

ARTICLE II ZONING DISTRICTS

SECTION 6.04.04 RESIDENTIAL ZONES

6.04.0401 PURPOSE

1. The purpose of this Section is to achieve the following:
 - A. Preserve neighborhood areas for residential living with rural, low, medium, medium/high and high dwelling unit densities, consistent with the General Plan and appropriate standards of public health, safety, welfare, and aesthetics;
 - B. Ensure adequate light, air, privacy and open space for each dwelling;
 - C. Minimize traffic congestion and avoid the overloading of public services and utilities;
 - D. Protect residential neighborhoods from excessive illumination, noise, odor, smoke, unsightliness and other objectionable influences;
 - E. Facilitate the provision/enhancement of public improvements in line with anticipated residential construction, and service requirements;
 - F. Ensure that residential areas are developed and redeveloped to be healthful, safe and attractive neighborhoods, served by adequate open space and appropriate community facilities;
 - G. Create opportunities for "rural" estate-type residential development in outlying portions of the City to maintain orderly development and preserve agricultural resources/pursuits;
 - H. Create opportunities for hillside residential development in a safe and attractive manner which preserves the natural beauty of the hillsides;

- I. Designate/preserve land to accommodate housing units which meet the diverse economic needs of the City's residents (i.e., very low, low and moderate income, senior citizen, etc.), situating development in a manner that will retain the scale, character and historic significance of existing residential neighborhoods; and
 - J. Promote enhanced urban design in residential projects which ensures that new development is architecturally and functionally compatible, preserves the long-term housing quality, ensures long-term energy and water efficiency, increases security and results in uniquely identifiable neighborhoods, through the application of development standards/guidelines.
2. The purpose of the individual residential zoning districts is as follows:

A. RPD (RESIDENTIAL PLANNED DEVELOPMENT) RURAL (1.0) ZONE

This zone is intended to provide for a "rural" neighborhood with detached single-family dwellings at a density range of 0 to 1.0 units per net acre as well as the maintenance of agricultural pursuits. Manufactured homes on permanent foundations are also permitted. Additional land uses (i.e., churches, day care, schools, etc.) may be allowed when compatible to and in harmony with, and serving the needs of, a rural residential neighborhood.

B. RPD (RESIDENTIAL PLANNED DEVELOPMENT) LOW (7.0) ZONE

This zone is intended to provide for low density neighborhoods with detached single-family dwellings with private yards at a density range of 1.1 to 7.0 units per net acre as well as the maintenance of "limited" agricultural pursuits. Manufactured homes on permanent foundations are also permitted. Additional land uses (i.e., churches, day care, schools, etc.) may be allowed when compatible to and in harmony with, and serving the needs of, a low density residential neighborhood.

C. RPD (RESIDENTIAL PLANNED DEVELOPMENT) MEDIUM (11.0) ZONE

This zone is intended to provide for medium density neighborhoods with detached single-family dwellings with private yards, two-family detached and attached residential dwellings (i.e., condominiums, townhomes, a two-family structure, etc.), multi-family attached residential dwellings and mobile home parks/subdivisions at a density range of 7.1 to 11.0 units per net acre. Manufactured homes on permanent foundations are also permitted. Additional land uses (i.e., churches, day care, schools, etc.) may be allowed when compatible to and in harmony with, and serving the needs of, a medium density residential neighborhood.

D. RPD (RESIDENTIAL PLANNED DEVELOPMENT) MEDIUM/HIGH (15.0) ZONE

This zone is intended to provide for medium/high density neighborhoods with two-family detached and attached residential dwellings (i.e., condominiums, townhomes, two-family structures, etc.) and multi-family attached residential dwellings (i.e., apartments, condominiums, etc.) at a density range of 11.1 to 15.0 units per net acre. Additional land uses (i.e., churches, day care, schools, etc.) may be allowed when compatible to and in harmony with, and serving the needs of, a medium/high density residential neighborhood.

E. RPD (RESIDENTIAL PLANNED DEVELOPMENT) HIGH (15.1) ZONE

This zone is intended to provide for high density neighborhoods with attached multi-family residential dwellings (i.e., apartments, condominiums, townhomes, two-family structures, etc.) at a density range of at least 15.1 units per net acre. Additional land uses (i.e., churches, day care, schools, etc.) may be allowed when compatible to and in harmony with, and serving the needs of, a high density residential neighborhood.

