a small scale and within spaces less than 20,000 square feet in size. Also see “Manufacturing, major” and “Manufacturing, minor.”

“Market garden” means the cultivation of fruits, vegetables, flowers, fiber, nuts, seeds that involves the sale or donation of its produce to the public to the public located outside of agricultural zoning districts.

“Massage parlor” means an establishment where customers can receive a massage.

“Medical marijuana dispensary” means (1) any facility, building, structure, delivery service, vehicle or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical marijuana (cannabis) to two or more of the following: a qualified patient or a person with an identification card, or a primary caregiver, in strict accordance with California Health and Safety Code Section 11362.5 et seq.; or (2) any facility, building, structure, delivery service, vehicle or location, whether fixed or mobile, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate in order to collectively or cooperatively distribute, sell, dispense, transmit, process, deliver, exchange or give away marijuana for medicinal purposes pursuant to California Health and Safety Code Section 11362.5 et seq. and such group is organized as a medical marijuana cooperative or collective as set forth in the Attorney General Guidelines; or (3) any facility, building, structure, vehicle or location, whether fixed or mobile, where medical marijuana, medical marijuana products, or devices for the use of medical marijuana or medical marijuana products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical marijuana and medical marijuana products as part of a retail sale. The terms “primary caregiver,” “qualified patient,” and “person with an identification card” shall be as defined in California Health and Safety Code Section 11362.5 et seq.

The terms “primary caregiver,” “qualified patient,” and “person with an identification card” shall be as defined in California Health and Safety Code Section 11362.5 et seq.

A “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses is otherwise regulated by applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of the California Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, California Health and Safety Code Section 11362.5 et seq.

“Medical services, extended care” means residential facilities providing nursing and health-related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under “Residential care home.”

“Medical services, general” means facilities primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under “Offices.”

“Medical services, hospitals” means hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses (see the separate definition of “Retail, accessory”), and emergency heliports.

“Mobile/manufactured home” means a trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including a recreational vehicle, commercial coach, or factory-built (modular) housing (single-family dwelling). A mobile home on a permanent foundation is included under the definition of single-family dwellings.

“Mobile home” means a transportable structure which is built on a permanent chassis and designed as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein (California Health and Safety Code Sections 18007 and 18008). A mobile home is included in the definition of “Manufactured home,” and the minimum dimensions for a mobile home are eight feet wide, 40 feet long, and a total area of 320 square feet.

“Mobile home park” means a residential facility arranged or equipped for the accommodation of two or more mobile homes, with spaces for such mobile homes available for rent, lease, or purchase, and providing utility services and other facilities either separately or in common to mobile home spaces therein.

“Mobile home park” means any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

“Mortuaries and funeral homes” means funeral homes and parlors, where the deceased are prepared for burial or cremation and funeral services may be conducted.

“Neighborhood market” means a pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are more than 5,000 square feet and less than 15,000 square feet in size and operate less than 18 hours per day. For larger stores, see “Grocery store/supermarket.” Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

“Offices, accessory” means offices that are incidental and accessory to another business or sales activity that is the primary use (part of the same tenant space or integrated development). The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed 50 percent of the total net habitable or leaseable floor area of the tenant space for a single-use development or the combined floor area of an integrated development for a mixed-use project.

Offices, Business and Professional. This use listing includes offices of administrative businesses providing direct services to consumers (e.g., insurance companies, utility companies), government agency and service facilities (e.g., post office, civic center), professional offices (e.g., accounting, attorneys, employment, public relations), and offices engaged in the production of intellectual property (e.g., advertising, architectural, computer programming, photography studios). This use does not include medical offices (see “Medical services”), temporary offices (see [Section 23.922](#), Temporary Uses), or offices that are incidental and accessory to another business or sales activity that is the primary use (see “Offices, accessory”). Outdoor storage of materials is prohibited.

“Outdoor commercial recreation” means facilities for various outdoor participant sports and types of recreation where a fee is charged for use (e.g., amphitheaters, amusement and theme parks, golf driving ranges, health and athletic clubs with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, zoos).

“Park and ride facility” means a designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

“Parking facility” means a parking lot or parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in conjunction with another primary use of the site to satisfy the on-site parking requirements for the development are not included in this definition.

“Parks and public plazas” means public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use. If privately owned and restricted to the public (e.g., require payment of fee), the same facilities are included under the definition of “Outdoor commercial recreation.”

“Pawnshop” means, consistent with [Chapter](#) RCMC 4.30.010, any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

“Personal services” means establishments providing nonmedical services as a primary use, including, but not limited to, barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided, spas and hot tubs for rent, and tanning salons.

“Printing and publishing” means establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books, and periodicals, and establishments manufacturing business forms and binding devices. Does not include “quick printing” services or desktop publishing, which are included in “Business support services.”

“Private garden” means a private food-producing garden located in the front, side, or rear yard, courtyard, balcony, fence, wall, window sill or basement that is accessory to the primary use of a site.

“Private smokers’ lounges” or “smokers’ lounges” means any enclosed or unenclosed area within or attached to a retail or wholesale tobacco store or smoke shop that is dedicated, in whole or in part, to the use of tobacco or e-cigarette products, including but not limited to cigarettes, cigars, pipes, hookahs, e-cigarettes, hookah pens, e-hookahs, or vape pipes or pens. Such area need not be separated from the main floor area of the retail establishment.

“Public safety facility” means a facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities.

“Recreational vehicle park” means a site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

“Recycling facility – collection” means a recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 500 square feet. This classification may include a mobile unit, kiosk-type units that may include permanent structures, and unattended containers placed for the donation of recyclable materials. This also includes so-called “reverse vending machines,” an automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit slip with value of not less than the container’s redemption value as determined by the state.

“Recycling facility – processing” means a recycling facility located in a building or enclosed space and used for the collection and processing of recyclable materials. “Processing” means the preparation of material for efficient shipment or to an end user’s specifications by such means as baling, briquetting, compacting, flattening, grinding,

crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Collection of recycling materials as the sole activity is included in the definition of “Recycling facility – collection.”

“Recycling facility – scrap and dismantling” means uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials. This use does not include landfills or other terminal waste disposal sites. Also see “Auto vehicle dismantling” for related use for automobiles. Collection of recycling materials as the sole activity is included in the definition of “Recycling facility – collection.”

“Religious institutions” means facilities operated by religious organizations for worship or the promotion of religious activities (e.g., churches, mosques, synagogues, temples) and accessory uses on the same site (e.g., living quarters for ministers and staff, child day care facilities which were authorized in conjunction with the primary use). Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (e.g., recreational camp), are classified according to their respective activities.

“Research and development” means indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes but is not limited to chemical and biotechnology research and development. Does not include computer software companies (see “Offices, business and professional”), soils and other materials testing laboratories (see “Business support services”), or medical laboratories (see “Medical services, general”). Does not include medical or recreational marijuana (cannabis) research facilities.

“Residential care facility” means, consistent with the definitions of state law, a facility that provides 24-hour nonmedical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This classification includes, but is not limited to, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California.

“Residential care home (large)” means, consistent with the definitions of state law, a home that provides 24-hour nonmedical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical services, extended care.”

“Residential care home (small)” means, consistent with the definitions of state law, a home that provides 24-hour nonmedical care for six or fewer persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical services, extended care.”

“Resource protection and restoration” means activities and management of an area to preserve, re-create, and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, vernal pools, erosion control, and floodwater conveyance.

“Resource-related recreation” means facilities related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

“Restaurant” means a retail business selling food and beverages prepared and/or served on the site, for on- or off-premises consumption. Includes eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. Also includes coffee houses and accessory cafeterias as part of office and industrial uses.

“Retail, accessory” means the retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include but are not limited to pharmacies, gift shops, and food service establishments within hospitals, and convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed, or manufactured on site. The permitted retail area of the accessory use is based on the total square footage of the tenant space of a single-use development or the combined floor area of an integrated development in a mixed-use project.

“Retail, general” means stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include but are not limited to art galleries, bakeries (all production in support of on-site sales), clothing and accessories, collectibles, department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores (indoor sales only; outdoor sales are plant nurseries and included in the definition of “Garden center/plant nursery”), furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies, specialty shops, sporting goods and equipment, stationery, and variety stores.

“Retail, warehouse club” means retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

“Schools, private and special/studio” includes private educational institutions (e.g., boarding schools, business, secretarial and vocational schools, colleges and universities, establishments providing for courses by mail or online), and special schools/studios (e.g., art, ballet and other dance, computers and electronics, drama, driver education, language, music, photography). Also includes facilities, institutions, and conference centers that offer specialized programs in personal growth and development (e.g., fitness training studios, gymnastics instruction, and aerobics and gymnastics studios, environmental awareness, arts, communications, management). Also see “Indoor fitness and sports facilities.”

“Schools, public” means public educational institutions such as community colleges, universities, elementary schools, middle/junior high schools, high schools, and military academies.

“Service station” means a retail business selling gasoline or other motor vehicle fuels. Vehicle services which are incidental to fuel services are included under “Vehicle services – minor.”

“Sexually oriented business” means adult bookstores, adult motion picture theaters, adult live theaters, adult video stores, or any establishment that consists of a combination of such uses. An adult bookstore is a building or a portion thereof used by an establishment either (A) where 25 percent or more of the floor space of the area of the building open to the public, and actually used for the display of books, magazines, or other publications, is devoted to the sale of books, magazines, or other publications which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in Section 23.919.060 and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18; or (B) where 25 percent or more of the total number of books, magazines, or other publications offered for sale to the public consist of books, magazines, or other publications which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in Section 23.919.060 and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18. An adult motion picture theater is a building or portion thereof or an area, open or enclosed, which regularly features motion pictures distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities as defined in Section 23.919.060 or specified anatomical areas as defined in Section 23.919.060. An adult live theater is a building or portion thereof or an area, open or enclosed, which regularly features live performances distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities as defined in Section 23.919.060 or specified anatomical areas as defined in Section 23.919.060 for observation by patrons or customers. An adult video store is a building or portion thereof used by an establishment either (A) where 25 percent or more of the floor space of the area of the building open to the public, and actually used for the display of videos, is devoted to the sale or rental of videos which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in Section 23.919.060, and which, because of their sexually explicit nature, may, pursuant to state law or county

regulatory authority, be offered only to persons over the age of 18; or (B) where 25 percent or more of the total number of videos offered for sale or rental to the public consist of videos which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in Section 23.919.060, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18.