6.04.0405 PERMITTED USES

Any structure/use designated as "Permitted" (P) by the following list shall comply with the provisions of this Ordinance. Any permitted use which will occupy an existing structure (with no structural alteration/enlargement) shall comply with the operational standards contained in this Section as well as Article III (General Regulations). Additionally, any permitted use which will occupy an existing structure that is to be altered, enlarged, or requires construction or installation (i.e., manufactured housing) of a structure(s) shall require the approval of a Development Permit in compliance with Section 6.04.66.

**6.04.0410 PERMITTED, DEVELOPMENT PERMITTED AND
CONDITIONALLY PERMITTED USES (Revised per Ord. 03-774 Adopted January 13, 2004)**

The following list represents those uses in the residential zoning districts which are Permitted (P), subject to a Development Permit (D) or a Conditional Use Permit (C):

LAND USE ACTIVITY	RPD R	RPD L	RPD M	RPD M/H	RPD H
1. Residential Uses					
A. Child Day Care Facility					
6 or less children	P	P	P	P	P
7 or more children	C	C	C	C	C
B. Condominiums (Detached)	D	D	D	-	-
C. Condominiums (Attached)	-	-	D	D	D
D. Congregate Housing	-	C	C	C	C
E. Convalescent Facilities	-	-	C	C	C
F. Density Bonus	-	D	D	D	D
G. Farmworker Congregate Housing	-	C	C	C	C
H. Manufactured Housing	D	D	D	D	D
I. Mobile Home Parks/Subdivisions	-	-	D	-	-
J. Multi-Family Dwellings	-	-	D	D	D
K. Second Dwelling Unit/ "Granny" Housing/Guest House	C	C	C	-	-
L. Single-Family Dwelling	P	P	P	-	-
M. Small Family Group Homes					
6 or less clients	P	P	P	P	P
7 or more clients	C	C	C	C	C
N. Two-Family Dwellings (Detached/Attached)	-	-	D	D	D
2. Recreational Accessory Uses					
A. Outbuilding (i.e., Pool House)	P	P	P	P	P
B. Swimming Pool, Private	P	P	P	P	P
C. Tennis Court, Private	P	P	P	P	P
3. Accessory Uses					
A. Fences and Walls	P	P	P	P	P
B. Garages/Accessory Structures	P	P	P	P	P
C. Garage/Yard Sales	P	P	P	P	P
D. Keeping of Domestic Animals/ Household Pets	P	P	P	P	P

LAND USE ACTIVITY	RPD R	RPD L	RPD M	RPD M/H	RPD H
E. Keeping of Horses	D	-	-	-	-
F. Outdoor Play/Athletic Equipment	P	P	P	P	P
G. Patio (with/without cover)/Gazebo	P	P	P	P	P
H. Satellite Dish Antenna	P	P	P	P	P
I. Outdoor (enclosed/totally screened) Storage	P	P	P	P	P
J. Vertical Antenna 12 feet or less in height	P	P	P	P	P
12+ feet in height	C	C	C	C	C
4. Other Uses (Revised May 28, 1996 per Ord. 96-715)					
A. Agriculture	P	P	-	-	-
B. Artist's Studio in conjunction with Single Family Residence	C	C	C	-	-
C. Bed & Breakfast Establishments	C	C	C	C	C
D. Churches	C	C	C	C	C
E. "Open Air" Produce Stand (only in conjunction with an on-site/ongoing agricultural operation)	D	D	-	-	-
F. Private Clubs/Organizations	D	D	D	D	D
G. Private Schools	C	C	C	C	C
H. Public Utilities/Facilities	P	P	P	P	P
I. Recreational Vehicle Communal Storage Facilities	-	P	P	P	P
5. Home Occupations	Subject to Home Occupation Permit				
6. Temporary Uses	Subject to Temporary Use Permit				

Other similar uses which the Director finds to fit within the purpose/intent of the specific residential zoning district in compliance with Subsection 6.04.0225(3).

6.04.0415 ZONING DISTRICT DEVELOPMENT STANDARDS**1. GENERAL STANDARDS**

The standards contained in Table II-1 (Zoning District Development Standards) relating to density, lot area and configuration, structure setbacks, structural parcel coverage and height, accessory structure height, distance between structures and common/private open space apply to all residential zoning districts, and shall be determined to be the minimum requirements, unless stated as maximum by this Ordinance. All setbacks shall be measured from the applicable property line.

Any variation from these standards shall require the approval of a Development Permit in compliance with Section 6.04.66 and consistency with any adopted guidelines for the subject neighborhood or a Minor Variance/Variance in compliance with Sections 6.04.60 or 6.04.64.

**TABLE II-1
ZONING DISTRICT DEVELOPMENT STANDARDS**

LAND USE ACTIVITY	RPD R	RPD L	RPD M	RPD M/H	RPD H
Maximum Units Net/Acre	1.0 ²	7.0	11.0	15.0	35.0
Lot Area (sq. ft.)	1.0 ac ²	6,000	6,000	14,000 ¹	14,000
Lot Area per Dwelling Unit	1.0 ac ²	6,000	4,000	2,900	1,250
Lot Width (feet)	50 ²	50	25	100 ¹	100
Front Setback Main Structure (feet)	20 ²	18	18	15	15
Front Setback Street Facing Garage (feet)	25 ²	20	20	20	20
Rear Setback (feet)	20 ²	20	20	20	20
Side Setback ³ (each)	10 ²	10	10	10	10
Side Setback (street side)	20 ²	10	10	10	10
Structural Parcel Coverage (Maximum)	— ²	40%	40%	60%	60%
Distance Between Main Structures (feet)	— ⁴	— ⁴	— ⁴	— ⁴	— ⁴
Distance Between Accessory Structures (feet)	6	6	6	6	6
Common Useable Open Space (sq. ft.) ⁵	0	0	200	200	200
Private Outdoor Living Space (sq. ft.) ⁵	0	0	450	250	200

LAND USE ACTIVITY	RPD R	RPD L	RPD M	RPD M/H	RPD H
Main Bldg./Structure Ht. (Maximum)					35 feet or 2 story whichever is less
Accessory Bldg./Structure Ht. (Maximum)					17 feet or 1 story whichever is less
Antennae					(Refer to Subsection 6.04.1805(2) Property Development Standards)
Fences, Walls and Hedges					(Refer to Subsection 6.04.1805(7) Property Development Standards)

- ¹ May be reduced to a 5,000 square foot minimum lot area with a 50 foot minimum lot width only if access to the parcel is provided by an alley.
- ² Subject to Section 6.04.26 (Hillside Development Standards).
- ³ May be reduced to 5 feet with Fire Department approval, but shall be 10 feet if adjacent to a 2-story structure.
- ⁴ When 2 walls face each other and neither has a window opening, they shall be separated by at least 15 feet. If one or more of the walls has a window opening, they shall be separated by at least 20 feet plus 5 feet for each story of each structure in excess of one-story.
- ⁵ Each ground floor dwelling unit shall be provided with 250/200 (RPD-M/H & H) square feet of private outdoor living space while each upper story unit shall be provided with 200/150 (RPD-M/H & H) square feet of private outdoor living space.

2. ZONE SPECIFIC STANDARDS

In addition to the general development requirements contained in Article III (General Regulations), the following table identifies specific standards which apply to individual residential zoning districts:

RESIDENTIAL ZONES SPECIFIC DEVELOPMENT STANDARDS*(Revised per Ord. 03-774 Adopted January 13, 2004)

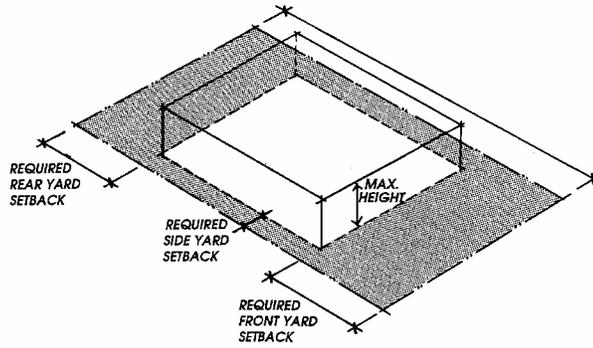
STANDARD	RPD R	RPD L	RPD M	RPD M/H	RPD H
A. Accessory Structures	Y	Y	Y	Y	Y
B. Additional Height Allowances	N	N	N	Y	Y
C. Child Day Care Facility	Y	Y	Y	Y	Y
D. Common Useable Open Space	N	N	N	Y	Y
E. Conservation/Preservation Area Guidelines	Y	Y	Y	Y	N
F. Congregate Housing	N	Y	Y	Y	Y
G. Density Bonus	N	Y	Y	Y	Y
H. Garage/Yard Sales	Y	Y	Y	Y	Y
I. Hillside Development	Y	Y	N	N	N
J. Keeping of Domestic Animals/ Household Pets	Y	Y	Y	Y	Y
K. Minimum Dwelling Size	Y	Y	Y	Y	Y
L. Minimum Room Size	Y	Y	Y	Y	Y
M. Mobile Home/ Manufactured Housing	Y	Y	Y	Y	Y
N. Mobile Home Parks/ Subdivisions	N	N	Y	N	N
O. Perimeter Walls	N	Y	Y	Y	Y
P. Rear Unit Access	Y	Y	Y	Y	Y
Q. Recreational Vehicle Storage	N	Y	Y	Y	
R. Second Dwelling Unit	Y	Y	Y	N	N
S. Trash/Recyclable Storage	Y	Y	Y	Y	Y
T. Zero Lot Line Development	N	Y	Y	Y	Y
U. Farmworker Congregate Housing	N	Y	Y	Y	Y