“Single room occupancy (SRO) facilities” means multi-unit housing for very low income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area. SROs may be restricted to seniors or be available to persons of all ages. Subsidized versions may be supervised by a government housing agency.

“Smoke shop” means an establishment selling smoking, drug, and/or traditional or electronic tobacco paraphernalia or products where 15 percent or more of the total floor or shelf area is devoted to selling tobacco products (as defined in RCMC Chapter 4.07.030). Limited sales of tobacco products that commonly occur within convenience stores or service stations are not included in this definition. Smoking, as defined in RCMC Chapter 6.84.020(S), shall be prohibited within all smoke shops, unless the establishment has been formally permitted to operate a private smokers’ lounge under applicable state and local laws.

“Storage, personal storage facility” means a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

“Storage, warehouse” means a facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see “Storage, personal storage facility”) or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see “Wholesaling and distribution”).

“Storage, yards” means the storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

“Supportive housing” means a combination of affordable housing and services. Supportive housing is typically for individuals and families confronted with homelessness and who also have very low incomes and/or serious life challenges. Supportive housing can be coupled with such social services as job training, life skills training, alcohol and drug abuse programs, and case management to populations in need of assistance, including the developmentally disabled, those suffering from dementia, including Alzheimer’s disease, and the frail elderly.

“Tasting room, off-site” means a facility allowing beer, wine, or spirits tasting with on-site and off-site retail sales directly to the public (or shipped). The tasting room facility must be directly affiliated with a minimum of one brewery, winery, or distillery, meeting all applicable requirements of state and federal licensure. The tasting room may be operated as a standalone retail use. Food preparation is not permitted. Pre-packaged foods may be sold on premises. Patrons may carry food on site for personal consumption. Tasting rooms must comply with the retail hours of operation of 10:00 a.m. to 10:00 p.m. On-site tasting rooms are included as an accessory use in “Artisanal and specialty manufacture, display and sales” or “Brewery, winery, distillery.” Any facilities not operating with these standards are considered “Bars and nightclubs.”

“Tattoo parlor” means any establishment that engages in the business of tattooing and/or branding human beings.

“Telecommunication facility” means a facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including a transmission tower, antenna, and/or other facility designed or used for that purpose. Amateur radio transmission facilities, facilities operated exclusively as part of a public safety network, and facilities used exclusively for the transmission of television and/or radio broadcasts are not telecommunication facilities.

“Theaters and auditoriums” means indoor facilities for public assembly and group entertainment, other than sporting events (e.g., civic theaters, facilities for “live” theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see “Outdoor commercial recreation.”

“Thrift store” means a retail establishment selling secondhand goods donated by members of the public.

“Trade school” means a type of higher learning school that focuses on job skill training rather than academics in the liberal arts. Trade schools focus on a particular set of skills that are taught to students looking to enter a certain career field. These schools help to train workers to perform the tasks needed to work in certain fields, and they usually do it in a shorter period of time than traditional universities.

“Transit facilities” means maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc.

“Transit stations and terminals” means passenger stations for vehicular and rail mass transit systems.

“Transitional housing” means housing containing sleeping, kitchen, and bathroom facilities that is used to ease the transition of homeless individuals to independent living within 24 months. Usually provided with supportive services to assist in finding and keeping permanent housing.

“Utility facilities and infrastructure” includes the following:

A. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. These uses do not include office or customer service centers (classified in “Offices”) or equipment and material storage yards.

B. Pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal, and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits.

“Urban agriculture” means the production of food in a form and scale that is appropriate for the urban context. Urban agriculture includes: Market garden, private community garden, public community garden, private garden, and aquaculture.

“Urban agriculture stand” means a temporary produce stand that is accessory to an urban agriculture use.

“Vehicle services – major” means the repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

“Vehicle services – minor” means minor facilities that specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site (see “Auto and vehicle sales”) or automobile dismantling yards, which are included under “Recycling facility – scrap and dismantling.”

“Veterinary facility” means a veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long-term medical care. Grooming and boarding of animals is allowed only if accessory to the facility use.

“Wholesaling and distribution” means establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations

engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment. [Ord. 8-2015 § 4 (Exh. B); Ord. 13-2014 § 7; Ord. 15-2013 § 3; Ord. 13-2013 § 4 (Exh. B); Ord. 17-2013 § 3; Ord. 12-2011 § 3 (Exh. A); Ord. 7-2010 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 10.1.020)].

¹ Code reviser's note: Ordinance 13-2013 Exhibit B sets out all of Article 11 without intending to amend the entire article. Only sections intended to be amended by the ordinance cite the ordinance in the section's legislative history.

23.1104.050 SIGN DEFINITIONS

“A-frame sign” means a portable sign or advertising device which rests on the ground and is not permanently affixed to the ground or attached to a building.

“Abandoned sign” means any sign (A) which is located on a premises that has been vacated for a period of at least 90 days, (B) which displays no message for a period of at least 90 days, or (C) which no longer advertises or identifies an ongoing establishment, product, or service available on the premises where the display is located for a period of at least 90 days. Abandoned signs are regulated in Section 23.743.140 (Nonconforming and abandoned signs).

“Animated sign” means any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create visual motion or the appearance thereof.

“Area (of a sign)” means the measurable surface area of a sign, calculated as described in Section 23.743.090 (General development, maintenance, and removal provisions for all sign types).

“Awnings” means any roof-like structure extending over or in front of a place (i.e., over a patio or in front of a window or door).

“Balloon sign” means 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 eight cubic feet in volume or is stationed at or above 10 feet above the ground.

“Banner” means any sign of lightweight fabric or similar material that is mounted to a building, fence, or wall at one or more edges. Flags shall not be considered banners (see “flag” definition).

“Billboard” means a sign which meets one or more of the following criteria (also see “off-site or off-premises sign”):

- A. A permanent structure sign which is used for the display of off-site commercial messages;
- B. A permanent structure sign which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located;
- C. 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 in the same development as the sign), in exchange for a rent, fee, or other consideration; or
- D. An off-site outdoor advertising sign on which space is leased or rented.

“Blade/bracket sign” means a small, pedestrian-oriented sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign; may also be referred to as an “projecting sign”).

“Building-attached sign” means a sign placed on a wall, awning, canopy, parapet, or a projecting sign. Also see “wall sign,” “canopy sign,” and “blade/bracket sign.”

“Building sign” means a sign placed on a wall, awning, canopy, or parapet, or a projecting sign.

“Canopy sign” means any sign that is part of or attached to an awning, canopy, or other material or structural protective cover over a door, entrance, window, or outdoor service area.

“Changeable copy sign” means a sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than once per day shall be considered an animated sign and not a changeable copy sign.

“Changeable copy sign, electronic” means a sign, or portion of a sign, that (A) by means of any form of illumination, displays electronic fixed text or fixed images, using any types of illumination device and (B) in which said text or images change in sequence. Electronic graphic display signs may include computer programmable, microprocessor-controlled electronic or digital displays. Electronic graphic display signs may project text or images onto buildings or other objects.

“Channel letter sign” means a sign made up of individual letters that are independently mounted to a wall or other surface. The “air space” between the letters is not part of the sign structure but rather of the building facade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements.

“Commercial mascot” means a human or live animal used as a commercial advertising or signaling device. Sometimes called sign twirlers or sign clowns.

“Commercial message” means any sign wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

“Community interest group sign” means a sign identifying fraternal, benevolent, social services, and religious organizations and setting forth time, place, and location of meetings within the city.

“Construction sign” means a temporary sign located on a site where physical construction is occurring or is scheduled to begin in the near future.

“Development,” for the purposes of this chapter, shall mean a proposed or already-constructed building or group of buildings.

“Digital display area” means the portion of a digital freeway sign that consists of digital display area(s) used for general commercial advertising. See also “sign structure.”

“Digital freeway sign” means an off-site outdoor advertising sign with one or more digital display areas. A digital freeway sign may be internally or externally illuminated. Digital freeway signs are always considered off-site signs and are regulated as such.

“Directional sign, on-site” means a sign located on the same property as an establishment, primarily providing direction to guide vehicles and pedestrians to businesses, including but not limited to those signs identifying parking areas and circulation patterns.

“Directory sign” means a pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multitenant site.

“Electronic graphic display sign” means a sign or portion thereof that displays electronic static images, static graphics or static pictures, with or without text information. Electronic graphic display signs include projected images or messages with these characteristics on buildings or other objects.

“Electronic message sign” means an electronic sign that displays one or more messages. An electronic message sign could be used as a message delivery method for a wall sign, a monument sign or other freestanding sign, or a billboard, subject to all applicable provisions and limitations in the code. Digital freeway signs utilizing electronic messaging technology are subject to the standards and permit requirements in Section 23.743.150.

“Electronic graphic display sign” means a sign or portion of a sign that displays electronic, static images, static graphics or static pictures, with or without text information, generated by a number of small matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor-controlled electronic or digital displays. Electronic graphic display signs may project text or images onto buildings or other objects.

“Electronic message sign” means an electronic sign, typically comprising a liquid crystal diode (LCD), light emitting diode (LED), plasma, or other digital illuminated sign that displays one or more messages. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than illumination illuminating the message. An electronic message sign could be used as a message delivery method for a wall sign, a monument sign or other freestanding sign, or a billboard and is subject to conditional use permit approval per Section 23.743.030 and .040 (Permit requirements and exemptions for signs).

“Establishment” means any nonresidential use of land involving structures, as defined in the building code and the presence of human beings during normal hours of operation such as, but not limited to, businesses, schools, hospitals, hotels and motels, and offices and libraries.

“Exempt sign” means a sign which is not subject to zoning certification or temporary use permit.

“Face change” means a change in color, material, copy, graphics, or visual image that requires the installation of a new or modified sign face, but which does not involve any change to an existing sign structure or mounting device.

“Feather flag” means a temporary, on-site fabric sign installed on a temporary pole made of PVC or other flexible material and commonly used for the temporary promotion of a business, service, or other commercial activity on a specific nonresidential property.

“Flag” means 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 installed on a permanent pole with a permanent foundation.

“Flashing sign” means an illuminated sign that exhibits changes in light or color effect by blinking or any other such means so as to provide intermittent illumination.

“Freestanding sign” means a sign that is self-supporting in a fixed location and not attached to a building. Permanent freestanding signs are of three types: monument, pole, and pylon. Temporary freestanding signs, typically constructed of wood, are subject to issuance of a temporary use permit as described in Section 23.743.070.