*Key: "Y" applies and "N" does not apply in the zoning district

A. ACCESSORY STRUCTURES

Accessory structures in residential zoning districts shall be compatible with the materials and architecture of the main dwelling(s) on the property. Accessory structures may only be constructed on a parcel containing a main dwelling unit. The setbacks in Table II-2 shall apply.

Any variation from these setbacks shall require the approval of a Development Permit in compliance with Section 6.04.66 and consistency with the adopted "guidelines" for the subject neighborhood or a Minor Variance/Variance in compliance with Sections 6.04.60 or 6.04.64.



Potential building envelope after allowing for required setbacks and maximum building height.

**TABLE II-2
ACCESSORY STRUCTURES**

Single-Family Detached Homes

Structure/ Construction/ Property Line Equipment	Required Setback	(In Feet)
Porches	Front	10 (per CC Ord. 98-734)
	Side	5
Garage	Rear	3
	Side	3
	Side (street)	Main bldg. setback
Swimming pool, spa, storage shed, fish pond	Rear	5
	Side	5
	Side (street)	Main bldg. setback
Stationary barbecue, fire pit, attached patio cover, gazebo	Rear	3
	Side	3
	Side (street)	Main bldg. setback
Unenclosed/detached patio cover (within rear 1/3 of parcel)	Rear	3
	Side	3
	Side (street)	Main bldg. setback
Air conditioning equipment, pool and spa equipment, and ground-based antennae	Rear	3
	Side	3 If located in rear yard Main bldg. setback - located in side yard
	Side (street)	3 If located in rear yard Main bldg. setback if located in side yard
Balcony, decks, exterior stairs in excess of 30 inches	Front, Side, Rear	Main bldg. setback

In no case shall a structure, projection or equipment be placed or occur beyond the property lines of the subject parcel.

Multi-Family Attached/Detached

Structure/ Construction/ Property Line Equipment	Required Setback	(in feet)
Garage	Rear	3
	Side	3
	Side (street)	Main bldg. setback
Swimming pool, spa, storage shed, fish pond, ground-based antennae	Front	5
	Side	5
	Rear	5
Air conditioning, pool and spa Side equipment	Front	3
	Side	3
	Rear	3
Stationary barbecue, fire pit, attached patio cover, gazebo	Front	3
	Side	3
	Rear	3
Unenclosed/detached patio cover (within rear 1/3 of parcel)	Front	3
	Side	3
	Rear	3

Where a parcel is situated so that the front, side and rear property lines are not readily determinable, required setbacks shall be established by the Director.

B. ADDITIONAL HEIGHT (STORY) ALLOWANCES

When complying with standard setback requirements in the RPD-M/H zoning district, the maximum structure height shall not exceed 35 feet or 2 stories, whichever is less. This standard may be increased by the Review Authority as part of a Development Permit application up to a maximum of 50 feet or 3 stories, whichever is less, subject to the following:

1. A visual analysis relating structural proportions, massing, height and setback shall be conducted to preserve and enhance the scenic viewshed and minimize the structure's effect on adjacent residents and their privacy;
2. The need, and appropriateness of additional stories shall be demonstrated; and
3. Architectural compatibility and harmony with surrounding development, land use designations and zoning shall be demonstrated.

As a condition of approval, the Review Authority may require setbacks greater than the minimum setbacks for the RPD-M/H zoning district stated in Table II-2.

C. CHILD DAY CARE FACILITY DEVELOPMENT STANDARDS

Child day care facilities are permitted for 6 or less children (small facility), and the approval of a Conditional Use Permit is required for a facility of 7 or more children (large facility), in compliance with Section 6.04.70. A large facility shall be developed/operated in the following manner:

1. The facility shall conform to all property development standards of the zoning district in which it is located;
2. The facility shall be provided with indoor play areas in compliance with State requirements. Separate and clearly defined play and activity areas shall be provided for each age group (i.e., infant, toddler, preschool, and school-age children);

3. An outdoor play area of no less than 75 square feet per child, but in no case less than 450 square feet in area exclusive of the required front yard setback, shall be provided. The outdoor play area shall be located in the rear yard. Stationary play equipment shall not be located in required front and side yards;
4. A 6 foot high solid decorative fence or wall shall be constructed on all property lines, except in the front yard or within a traffic safety sight area. In the front yard, the fence or wall shall be a maximum of 36 inches in height. Materials, textures, colors, and design of the fence or wall shall be compatible with on-site development and adjacent properties and shall be subject to the approval of the Director. All fences or walls shall provide for safety with controlled points of entry;
5. On-site landscaping shall be consistent with that in the surrounding neighborhood and shall be installed and maintained, in compliance with Section 6.04.28 (Landscaping Standards). Landscaping shall be provided to reduce noise effects on surrounding properties (i.e., trees shall be planted along the property lines, closely spaced and subject to the approval of the Director);
6. All on-site lighting shall be energy efficient, stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the surrounding neighborhood;
7. All on-site signs shall comply with the provisions of Section 6.04.38 (Sign Standards);
8. All off-street parking shall comply with the provisions of Section 6.04.34 (Off-Street Parking Standards) and shall provide on-site vehicle turnaround or separate entrance and exit points where feasible, and adequate passenger loading spaces;
9. The facility shall contain a fire extinguisher and smoke detector devices and comply with all standards established by the Fire Department;
10. A facility within any residential zoning district may only operate up to 14 hours per day between the hours of 6:00 A.M. and 8:00 P.M.;
11. Outdoor activities may only be conducted between the hours of 7:00 A.M. and 7:00 P.M.; and
12. All facilities shall be State licensed and shall be operated in compliance with all applicable local, County and State health and safety regulations.

D. COMMON USEABLE OPEN SPACE

All multi-family residential developments with 5 or more dwelling units in the RPD-M, M/H and H zoning districts shall incorporate common useable open space for passive and active recreational purposes within the project's design. The minimum area dedicated for this purpose shall be 30% of the net parcel area or 200 square feet for each unit, whichever is greater. Useable open space shall not include rights-of-way, vehicle parking areas, areas between any structures less than 20 feet apart for private outdoor useable space or setback areas. (Setback areas may be credited, by the Director, as useable open space, up to a maximum of 50%, when the setback is a minimum of 20 feet wide and contiguous for a minimum distance of 40 running feet.)

Additionally, all multi-family residential developments shall provide indoor/outdoor recreational amenities within the common open space which may include, but are not limited to, the following:

1. Barbecue/picnic area;
2. Recreation building;
3. Swimming pool; and/or
4. Tot lot with play equipment.

The specific type/size/location of the amenities shall be subject to the approval of the Director. The Director shall have the authority to adjust/average the minimum standards for private/common open space when doing so would result in an improved design and an enhanced overall provision of private/common useable open space.

E. CONGREGATE HOUSING DEVELOPMENT STANDARDS

Standards governing Congregate Housing facilities are outlined in Section 6.04.22.

F. CONSERVATION/PRESERVATION AREA GUIDELINES

1. The Conservation/Preservation Area Guidelines are intended to implement General Plan policies related to the preservation of residential historic resources within the area bounded by Central Avenue, Fourth Street, Mountain View Street and Main Street.
2. The Conservation/Preservation Area Guidelines will be utilized during the City's development/design review process as criteria against which to review residential projects requiring discretionary approval within the conservation/preservation area. Additionally, the guidelines are intended to provide a clear understanding of the City's goals for preserving the historic character of the area. In instances where proposed improvement does not require discretionary approval (i.e. painting or re-siding) an advisory review from the Director may be requested. Advisory review is provided to assist property owners in making improvements that are consistent with the spirit of the guidelines.
3. The Conservation/Preservation Area Guidelines are available at the Department and include information/guidance in the following areas:
 - a. Preservation and rehabilitation of existing structures;
 - b. Additions to existing structures; and
 - c. New infill structures

G. DENSITY BONUS

In order to encourage the provision of affordable housing, State law (Government Code Section 65915) provides for the granting of a density bonus or other incentives when an applicant agrees to construct at least one of the following:

1. Twenty percent of the total units of a housing development for persons and families of lower income, as defined in State law (Health and Safety Code Section 50079.5);
2. Ten percent of the total units of a housing development for very low income households, as defined in State law (Health and Safety Code Section 50105); and
3. Fifty percent of the total dwelling units of a housing development for qualifying senior citizen residents, as defined in State law (Civil Code Section 51.2).