“Future tenant signs” means signs erected for the purpose of announcing the future occupancy of a new tenant, other than the current resident tenant.

“Garage, yard, estate, and other home-based sales” means the occasional nonbusiness public sale of secondhand household and other goods incidental to household uses by a person or persons from a residential use.

“Gas pricing signs” means signs identifying the brand, types, octane rating, etc., of gasoline for sale, as required by state law.

“Gateway entry sign” means a sign located at a major entrance into the city and regulated in Section 23.743.130.

“General advertising” means the business of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising; also known as advertising for hire.

“Governmental/civic sign” means any temporary or permanent sign erected and maintained by or required by the city or the county, 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 for designation of direction to any school, hospital, historical site, or public service, property or facility.

“Home occupation sign” means a sign located at a residence advertising a business or profession legally conducted in the residence.

“Iconic signage” means expressions of a business without the use of words or copy that thereby make maximum use of logos and graphics to represent the establishment.

“Illuminated sign” means 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. Excludes electronic message sign, which is separately defined.

“Incidental sign” means 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.

“Menu/order board sign” means a sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers.

“Monument sign” means a permanent on-site sign constructed upon a solid-appearing base or pedestal, whose exterior is constructed of stone, brick, or concrete, the total width of which is at least 50 percent of the overall height of the sign. See Figure 23.1104-~~X~~ (Monument Sign).

Figure 23.743-2: Monument Sign



“Multivision sign” means any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time of one or two or more images.

“Name plate” means a sign attached to a wall that identifies the occupant.

“Noncommercial sign” means a sign which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern.

“Noncommunicative aspects” means those aspects of a sign which are not directly communicative, such as sign height, setback, illumination, spacing, density, etc.

“Nonconforming sign” means 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 zoning code.

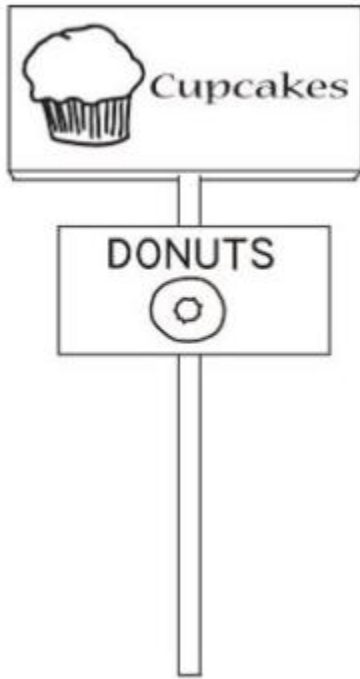
“Off-site or off-premises sign” means a sign which directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same lot or parcel on which said sign is located. This definition shall include billboards, posters, panels, painted bulletins, and similar advertising displays. The off-site/on-site distinction applies only to commercial messages. Off-site signs meet any one of the following criteria:

- A. A permanent structure sign which is used for the display of off-site commercial messages;
- B. A permanent structure sign which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located;
- C. 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; or
- D. An off-site outdoor advertising sign on which space is leased or rented.

“On-site or on-premises sign” means 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. The off-site/on-site distinction applies only to commercial messages. In the case of multiple-tenant commercial or industrial developments, a sign is considered on site whenever it is located anywhere within the integrated development. In the case of a duly approved unified sign program, a sign anywhere within the area controlled by the program may be considered on site when placed at any location within the area controlled by the unified sign program.

“Pennant” means 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.

“Pole sign” means 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 integrated 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 23.1104-~~X~~ (Pole Sign).

Figure 23.743-3: Pole Sign

“Portable sign” means any advertising device defined as a sign that is not permanently attached to a building or to the ground. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs configured as A-frame or T-frame; menu and sandwich board signs; and umbrellas used for advertising. Clothing or other aspects of personal appearance are not within this definition (see “commercial mascot”).

“Primary site frontage” is the longest frontage of a site that adjoins or fronts onto a public right-of-way.

“Projecting sign” means a sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign).

“Pylon sign” means an on-site freestanding sign of extensive height, supported by a sign structure from the ground, which identifies businesses located on the same parcel or in the same integrated development on which the sign is located. Pylon signs are designed such that the support structure and the sign face are designed as one architecturally unified and proportional element. See Figure 23.1104-~~X~~ (Pylon Sign).

Figure 23.743-4: Pylon Sign



“Readerboard sign” means a sign on which copy is changed manually in the field or electronically, including but not limited to theater marquee signs, business directories, church and museum signs, and gas price signs.

“Real estate sign” means any sign, temporary in nature, the copy of which concerns a proposed economic transaction involving real property. This definition does not include occupancy signs at establishments offering transient occupancy, such as hotels and motels.

“Roof sign” means a sign installed on a roof or projecting above the eave of a building or mounted on an arcade or parapet.

“Roofline” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

“Sign” means any structure, part thereof, device, fixture, or placard or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee or similar appendage, or permanently affixed to the glass on the outside or inside of a window so as to be seen from the outside of the building, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry when such image is visible from any public right-of-way. Notwithstanding the generality of the foregoing, the following are not within this definition:

- A. Architectural Features. Decorative or architectural features of buildings (not including lettering, trademarks, or moving parts).
- B. Fireworks, Etc. The legal use of fireworks, candles, and artificial lighting not otherwise regulated by this chapter.
- C. Gravestones and grave markers.
- D. Manufacturers’ Marks. Marks on tangible products which identify the maker, seller, provider, or product and which customarily remain attached to the product even after sale.
- E. Newsracks and newsstands.
- F. Personal Appearance. Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots).
- G. Symbols Embedded in Architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal. The definition also includes foundation stones and cornerstones.

“Sign structure” means the portion of a digital freeway sign other than the digital display area, including but not limited to supporting pole(s), display frame and all ancillary equipment and utilities installed on the sign site.

“Subdivision directional sign” means a temporary or otherwise limited-term sign for the purpose of providing direction for vehicular and/or pedestrian traffic to the initial home sales of multiple lots with single or multiple builder(s) within a master planned community, including both single-family and multifamily for-sale products. All other home sales are included within the definition of “real estate sign.”

“Subdivision permanent identification sign” means a sign located at the entrance to the subdivision for the purpose of a permanent identification of the subdivision. Such signs are of a permanent nature, usually constructed of long-lasting, weather-resistant materials such as stone or metal.

“Subdivision sign” means a sign identifying the initial home sale and location of land and/or multiple lots with a single builder within an approved residential subdivision/master planned community, including both single-family and multifamily for-sale products.

“Temporary sign” means a sign not constructed or intended for long-term use. If a sign does not qualify as a “structure” under the building code, it is presumably a temporary sign, but subject to the interpretation of the planning director consistent with the interpretations policy in Section 23.743.020(B) (Interpretations). Types of temporary signs include building-attached banners, temporary freestanding signs, and portable signs.

“Three-dimensional object sign” means a sign that comprises a three-dimensional object that graphically or iconically brands an establishment or development. Such signs may be used as both building-attached or freestanding signs. See also “iconic sign.”

“Time/temperature sign” means an electronic or mechanical device that shows time and/or temperature but contains no business identification or advertising.

“Under canopy sign” See; “Blade/bracket sign”

“Vehicle sign” means 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.

“Vehicle sign (large)” means any sign exceeding 10 square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed so that the sign thereon is discernible from a public street or right-of-way as a means of communication and which by its location, size, and manner of display is reasonably calculated to exhibit commercial advertising, identifying an on-site business, or supplying directional information to an off-site business. A vehicle sign may be defined as a vehicle that functions primarily as a sign rather than as a transportation device as determined by consideration of any combination of the following factors:

- A. The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;
- B. The vehicle on which the sign is displayed is inoperable as defined by this city code;
- C. The vehicle on which the sign is displayed is not parked in an identified parking space on the lot;
- D. The vehicle on which the sign is displayed is not regularly used for transportation associated with the use it advertises;
- E. The vehicle remains parked on the premises after normal business hours when customers and employees are not normally present on the premises and is not part of the business’s vehicle fleet;
- F. The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right-of-way on a regular basis.

“Video display sign” means a sign or portion of a sign that (A) changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and (B) depicts action or a special effect to imitate movement, the presentation of text or images displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands or light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs may project text or images onto buildings or other objects.

“Wall sign” means a sign attached directly to an exterior wall of a building or dependent upon 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 which it is attached to or supported by. While generally can signs and channel letter signs are a kind of wall sign, other types of wall signs include, but are not limited to, vinyl or plastic letters affixed directly to the building’s surface, text cut into sheet metal that is bolted to a wall, or other such signs.

“Weekend directional stake sign” means a sign, customarily displayed on the weekends, measuring less than nine square feet in area, mounted on a wooden stake, and identifying the location and name of an active new home sales location/subdivision.

“Wind sign” means a sign that spins or is otherwise propelled by the force of air moving across its face.

“Window sign” means a sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and intended for viewing from the exterior of such building. This definition does not include merchandise offered for sale on site when on display in a window. [Ord. 12-2014 § 3 (Exh. C); Ord. 16-2012 § 3 (Exh. A); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.15.030)].

23.1104.060 TELECOMMUNICATIONS DEFINITION

“Antenna” means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure or is portable or moveable. Antennas shall include devices having active elements extending in any direction and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

“Antenna, amateur radio” means any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

“Antenna, directional” (also known as a “panel antenna”) means an antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

“Antenna, building-mounted” means any antenna directly attached or affixed to a building, tank, tower, or other structure. Building-mounted antennas are identified in two distinct categories herein as follows:

Aa. “Wall-mounted” means attached or affixed to the elevation of the structure.

Bb. “Roof-mounted” means attached or affixed to the rooftop or top of the structure.

“Antenna, ground-mounted” means any antenna with its base (either single or multiple posts) placed directly on the ground or a mast 12 feet or less in height and six inches in diameter.

“Antenna, parabolic” (also known as a “satellite dish antenna”) means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl, or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern from orbiting satellites or ground transmitters. This definition is meant to include what are commonly referred to as television receive only (TVRO) and satellite microwave antennas.

“Collocation” means a wireless communication facility owned and operated by a communication service provider which is located on the same tower, building, accessory structure, or property as another communication facility owned or operated by a different communication service provider.