A request for a density bonus and regulatory concessions and/or incentives shall be allowable in the RPD (low, medium, medium/high and high density ranges) and CBD zoning districts, shall require Development Permit approval by the Council, upon recommendation by the Commission, and be subject to State law (Government Code Section 65915) and the following provisions:

1. For the purpose of this Subsection, "density bonus" shall mean a density increase of at least 25% over the otherwise maximum allowable residential density under this Ordinance and the General Plan. When determining the number of housing units which are to be affordable, the density bonus shall not be included.
2. The procedures for implementing this Subsection are as follows:
 - a. The density bonus shall only apply to housing developments consisting of 5 or more dwelling units;
 - b. The Director shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the procedures governing these provisions;
 - c. The Council shall grant a density bonus and at least one regulatory concession(s) and/or incentive(s), unless it adopts a written finding that additional concession(s) and/or incentive(s) are not required in order to provide for affordable housing costs as defined in State law (Health and Safety Code Section 50052.5), or for rents for the targeted units as specified by State law (Government Code Section 65915 [c]);
 - d. Prior to the issuance of a Building Permit for any dwelling unit in a development for which "density bonus units" and additional incentives have been received, the applicant shall submit documentation which identifies the restricted units and shall enter into a written agreement with the City, subject to Council approval, to guarantee for 30 years their continued use and availability to lower-income households. The agreement shall extend more than 30 years if required by the Construction or Mortgage Financing Assistance Program, Mortgage Insurance Program, or Rental Subsidy Program. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor(s) in interest of the applicant, and shall be recorded in the Office of the County Recorder.

The Agreement shall include the following provisions:

- 1) The applicant shall give the City or its designee the continuing right-of-first-refusal to purchase or lease any or all of the designated units at the fair market value;
 - 2) The deeds to the designated units shall contain a covenant stating that the applicant or the successor(s) in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests without the written approval of the City confirming that the sales price of the units is consistent with the limits established for low- and moderate-income households, which shall be related to the Consumer Price Index; and
 - 3) The City shall have the authority to enter into other agreements with the applicant or purchasers of the dwelling units, as may be necessary to ensure that the required dwelling units are continuously occupied by eligible households.
- e. "Density bonus units" shall be generally dispersed throughout a development project and shall not differ in appearance or amenities from other units in the development; and
- f. The City shall provide, in addition to a density bonus, at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost:
- 1) A reduction or modification of Ordinance requirements which exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 123 of the Health and Safety Code, including, but not limited to, a reduction in the minimum setback and square footage requirements and in the ratio of off-street parking spaces that would otherwise be required;
 - 2) Approval of a mixed use development in conjunction with the residential project if commercial, office, or other land use activities will reduce the cost of the development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed residential project will be located; and

- 3) Other regulatory incentives or concessions proposed by the applicant or the City which result in identifiable cost reductions.

H. GARAGE/YARD SALES

Garage/yard sales are permitted in all RPD zoning districts in compliance with Chapter 7.10 of the Municipal Code.

I. HILLSIDE DEVELOPMENT STANDARDS

Standards governing "Hillside Development" are outlined in Section 6.04.26.

J. KEEPING OF DOMESTIC ANIMALS/HOUSEHOLD PETS

The keeping of domestic animals/pets for household enjoyment only is permitted in all RPD zoning districts subject to the following standards:

1. No more than 3 dogs or 3 cats or a combination that does not exceed 3 dogs and cats may be permitted only if properly maintained on the premises within/outside a dwelling;
2. Other domestic animals/household pets (i.e., birds [not including poultry], fish, rodents, etc.) may be permitted only if properly maintained on the premises within/outside a dwelling. The Director may allow other domestic animals/household pets not previously listed; and
3. A young animal(s) born to a permitted animal kept within/outside of the dwelling may be kept until the young animal is weaned from its mother (8 weeks for dogs or cats).

K. MINIMUM DWELLING SIZE STANDARDS

The following minimum dwelling areas are computed by calculating the living area as measured on the outside of walls and excludes basements, carports, exterior courtyards/patios, garages and porches:

The minimum area requirements for single-family detached homes: 1,200 sq. ft.

The minimum area requirements for single-family attached homes: 1,000 sq. ft.

The minimum area requirements for multi-family dwellings are as follows:

1 Bedroom	750 sq. ft.
2 Bedrooms	900 sq. ft.
3 Bedrooms	1,000 sq. ft.

"Efficiency apartment units" (400 - 700 square feet), as defined in Section 6.04.96, are allowable only in areas designated in the General Plan for "Medium," "Medium/High" or "High" residential development. These apartment units shall be allowed only in cases where a fractional/partial additional unit (i.e., 1.5 to 1.9 units allowed on property in compliance with the required "lot area per dwelling unit") would otherwise not be allowed.