“Communication substation” means a telephone switching station or similar facility used to route telecommunication signals from their origin to their destination. Wireless communication facilities (e.g., cellular towers) are included in the use listing “telecommunication facility” and are regulated in Section 23.907.020 (Telecommunication facilities).

“Direct broadcast satellite (DBS) service” means a system in which signals are transmitted directly from a satellite to a small home receiving dish.

“Electromagnetic” means an electrical wave propagated by an electrostatic and magnetic field of varying intensity.

“NIER” means non-ionizing electromagnetic radiation (e.g., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

“Related equipment” means all equipment ancillary to the transmission and reception of voice and data by means of radio frequencies. Such equipment may include cables, conduits, connectors, equipment pads, equipment shelters, cabinets, buildings, and access ladders.

“Satellite earth station” means a facility consisting of more than a single satellite dish or parabolic antenna that transmits to and/or receives signals from an orbiting satellite.

“Tower” means a mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas. This definition includes ground-mounted structures 12 feet or greater in height and building-mounted structures that extend above the roofline, parapet wall, or other roof screen with a mast greater than six inches in diameter supporting one or more antennas, dishes, arrays, or other associated equipment.

“Wireless communication facility” means a facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

23.1104.070 SEXUALLY ORIENTED BUSINESS DEFINITIONS

“Adult bookstore” means a building or portion thereof used by an establishment under either of the following circumstances:

Aa. Where 25 percent or more of the floor space of the area of the building open to the public, and actually used for the display of books, magazines, or other publications, is devoted to the sale of books, magazines, or other publications which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18; or

Bb. Where 25 percent or more of the total number of books, magazines, or other publications offered for sale to the public consist of books, magazines, or other publications which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18.

“Adult live theater” means a building or portion thereof or an area, open or enclosed, which regularly features live performances distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities as defined in this section or specified anatomical areas as defined in this section for observation by patrons or customers.

“Adult motion picture theater” means a building or portion thereof or an area, open or enclosed, which regularly features motion pictures distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities as defined in this section or specified anatomical areas as defined in this section.

“Adult uses,” as used in this zoning code, shall mean sexually oriented businesses.

“Adult video store” means a building or portion thereof used by an establishment under either of the following circumstances:

Aa. Where 25 percent or more of the floor space of the area of the building open to the public, and actually used for the display of videos (tapes, DVDs, etc.) is devoted to the sale or rental of videos which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18; or

Bb. Where 25 percent or more of the total number of videos offered for sale or rental to the public consist of videos which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18.

“Sexually oriented business,” as used in this zoning code, is an adult bookstore, an adult video store, an adult motion picture theater, or a live adult theater, or any establishment that consists of any combination of such uses.

“Specified anatomical areas” means:

Aa. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

Bb. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified sexual activities” means:

Aa. Display or manipulation of human genitals in a state of sexual stimulation or arousal;

Bb. Acts of human masturbation, sexual intercourse, or sodomy;

Ce. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

23.1104.080 HOUSING INCENTIVES AND DENSITY BONUS

“Affordable rent” means monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low or lower income households, not exceeding the following calculations:

A. Very low income: 50 percent of HUD determined area median income for Sacramento County, adjusted for household size, multiplied by 30 percent and divided by 12.

B. Lower income: 80 percent of the HUD determined area median income for Sacramento County, adjusted for household size, multiplied by 30 percent and divided by 12.

“Affordable sales price” means a sales price at which lower or very low income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.

“Density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable zoning district and the land use element of the General Plan.

“Density bonus housing agreement” means a legally binding agreement between a developer and the city to ensure that the requirements of this chapter are satisfied.

“Density bonus units” means those residential units granted pursuant to the provisions of this chapter which exceed the otherwise maximum residential density for the development site.

“Equivalent financial incentive” means a monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

- A. A density bonus and an incentive(s); or
- B. A density bonus, where an incentive(s) is not requested or is determined to be unnecessary.

“Housing cost” means the sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities. Adjustments should be made as necessary for down payment assistance.

“Incentive and concession” means such regulatory concessions as specified in subdivision (I) of Government Code Section 65915 which include, but are not limited to, the following:

- A. The reduction of 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 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;
- B. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the 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;
- C. Direct financial assistance; and/or
- D. Other regulatory incentives or concessions which result in identifiable cost reductions or avoidance.

“Lower income household” means a household whose income does not exceed the lower income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.

“Moderate income household” means a household whose income does not exceed the moderate income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

“Nonrestricted unit” means all units within a housing development excluding the target units.

“Persons and families of moderate income” shall mean households whose income does not exceed the moderate limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

“Qualifying housing development” is a housing development where the applicant or developer of the housing development agrees to provide one or more of the following:

- A. At least 10 percent of the total units of the housing development as target units affordable to lower income households;
- B. At least five percent of the total units of the housing development as target units affordable to very low income households;
- C. At least 10 percent of the total dwelling units in a common interest development project (as defined by subsection (f) of Section 1351 of the California Civil Code) or in a planned development (as defined in subsection (k) of Section 1351 of the California Civil Code) for persons of moderate income; or
- D. Senior citizen housing.

“Qualifying senior resident” means senior citizens or other persons eligible to reside in a senior citizen housing development.

“Senior citizen housing development” means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units and complies with the requirements of California Civil Code Section 51.3.

“Special needs population” means persons identified as having special needs related to any of the following:

- A. Mental health;
- B. Physical disabilities;
- C. Developmental disabilities, including, but not limited to, mental retardation, cerebral palsy, epilepsy, and autism;
- D. The risk of homelessness; or
- E. Persons eligible for mental health services funded in whole or in part by the mental health services fund, created by Section 5890 of the Welfare and Institutions Code.

“Target unit” means a dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low or lower income households or qualifying senior residents.

“Very low income household” means a household whose income does not exceed the very low income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code. [Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.4.020)].

RANCHO CORDOVA MUNICIPAL CODE, TITLE 8 – Animal**Public Hearing Draft November 14, 2016****Chapter 8.12****BeeKeeping****Overview**

The purpose of this chapter is to provide for beekeeping (given it meets certain provisions and regulations) within the city while minimizing impacts to surrounding properties and respecting the safety of persons that may be in close proximity to apiaries, beehives and bee colonies. There are two beekeeping process options that are included to review.

Chapter 8.12

BEEKEEPING

Sections:

8.12.010	Purpose
8.12.020	Definitions
8.12.030	Approval Requirements
8.12.040	Criteria for Approval

8.12.010 Purpose:

The purpose of this chapter is to provide for beekeeping as an accessory use in all zones (given it meets certain provisions and regulations) within the city while minimizing impacts to surrounding properties and respecting the safety of persons that may be in close proximity to apiaries, beehives and bee colonies.

8.12.020 Definitions

For the purpose of this Chapter, the following words and phrases shall be deemed to mean and be construed as follows:

- a) "Beekeeping" means the keeping and maintaining any hive of any size on any parcel within the City.
- b) "Bees" mean honey-producing insects of the genus *Apis*, including adults, eggs, larvae, pupae or other immature states thereof, together with such materials as are deposited into hives by adult bees, except honey and rendered beeswax.
- c) "Hives" mean any receptacle or container made or prepared for the intended use of bees and/or storage of honey or brood, or box or similar container of which bees have taken possession and/or inhabited.
- d) "Apiary" means a place where bees are kept, and includes a collection of hives, combs, appliances, or colonies wherever they are kept or located and no matter the number of hives, combs, appliances or colonies.

8.12.030 Approval Requirements

No person shall keep and maintain any hive of bees on any lot or parcel of land within any zoning district within the city without first obtaining a Zoning Certification as outlined in Chapter 23.113. Zoning Certification is an "over-the-counter" administrative procedure to certify that the proposed use complies with all applicable requirements of the code. Beekeeping is an allowed use with approval of Zoning Certification in all of the City's residential zoning districts pursuant to RCMC Tables 23.307-1, 23.310-1, 23.313-1, and 23.316-1.

No application form is required for Zoning Certification. Rather, the applicant shall provide information to demonstrate compliance with applicable requirements. Application review and determination shall be processed pursuant to RCMC Chapter 23.113.

8.12.040 Criteria for Approval

All beehives in the City shall be located and maintained consistent with all of the criteria below.

- a) A minimum lot size of 6,000 square feet is required for beekeeping. A maximum of two hives shall be allowed on any lot or parcel up to 10,000 square feet in size. For lots or parcels between 10,001 and 20,000 square feet in size, a maximum of four hives shall be allowed. For lots or parcels larger than 20,001 square feet, a maximum of six hives shall be allowed.
- b) The beehive owner's name, address, and location of all such hives shall be registered with the Neighborhood Services Department. Such registration shall occur within fifteen days of receipt of a Zoning Certification for beekeeping.
- c) No hive shall be kept or maintained within any required front yard area. Hives located within the side and rear yard areas of a lot shall maintain a minimum of 10 foot setback from side and rear property lines to the hives.
- d) All hives shall be oriented so that their entrances face a house or building on the premises and shall be surrounded on three sides by a solid fence not less than 6 feet in height, located no farther than 30 feet from such hives. This can include existing solid privacy fencing or separate enclosure to meet the required performance standard. No fence is required between the hive and the house or building on the premises.
- e) It is the responsibility of the person owning, controlling, or maintaining an apiary to provide adequate water for the bees to prevent bees from seeking water in neighborhood swimming pools, birdbaths, ponds or other community bodies of water.
- f) No hive shall be kept or maintained on any lot or parcel which adjoins a lot or parcel that is occupied by any person systemically allergic to bee stings or within 200 feet of a dwelling occupied by any person systemically allergic to bee stings.
- g) Compliance with State Law. Nothing in this chapter shall excuse compliance with state law applicable to apiaries, including the requirement that apiaries be registered with the County under Sections 29040 through 29056 of the Food and Agriculture Code.

Chapter 8.12

BEEKEEPING

Sections:

8.12.010	Purpose
8.12.020	Definitions
8.12.030	Beekeeping Permit
8.12.040	Criteria for Approval
8.12.050	Issuance of a Beekeeping Permit
8.12.050	Denial, Revocation and Enforcement

8.12.010 Purpose:

The purpose of this chapter is to provide for beekeeping as an accessory use in all zones (given it meets certain provisions and regulations) within the city while minimizing impacts to surrounding properties and respecting the safety of persons that may be in close proximity to apiaries, beehives and bee colonies.

8.12.020 Definitions

For the purpose of this Chapter, the following words and phrases shall be deemed to mean and be construed as follows:

- a) "Beekeeping" means the keeping, maintaining, or allowing any hive of any size on any parcel within the City.
- b) "Bees" mean honey-producing insects of the genus *Apis*, including adults, eggs, larvae, pupae or other immature states thereof, together with such materials as are deposited into hives by adult bees, except honey and rendered beeswax.
- c) "Hives" mean any receptacle or container made or prepared for the intended use of bees and/or storage of honey or brood, or box or similar container of which bees have taken possession and/or inhabited.
- d) "Beekeeping Permit" or "Permit" means the permit required under Section 8.12.030 of this chapter.
- e) "Apiary" means a place where bees are kept, and includes a collection of hives, combs, appliances, or colonies wherever they are kept or located and no matter the number of hives, combs, appliances, or colonies.

8.12.030 Beekeeping Permit

No person shall keep and maintain any hive of bees on any lot or parcel of land within any residential zoning district within the city without first obtaining a Beekeeping Permit in accordance with this chapter. Beekeeping is an allowed use with approval of a Beekeeping

Permit in all of the City's zoning districts pursuant to RCMC Tables 23.307-1, 23.310-1, 23.313-1, and 23.316-1.

A written application for a Beekeeping Permit required under this Chapter shall be filed with the Planning Department upon a form provided by the City. Said application shall be signed by an owner and, if applicable, any lawful tenant of the property, lot or parcel of land for which the application is submitted.

8.12.040 Criteria for Approval

All beehives in the City shall be located and maintained consistent with all of the criteria below.

- a) A minimum lot size of 6,000 square feet is required for beekeeping. A maximum of two hives shall be allowed on any lot or parcel up to 10,000 square feet in size. For lots or parcels between 10,001 and 20,000 square feet in size, a maximum of four hives shall be allowed. For lots or parcels larger than 20,001 square feet, a maximum of six hives shall be allowed.
- b) The beehive owner's name, address, and location of all such hives shall be registered with the Neighborhood Services Department. Such registration shall occur within fifteen days of receipt of a Zoning Certification for beekeeping.
- c) No hive shall be kept or maintained within any required front yard area. Hives located within the side and rear yard areas of a lot shall maintain a minimum of 10 foot setback from side and rear property lines to the hives.
- d) All hives shall be oriented so that their entrances face a house or building on the premises and shall be surrounded on three sides by a solid fence not less than 6 feet in height, located no farther than 30 feet from such hives. This can include existing solid privacy fencing or separate enclosure to meet the required performance standard. No fence is required between the hive and the house or building on the premises.
- e) It is the responsibility of the person owning, controlling, or maintaining an apiary to provide adequate water for the bees to prevent bees from seeking water in neighborhood swimming pools, birdbaths, ponds or other community bodies of water.
- f) No hive shall be kept or maintained on any lot or parcel which adjoins a lot or parcel that is occupied by any person systemically allergic to bee stings or within 200 feet of a dwelling occupied by any person systemically allergic to bee stings.
- g) Compliance with State Law. Nothing in this chapter shall excuse compliance with state law applicable to apiaries, including the requirement that apiaries be registered with the County under Sections 29040 through 29056 of the Food and Agriculture Code.

8.12.050 Issuance of a Beekeeping Permit

Before issuance of a beekeeping permit, applicant must first adhere to all criteria of approval. After the project site has been reviewed proper notification to adjacent properties must be completed within a 500' radius. After proper notification is posted the public will have (10) days to respond with any comments for this project.

Determination for a beekeeping permit will be made by the Community Development Director and may be appealed to the City Council by a member of the public or called up for a City Council hearing by a member of the Council. Decisions by the Community Development Director are final unless appealed or called up. The following notification procedure applies following the submittal of a complete application.

For a Beekeeping Permit a public hearing is not required, but a notice of decision shall be provided according to RCMC 23.110.150 (B), Director Determination.

The Director shall issue a Beekeeping Permit when the Director determines that such use: (i) meets the criteria set forth in this Chapter, and (ii) will not unreasonably disturb the health, safety, peace, or comfort of residents occupying properties, lots or parcels of land adjoining the property, or residents occupying the lot or parcel of land for which the Permit is issued.

8.12.060 Denial, Revocation and Enforcement

- A. The Director shall deny the application for a Beekeeping Permit unless each of the criteria set forth for the use in this article is satisfied.
- B. Whenever a Beekeeping Permit is denied, the Director shall notify the applicant in writing of the grounds upon which such denial is based.
- C. The Director or Animal Services Manager may issue a notice of noncompliance for any failure to comply with this article, or for failure to comply with any state law or local ordinance if the use creates a public or private nuisance or in any way adversely affects the peace, health, safety or welfare of the community. Such notice shall be sent by certified mail to the permit holder at the address shown on the permit.
- D. Enforcement of this chapter shall be carried out by the Animal Services Manager and his or her designees, as well as the Community Development Director and his or her designees.
- E. Individuals authorized to enforce this chapter, to the extent authorized by law, may enter, at reasonable times, upon and inspect any premises where bees are kept where such entry is necessary to enforce the provisions of this chapter. The provisions of Chapter 8.04 RCMC shall also apply to this chapter.
- D. Any violation of this chapter shall be a public nuisance and subject to the penalties and enforcement as provided in Chapter 16.18 RCMC.

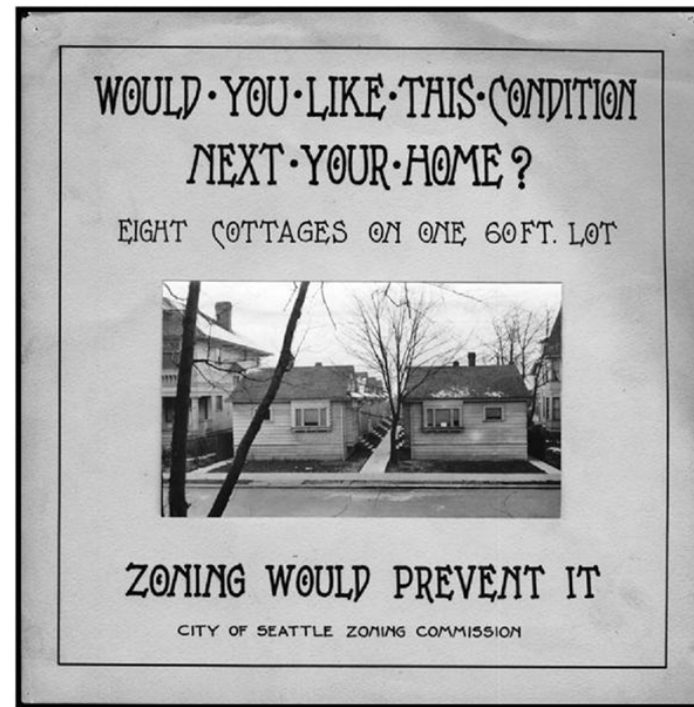
- E. Upon any violation of this chapter, the Director or Animal Services Manager may revoke the corresponding permit. The issuance of any future permit may be denied following such revocation.
- F. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others, and none of these penalties and remedies prevent the city from using any other remedy at law or in equity which may be available to enforce this chapter or to abate a public nuisance.

2708306.1

Zoning Code Update

An “Update” on the Update

Why have a Zoning Code?



Authority for Zoning

Government Code Sect. 65800

- “It is the purpose of this chapter to provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities, as well as to implement such general plan as may be in effect in any such county or city. The Legislature declares that in enacting this chapter it is its intention to provide only a minimum of limitation in order that counties and cities may exercise the maximum degree of control over local zoning matters.”

State Law

Government Code Sect. 65850

- “The legislative body of any county or city may, pursuant to this chapter, adopt ordinances that do any of the following:
 - Regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes.
 - Regulate signs and billboards.
 - Regulate all of the following:
 - The location, height, bulk, number of stories, and size of buildings and structures.
 - The size and use of lots, yards, courts, and other open spaces.
 - The percentage of a lot which can be occupied by a building or structure.
 - The intensity of land use.
 - Establish requirements for off-street parking and loading.
 - Establish and maintain building setback lines.
 - Create civic districts around civic centers, public parks, public buildings, or public grounds, and establish regulations for those civic districts.