L. MINIMUM ROOM SIZE STANDARDS

Minimum room size standards are as follows:

<u>Room</u>	<u>Minimum Area In Square Feet</u>
Bedroom	100
Full bath (tub, toilet and lavatory)	50
Three-quarter bath (stall shower, toilet and lavatory)	35
Half bath (toilet and lavatory)	25

M. MOBILE HOME AND MANUFACTURED HOUSING DEVELOPMENT STANDARDS

Mobile or manufactured homes used as single-family dwellings are subject to the approval of a Development Permit and shall be installed/maintained in the following manner:

1. Mobile or manufactured homes may be used as a single-family residence if the home is certified under the National Mobile Home Construction and Safety Act of 1974;
2. Mobile or manufactured homes shall be installed on and secured to an approved permanent foundation in compliance with this Ordinance, the City Building Code and the Health and Safety Code (Section 18551); and
3. The following development standards shall govern the installation and assembly of mobile and manufactured homes. The Director may modify any of the following standards during the Development Permit process upon finding(s) that to do so would enhance architectural compatibility and the protection of health and safety:
 - a. All homes shall have a minimum eave projection of 18 inches on at least 2 opposite sides, with at least 12 inches on any one side;
 - b. All roofs shall have a minimum pitch of 1:4 and shall be constructed of non-reflective/non-metallic roofing material;
 - c. All exterior siding shall be non-reflective/ non-metallic and shall be installed from the ground up to the roof; and
 - d. All homes shall have a minimum width (across the narrowest portion) of 15 feet.

The provisions of this Subsection do not apply to the installation and assembly of mobile and manufactured homes in mobile home parks.

N. MOBILE HOME PARK/SUBDIVISION DEVELOPMENT STANDARDS

The design of individual lots and other areas within mobile home parks and the permitting of individual mobile homes within the parks is regulated by the California Department of Housing and Community Development, and is not subject to the provisions of this Subsection. However, the City has full authority to adopt reasonable

standards regulating other characteristics of mobile home parks as well as all aspects of mobile home subdivisions.

Mobile home parks/subdivisions are allowable only in the RPD-M zoning district subject to a Development Permit and shall be constructed in the following manner:

1. The minimum site area for new mobile home parks/ subdivisions shall be 10 acres;
2. No more than one mobile home may be located on an individual lot/space:
3. Individual mobile home lots shall have the following minimum site areas/widths:
 - a. Single-wide coaches: 2,400 sq. ft./35 ft.;
 - b. Double-wide coaches: 3,000 sq. ft./45 ft.; and
 - c. Triple-wide coaches: 3,600 sq. ft./55 ft..
4. Individual mobile homes shall be set back a minimum of 20 feet from the nearest public right-of-way;
5. Minimum individual mobile home lot setbacks shall be measured from the edge of internal streets and space lines as follows:
 - a. Front - 10 feet
 - b. Side - 5 feet
 - c. Rear - 10 feet
6. Maximum mobile home lot coverage (mobile home and any accessory structure) shall be 75%;
7. Each mobile home shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobile home being located on-grade;
8. All on-site utilities shall be installed underground;
9. All private internal streets within the park/subdivision shall be appropriately paved with a minimum width of 36 feet or in compliance with the Ventura County Standards, whichever is greater;

10. The mobile home park/subdivision shall be provided with off-street parking in compliance with Section 6.04.34 (Off-Street Parking Standards);
11. Mobile home parks/subdivisions should contain commercial uses for the convenience of the residents (i.e., food/drink vending machines, laundry room, etc.) provided that these uses shall be located within an enclosed structure in the interior of the park/subdivision and shall not occupy more than 500 square feet;
12. Each mobile home lot shall contain adequate space to accommodate an enclosed storage facility with a minimum of 120 square feet;
13. All exterior boundaries of the mobile home park/subdivision shall appear similar to conventional residential developments and shall be screened by a decorative fence (with open grill work) or masonry wall 6 feet in height, with a minimum 6 foot wide landscaped area provided along the inside of the perimeter fence or wall subject to the approval of the Director;
14. Common open space shall be landscaped in compliance with Section 6.04.28 (Landscaping Standards);
15. A common recreation area shall be provided in the park/subdivision for use by all residents and their invited guests. The area shall provide for a minimum aggregate area of 50 square feet of recreational space for each mobile home space; and
16. All mobile home parks/subdivisions shall provide recreational amenities within the site which may include, but are not limited to, the following:
 - a. Clubhouse;
 - b. Court game facilities (i.e., basketball, tennis, etc.);
 - c. Day care facilities;
 - d. Picnic shelter/barbecue area;
 - e. Spa;
 - f. Swimming pool; and/or
 - g. Tot lot with play equipment.