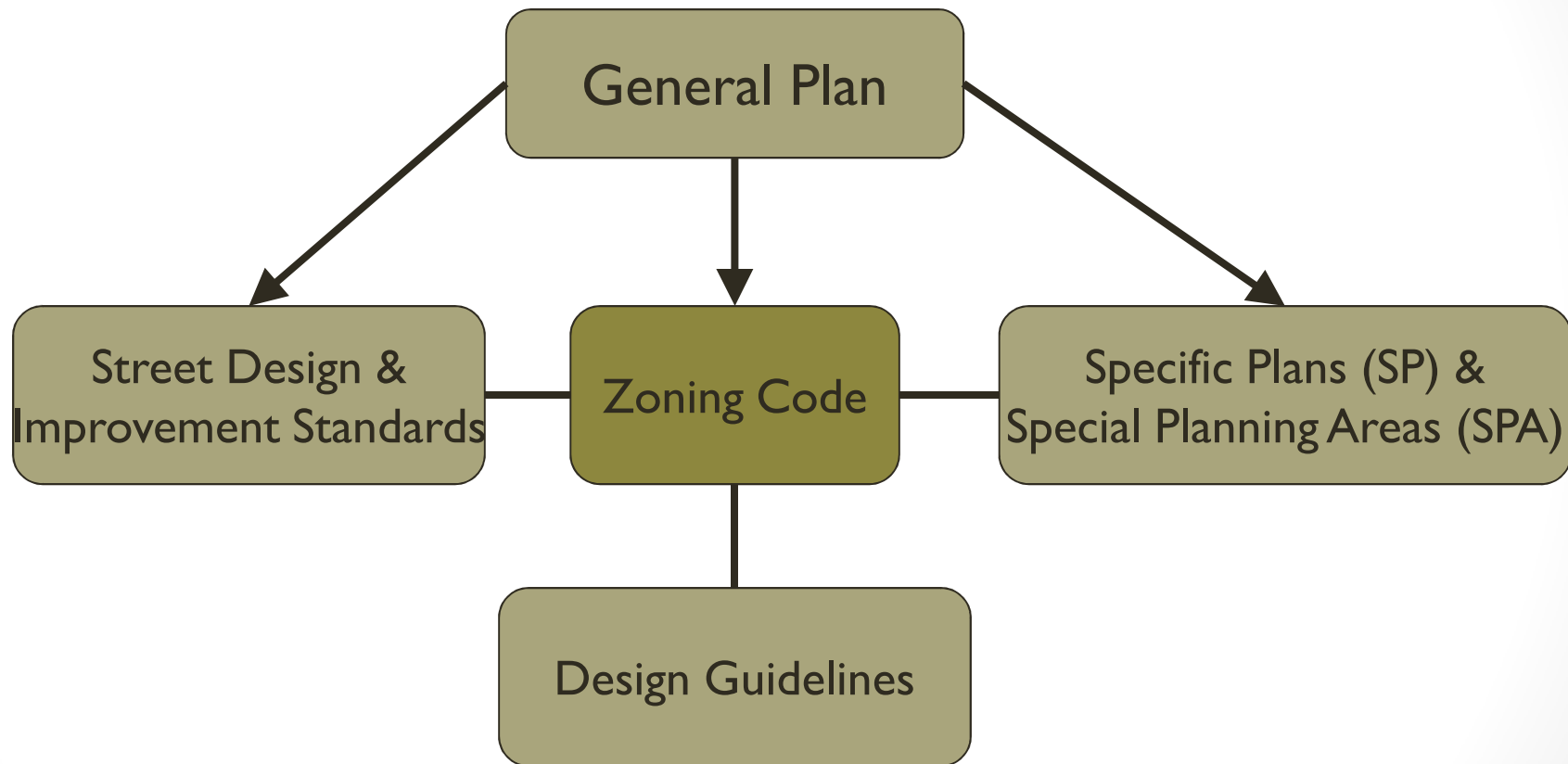
Purpose of Zoning Code

23.101.010 Purpose of the zoning code.

The purpose of this zoning code is to set forth and coordinate city regulations governing the development and use of land in accordance with the city of Rancho Cordova General Plan. The zoning code is specifically intended to do the following:

- A. Serve as [the principal tool for implementing the city's General Plan](#) in a manner that protects the health, safety, and welfare of the citizens of Rancho Cordova.
- B. [Facilitate prompt review of development proposals](#) and provide for public information, review, and comment on development proposals that may have a significant impact on the community.
- C. [Create a comprehensive and stable pattern of land uses](#) to help ensure the provision of adequate water, sewerage, transportation, drainage, parks, open space, and other public facilities.
- D. [Conserve and protect the city's natural resources](#) and features such as creeks, significant trees such as heritage oaks, historic and environmental resources.
- E. [Create a complete multi-modal transportation network](#) that promotes pedestrian-oriented development, safe and effective traffic circulation, and adequate facilities for all transportation modes (e.g., walking, bicycling, driving, and using transit).
- F. Require that permitted uses and development designs [provide reasonable protection](#) from fire, flood, landslide, erosion, or other manmade or natural hazards.
- G. [Ensure compatibility between residential and nonresidential development](#) and facilitate the development of compatible mixed-use developments

“Tools” for Creating a Community



How does the Zoning Code Implement GP?

A key land use tool that:

- Guides private investment
 - Compatible land use mixtures
 - Functionality of on-site use
 - Relationship/integration with adjacent property (including public streets)
- Different vision than former County vision
 - Different urban form
 - Non-conforming land uses
 - Transition period
- Supports efforts by multiple City departments including: code enforcement; economic development; legal; public safety; & public works.

Existing Pattern



Desired Pattern



Prior Zoning Code Updates

Despite being just 13 years old, there has been a total of twelve (12) amendments to the City's Zoning Code.

November 2006:

- Amendments relating to Folsom Blvd Specific Plan & Sunrise Blvd South rezoning.

January 2009:

- First comprehensive update – both map & text.
 - Code Enforcement
 - Law Enforcement
 - On-site Liquor Sales
 - SMAQMD
 - Form-based Chapter
 - Zoning Map Revisions

July 2010:

- South of White Rock Road Industrial Area – map & text.

May 2011:

- Amended text to incorporate Specific Plan & Special Planning Areas

Prior Zoning Code Updates

September 2011:

- Amendments to procedures, permitted land uses, and development standards

December 2012:

- Amendment regarding new standards and requirements for Digital Freeway Signs.

May 2013 (These were two separate action items):

- Administrative clean-up for repairing typographical errors, erroneous reference links, and addressing minor content issues.
- Added “permanent supportive housing” provisions to the *Mather Field Special Planning Area*.

Prior Zoning Code Updates

July 2013:

- Amendments to incorporate updated requirements and procedures for Development Agreements.

April 2014:

- Sign Code amendments.

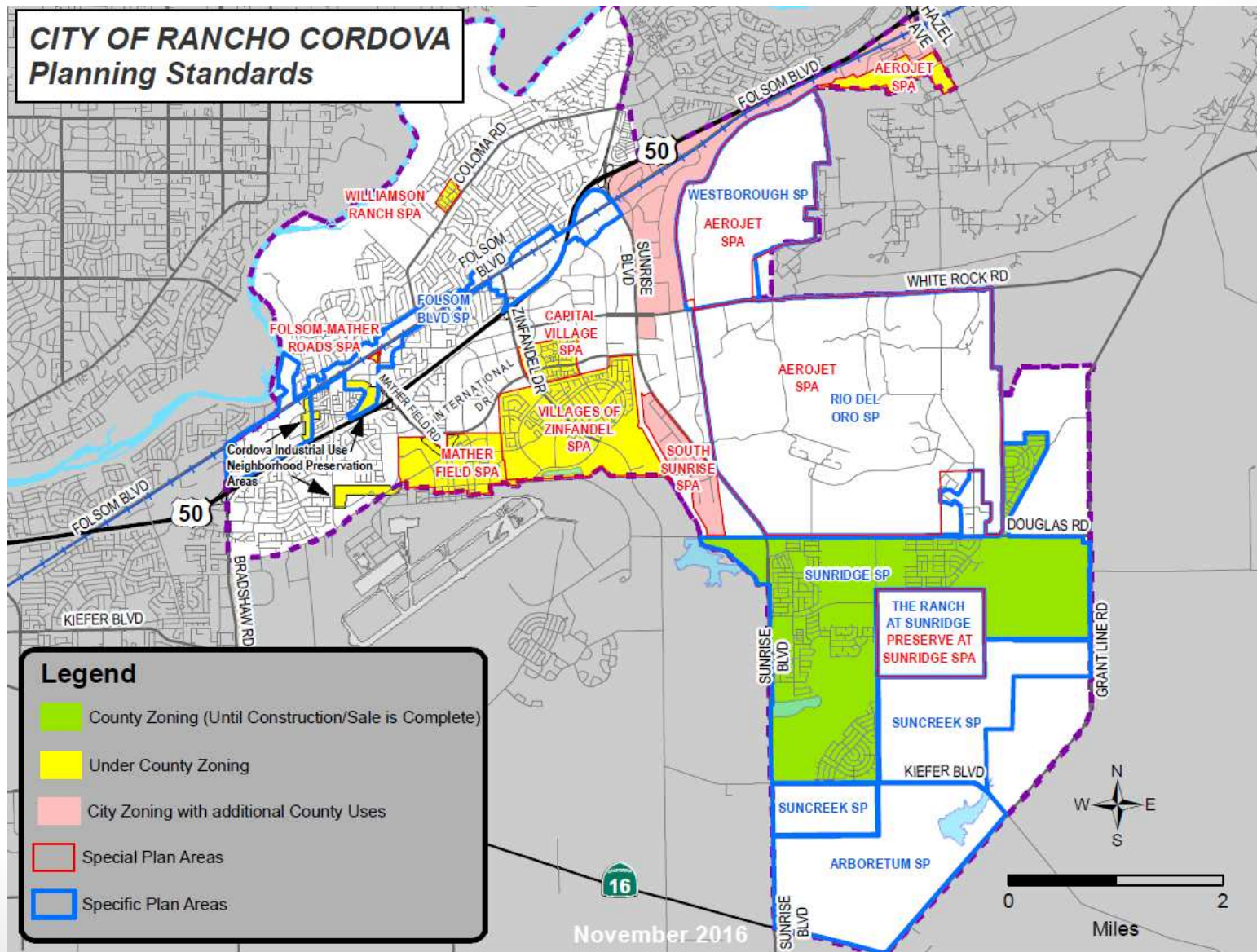
July/December 2014:

- Sunridge General Commercial (GC) Rezone.

May 2015:

- Amended text to incorporate new Artisanal and Grocery definitions and standards.

Zoning Code Applicability



Zoning Code - Evaluation

An evaluation of the current code reveals:

- Plenty of variety of options for potential development:
 - Multiple zoning districts
 - Multiple allowable uses
 - Flexible development standards
- Cumbersome application processes:
 - Excessive application types and processes – too many layers
- Conflicting or inconclusive development standards:
 - Resulting in difficult and inconsistent enforcement
- Challenging to follow for an inexperienced user:
 - Processes in multiple locations of document
 - Multiple definitions throughout the document
 - References to former County uses



Zoning Code Update - Goals

The proposed Update seeks to:

- Streamline the City's development approval process:
 - Simplify the entitlement process (fewer application types)
 - Allow more uses in more zoning districts
- Ensure that the Zoning Code is an asset vs. an obstacle to new Economic Development opportunities.
- Eliminate conflicts within the document
- Present zoning matters requiring Council direction to ensure proper implementation:
- Incorporate new changes desired by the Council Sub-Committee and required by new legislation:
 - Bee Keeping Ordinance
 - Urban Agriculture provisions
 - SB 5 Flood Control
 - Second Dwelling Units
- Ensure Council's vision is being implemented!

How to Streamline the Zoning Process

- Clear Vision (e.g. General Plan)
- Reliable Codes
- Efficient & Predictable Processes
- Commitment to Customer Service
 - How not to get to “no”
 - Options/Alternatives
- Informative Handouts & Materials
- Assigned Project Manager(s)
 - From “idea” to “open”
- Accountability & Trust
- Partnerships
- New Technology



Preferred Approval Process (2 steps)



Zoning Update - Overview

Materials provided for Update review:

- Summary of Significant Changes Memo (Attachment 1)
 - Comprehensive summary of all proposed changes to the Zoning Code document.
 - Summarizes all changes made to each chapter within the Zoning Code.
- Summary of City department comments (Attachment 2)
 - Summarizes all department comments received on proposed Update
 - (note: some of these still under review for incorporation into final document)
- Complete amended Zoning Code document (Attachment 3)
 - All recommendations identified in “track-changes”

Chapter Overview

Article One: *Administration*

Article Three: *Zoning Districts, Allowable Uses, and General Development Standards*

Article Five: *Form Based Zoning Provisions*

Article Seven: *Site Planning & Development Standards*

Article Nine: *Specific Use Provisions*

Article Ten: *Specific Plans and Special Planning Areas*

- No updates or changes proposed

Article Eleven: *Definitions*

Other:

- Inclusion of new Bee Keeping standards in Chapter 8.12
- Incorporation of new legislative zoning standards
 - Accessory dwelling units & Junior Accessory dwelling units

Proposed Amendments - Article 1

- Modified description of land use permit and approval types:
 - Non-discretionary
 - Limited Discretion
 - Discretionary (Quasi-Judicial and Legislative)
- Consolidated Administrative Use Permit (AUP) and Limited Use Permit (LUP) to AUP
- Codified Council referral and call up process
- Updated permit processing procedures
 - Design Review Thresholds

Table 23.104-1: Approval Authority for ~~Land Use Entitlements~~ Entitlements

Entitlement	Approval Type	Public Hearing Required	Designated Approval Authority "F" = Final Approval Authority "A" = Appeal Body "R" = Recommendation	
			Planning Director Director	City Council Council
Zoning Certification	Administrative <u>Non-discretionary</u>	No	F	
Temporary Use Permit	Limited Administrative <u>Non-discretionary</u>	No	F	A
Similar Use Determination	Limited <u>Discretion</u>	No	F	A
Unified Sign Program	Limited <u>Discretion</u>	No ⁽¹⁾	F	A
Administrative Use Permit	Limited <u>Discretion</u>	No ⁽¹⁾	F	A
Limited Use Permit	Limited	F		A
Reasonable Accommodation	Limited <u>Discretion</u>	No ⁽¹⁾	F	A
Adjustment	Limited <u>Discretion</u>	No ⁽¹⁾	F	A
Nonconforming Use Permit	Limited <u>Discretion</u>	No ⁽¹⁾	F	A
CLUP Revocation	Limited	F		A
Minor Design Review	Limited <u>Discretion</u>	No ⁽¹⁾ Discretion	F	A
Conditional Use Permit	Quasi-judicial <u>Discretionary</u>	<u>Council</u>	R	F
Condominium Conversion Permit	Quasi-judicial	City Council	R	F
Major Design Review	Quasi-judicial <u>Discretionary</u>	<u>Council</u>	R	F
Variance	<u>Discretionary</u> Quasi-judicial	<u>Council</u>	R	F
Special Planning Areas	<u>Discretionary</u> <u>Legislative</u>	<u>Council</u>	R	F
Zoning Amendments	<u>Discretionary</u> <u>Legislative</u>	<u>Council</u>	R	F
Specific Plans	<u>Discretionary</u> <u>Legislative</u>	<u>Council</u>	R	F
General Plan Amendments	<u>Discretionary</u> <u>Legislative</u>	<u>Council</u>	R	F
Development Agreements	<u>Discretionary</u> <u>Legislative</u>	<u>Council</u>	R	F

(1) Notice of decision is provided with the opportunity to request a public hearing. If no public hearing is requested, decision is rendered and notice of decision provided in accordance with Chapter 23.110 (Common Procedures).

Proposed Amendments - Article 3

- Added new use classifications and corresponding allowed use regulations:
 - Urban agriculture
 - Community gardens
 - Beekeeping
 - Consignment store
 - Brewery, winery, and distillery)
- Updated AUP/LUP requirements
- Added a few notes to clarify ambiguities

Land Use Category	RR	ER	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-10	RD-15	RD-20	RD-25	RD-30	MDR (UR-1 to UR-60)	HDR	RMH	Specific Use Regulations
Crop Production	AUP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Section 23.904.020 Section 23.904.020
Equestrian Facility, Commercial	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Section 23.904.020 Section 23.904.020
Equestrian Facility, Hobby	P	AUP	AUP	AUP	N	N	N	N	N	N	N	N	N	N	N	N	N	Section 23.904.020 Section 23.904.020
Kennels, Hobby	P	N	AUP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Marijuana Cultivation, Indoor	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	Section 23.904.020 Section 23.904.020
Marijuana Cultivation, Outdoor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Urban Agriculture:																		
Agaculture			P	P	P	P	P	P	P	P	P	M	M	M	M	M	M	Section 23.904.030 Section 23.904.030
Community garden, public			M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	Section 23.904.030 Section 23.904.030
Community garden, private			P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	M	M	M	M	M	M	Section 23.904.030 Section 23.904.030
Market garden			P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	M	M	M	M	M	M	Section 23.904.030 Section 23.904.030
Private garden			P	P	P	P	P	P	P	P	P	M	M	M	M	M	M	Section 23.904.030 Section 23.904.030
Urban Ag Stand			M ¹¹	M ¹¹	M ¹¹	M ¹¹	M ¹¹	M ¹¹	M ¹¹	M ¹¹	M ¹¹	M	M	M	M	M	M	Section 23.904.030 Section 23.904.030
Recreation, Education, and Public Assembly Uses																		
Cemeteries, Mausoleums	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N	
Clubs, Lodges, and Private Meeting Halls	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	C	C	

Proposed Amendments - Article 5

- Reorganized and removed complicated concepts, procedures, and language:
 - Removed regulating plan, special transit area requirements, and surface parking screening
 - Relocate example design considerations for 3 types of centers to a separate implementation manual as helpful user tool
 - Re-organized standards into user friendly tables and diagrams (including some updated graphics)

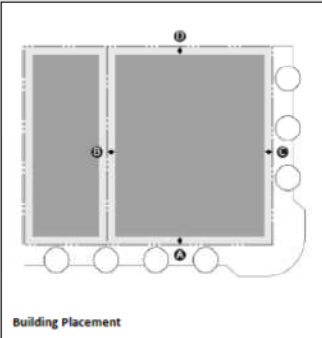
LOCAL TOWN CENTER ZONE STANDARDS



Rancho Cordova Municipal Code
Chapter 23.507 LOCAL TOWN CENTER ZONE
STANDARDS

Purpose

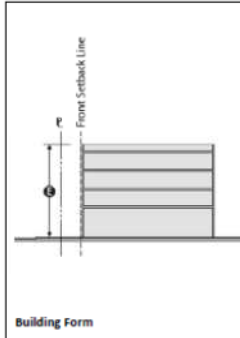
The purpose of this zone is to provide vi needs for a collection of neighborhoods th concept of the General Plan. Nightlife is sidewalks, bicycle trails, and transit route: centers created in this zone will provide ped (light rail or BRT), the intensity of devel greater mix of uses to support transit servi this zone.



Building Placement

Building Placement

Setback	
Primary Building Setback (build-to line)	
Front setback (A)	0 feet min./ 10 feet max.
Side yard (B)	0 feet min.
Side street or internal circulation street (C)	0 feet max.
Rear yard and alley (D)	0 feet min.
Accessory Building Placement	
Front yard	n/a
Side street	n/a
Side yard	n/a
Rear yard and alley	n/a

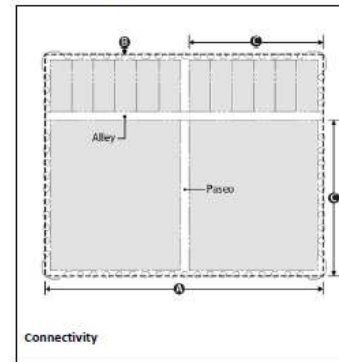


Building Form

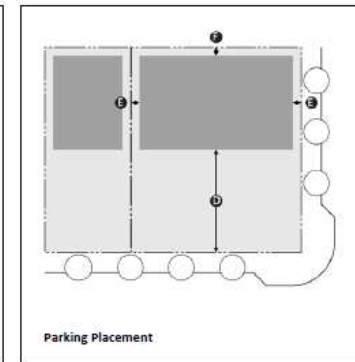
Building Form

Building Frontage	
Primary street	70% min
Side street ¹	50% min
Floor Area Ratio (FAR)	
Minimum FAR	0.3
Maximum FAR	1.5
Building Height	
Minimum height	20 feet
Maximum height(E)	65 feet

¹Building is located within required side yard or side street or circulation street area.



Connectivity



Parking Placement

Allowed Use Types

Moderate-sized entertainment venues
Uses that facilitate positive evening and nighttime activity
Office uses (as secondary uses)
Medium-density residential (as secondary uses, 6.1 to 18.0 units per acre)
High-density residential (as secondary uses, 20 to 40 units per acre)
Transit-oriented development when adjacent to fixed station locations

Allowed Frontage Types

Allowed frontage types are associated with each streetscape type. See preferred streetscape types below and Chapter 23.513 (Streetscape type and frontage type standards).

Streetscape Types

Major Arterial (preferably no more than one fronting an edge of each town center)

Minor Arterial
Nonresidential Collector Street
Residential Collector Street
Main Street
Nonresidential Local Street
Standard Residential Street
Minor Residential Street

Density

Minimum density 6.1 du/acre
Maximum density 18 du/acre

Connectivity and Parking

Connectivity²
Maximum block length (A) 600 feet
Maximum block perimeter (B) 2,000 feet
Maximum pedestrian block length (C) 350 feet

Parking Placement

Setbacks from public or private streets (D) Rear 75% of lot
Side yard setback (E) 0 feet min.
Rear yard and alley setback (F) 5 feet min.

Required Spaces

Parking ratios must meet City standards as identified in Municipal Code Title 23 Chapter 23.719.

² Pedestrian connections must comply with the specifications for paseos or multi-use paths outlined in RCMC 23.513 (Streetscape type and frontage type standards).

Internal circulation streets are private or public streets on commercial or residential lots which access either buildings or parking areas. Internal circulation streets must be provided every 350 feet along any one block face (minimum) and must comply with the specifications for main street, nonresidential collector street (commercial), standard residential street, or minor residential street outlined in RCMC 23.513 (Streetscape type and frontage type standards).

Proposed Amendments - Article 7

- Removed integrated development chapter
- Updated landscape chapter to clarify surface standards for residential landscaping, update shade canopy requirement, and require a tree pruning permit to prune $\leq 25\%$ of a tree
- Updated off street parking requirements, reduce maximum percentage of compact car spaces, update bicycle parking standards
- Changed permit requirements for fences

- A. Fences, walls, and screening are not required between land uses unless otherwise specified in this chapter.
B. Fences, walls, and screening must be located outside of any public utility easement except as authorized by the applicable utility agency.

Table 23.731-1: Maximum Height of Fence, Wall, and Screening in Required Yard Area

Location of Fence/Wall/Screen*	Maximum Height*
Required front yard area	3 feet ^{1,2}
Required rear and interior side yard area (along rear and interior property lines)	7 feet ^{1,3}
Required street side yard area	7 feet ^{1,3}
At intersections of streets, alleys, and driveways within the <u>clear visibility area</u> (definition in Chapter 23.1104 (General Definitions) <u>clear-visibility-area</u>)	30 inches

Notes:

- 1- Fences, walls, and screening are not required between land uses unless otherwise specified in this chapter. Fences, walls, and screening must also be located outside of any public utility easement except as authorized by the applicable utility agency.
2- Maximum height may be increased by the designated approval authority as part of design review, provided that the portion of the fence above 7 feet is at least 50% transparent (e.g., lattice).
3- Fences 7 feet or less may be located at the property line. For all fences over 7 feet in height, the minimum setback of 3 feet is required. Height of the front yard fence may be increased to 5 feet if the fence contains visually open and transparent (e.g., picket fence, open wood slat, open wrought-iron).
4- See definition for clear-visibility area in Chapter 23.1104 (General Definitions).
1. Maximum height for fences may be increased by designated approval authority as part of design review, provided that the portion of the fence above 7 feet is at least 50% transparent (e.g., lattice).
2. The height of the front yard fence may be increased to 7 feet when the fence is located a minimum setback of 3 feet from the property line and contains visually open and transparent (e.g., picket fence, open wood slat, open wrought iron). Fences that are 3 feet or less may be located at the property line.
3. For fences over 3 feet in height, the minimum setback of 3 feet from the property line is required. Fences that are 3 feet or less may be located at the property line.
[Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 4.11.050)].

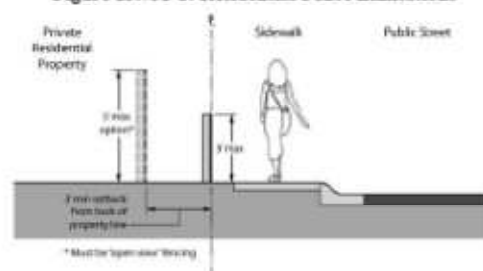
23.731.060 Height measurement.

A. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material. Grade may not be modified in order to increase fence height.

B. The height of fencing placed atop a wall shall be measured from the base of the wall, except as provided in subsection (C) of this section. Fences located on top of a retaining wall: If a fence is located on top of a retaining wall, the maximum height of the retaining wall shall be 3 feet in height and the maximum height of the fence shall be 7 feet in height measured from the highest finished grade. If the retaining wall exceeds 3 feet in height, the fence shall be separated from the retaining wall by a horizontal distance of at least 3 feet with required landscaping. If the fence exceeds 7 feet in height measured from the highest finished grade, the fence shall be separated from the retaining wall by a horizontal distance of at least 3 feet with landscaping.

C. Where the elevation of the finished grade within ~~the~~ 5 feet of the base of the fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the highest ~~lowest~~ natural grade.

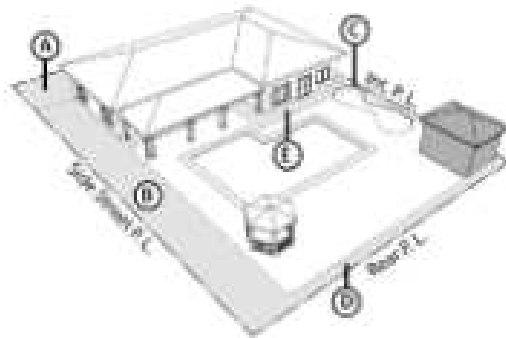
Figure 23.731-1: Residential Fence Limitations



Proposed Amendments - Article 7

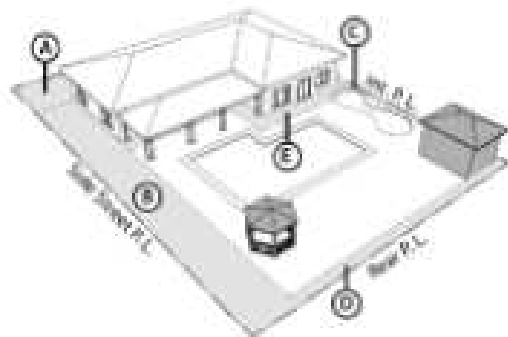
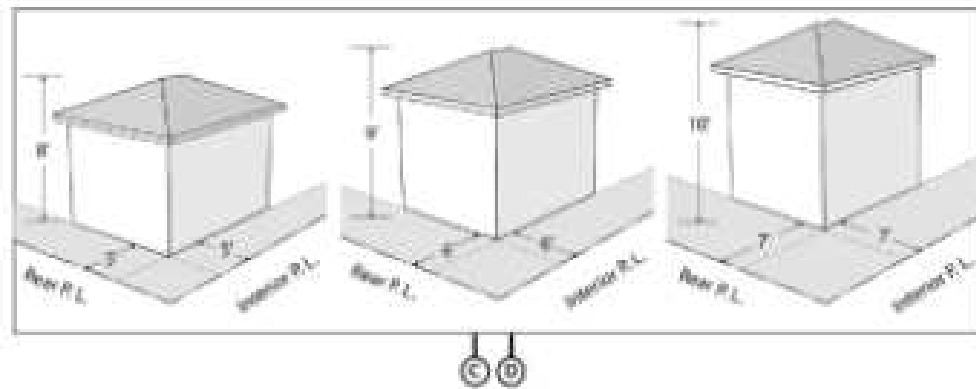
- Reduced total square footage of all accessory structures from 50% to 30% of primary dwelling and created proportional setback standard by height of accessory structure

Figure 23.734-1: Development Standards for Accessory Structures



Accessory Structure Setback from:

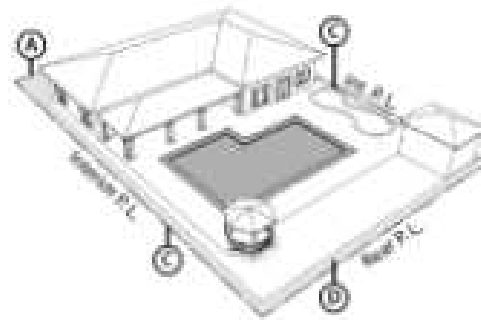
- A. Front Property Line - Consistent with primary structure
- B. Side Street Property Line - Consistent with primary structure
- C. Interior Property Line - 5' for structures 8' tall; plus 1' per every foot above 8' in height
- D. Rear Property Line - 5' for structures 8' tall; plus 1' per every foot above 8' in height
- E. Primary Structure - 0'



Smaller Accessory Structure* Setback from:

- A. Front Property Line - Consistent with primary structure
- B. Side Street Property Line - Consistent with primary structure
- C. Interior Property Line - 3'
- D. Rear Property Line - 3'
- E. Primary Structure - 0'

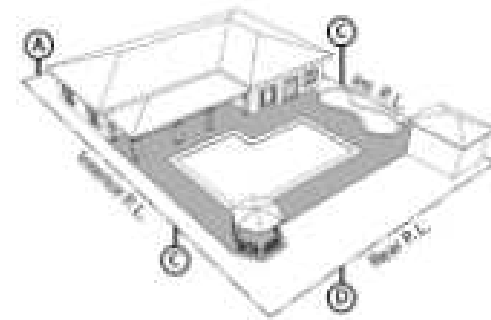
*Structures may measure no more than 120 sq. ft. and less than 8' in height



Swimming Pool or Spa Setback from:

- A. Front Property Line - Consistent with primary structure
- B. Side Street Property Line - Consistent with primary structure
- C. Interior Property Line - 3'
- D. Rear Property Line - 3'

*For safety, the Building Code requires a fence around the pool measuring at minimum 5' in height.



Pad (e.g., Concrete) Setback from:

- A. Front Property Line - 0'
- B. Side Street Property Line - 0'
- C. Interior Property Line - 0'
- D. Rear Property Line - 0'

Proposed Amendments - Article 9

- Relocated special use definitions to Article 11
- Added new standards for accessory dwelling units to comply with State law (e.g., Junior Accessory Dwelling Units)
- Amended temporary use regulations for portable storage containers
- Added urban agriculture regulations
- Added “Commercial Marijuana Uses” to clarify that Commercial uses are prohibited

Proposed Amendments - Article 11

- Added new land use descriptions for beekeeping, community garden, urban agriculture, consignment store and brewery, winery, and distillery
- All definitions moved to this Article and organized by general and specialized terms:
 - condominium conversions definitions
 - housing incentives and density bonus definitions
 - sexually oriented business definitions
 - sign code definitions
 - telecommunication facility definitions.

New Chapter 8.12 (Beekeeping)

- Purpose
- Definitions
- Administrative use permit requirements
- Criteria for approval reflect some best practices from Elk Grove and Sacramento County (under consideration)

Policy Issues to review

- Bee Keeping ordinance
- Urban Agriculture provisions
- Convenience store hours of operation
 - Currently restricted to operate from 6:00 a.m. to 11:00 p.m.
- Modifications to allowable uses (AUP vs CUP)
 - Fees/deposits for certain uses (AUP vs CUP) – reduced deposits
- Changes to brewery thresholds
- Other code enforcement items
 - Front yard landscape/hardscape (grass-crete)
 - Seasonal Lighting
 - Allowance of large semi trucks in front yards
- Identification of key “Opportunity Sites”
 - Protect valuable sites with proper zoning and allowable uses

Items to review later

- Sign code (new laws)
- Marijuana rules (new laws – update from City Attorney 12/5)
- Property maintenance matters (separate review – performed by Code Enforcement and City Attorney)
- Tree preservation/protection (separate review effort by Public Works)
- Zoning vs. land use Map (internal consistency)
- Multiple zoning districts (residential & commercial)
- Cold Weather Shelter provisions
- Solar energy systems (new laws)
- Overhead utility lines
 - Council Sub-Committee item

Next Steps

Public review of proposed update includes:

- On City's website for public review and comment
- Sharing with RC Chamber of Commerce
- Sharing with VINS

Incorporate City Council and other City Department comments into final document for review and action.

- Prepare necessary CEQA review and documentation.
- Upon completion of revisions, staff will present the document to the Council for formal action.

Comments ...?



ZONING HAS ITS BENEFITS
Great **downtowns** don't just happen.