The type of amenities shall be approved by the Director and provided in compliance with the following schedule:

<u>Number of Units</u>	<u>Minimum Amenities</u>
0 - 9	1
10 - 50	2
51 - 100	3
101 - 200	4
201 - 300	5

Add one amenity for each 100 additional units.

O. PERIMETER WALLS/FENCES

Any structure/use, other than a single- or two-family dwelling, in a residential zoning district shall require the installation of perimeter screening in the form of walls and/or fences, which shall be constructed in the following manner:

1. The wall/fence shall be 6 feet in height, measured from the finished grade of the higher of the 2 adjoining parcels;
2. The wall/fence shall be installed along the perimeter of the parcel except for those portions fronting a public right(s)-of-way. Walls/fences located within the front yard setback shall not exceed a height of 36 inches;
3. The wall/fence shall be architecturally treated on both sides; and
4. The design and construction materials of the wall/fence shall be subject to the approval of the Director.

P. REAR UNIT ACCESS

Every developed residential parcel containing 2 or more residential units shall include a 10 foot wide improved pedestrian passageway to the rear unit(s). The passageway shall contain a paved walkway and shall be properly landscaped, maintained and vertically unobstructed overhead.

Q. RECREATIONAL VEHICLE STORAGE FACILITIES (per CC Ord. 98-734)

1. Recreational vehicle storage facilities shall be encouraged on an individual lot basis as follows:
 - a. Increase one side yard to 12 feet in width to provide access to a storage space in the rear or side yard; or
 - b. Provide a "pass-thru" garage to the rear yard, while maintaining the required side yards.

In either of the options outlined above, the recreational vehicle storage area shall be behind the front yard setback line and the access driveway to the storage area shall be paved treads only or grasscreted, subject to the approval of the Director.

R. SECOND DWELLING UNIT/"GRANNY" HOUSING/GUEST HOUSING DEVELOPMENT STANDARDS

One additional dwelling unit may be sited on a single-family parcel in the RPD-R, L and M zoning districts, subject to the approval of a Conditional Use Permit, and shall be developed/maintained in the following manner:

1. No more than one additional dwelling unit shall be permitted on any single-family parcel;
2. An additional dwelling unit may not be permitted on a single-family parcel already having 2 or more dwelling units;
3. An additional dwelling unit may only be allowed on a residential parcel with one existing owner occupied single-family detached dwelling unit (main unit), and the additional unit may be within, attached or detached to/from the existing main dwelling unit;
4. The parcel upon which the additional dwelling unit is to be established shall conform to all standards of the RPD-R, L and M zoning districts;
5. The minimum size of the parcel upon which the additional dwelling unit may be built shall be 7,500 square feet. The parcel shall have a minimum width of 50 feet, a minimum depth of 120 feet, and a minimum buildable pad size of 400 square feet exclusively for the additional unit;
6. The additional dwelling unit may only be located within the rear third of the parcel, and shall not exceed 35 feet or 2 stories in height;
7. The size of the additional dwelling unit shall not exceed 30% of the existing living area of the main dwelling for an attached unit or 1,200 square feet for a detached unit. The minimum size shall be 800 square feet;
8. The additional dwelling unit shall be architecturally compatible with the main dwelling unit;
9. The additional dwelling unit shall be provided with 2 covered off-street parking spaces, in addition to that required for the main dwelling unit, in compliance with Section 6.04.34 (Off-Street Parking Standards);
10. The additional dwelling unit shall be metered separately from the main dwelling unit for gas, electricity and water/sewer services;

11. Prior to the issuance of a Building Permit for the additional dwelling unit, a covenant of restriction to run with the land, shall be recorded which specifies that the use of the additional unit as an independent dwelling may continue only as long as the property is owner-occupied. The additional dwelling unit may not be sold independently of the main dwelling and parent parcel;
12. The applicant for the required Conditional Use Permit shall be the owner of the subject property as well as the resident of the main dwelling unit;
13. This Section shall not validate any existing illegal "additional" dwelling unit. An application for a permit may be made in compliance with Section 6.04.70 (Conditional Use Permits) to convert a non-permitted "additional" unit to a conforming legal "additional" unit, and the standards and requirements for the conversion shall be the same as for a newly proposed "additional" dwelling unit; and
14. The following findings shall be made (in addition to those outlined in Section 6.04.70 [Conditional Use Permits]) in order to approve a Conditional Use Permit for an additional dwelling unit:
 - a. That the additional dwelling unit is compatible with the design of the main dwelling unit and the surrounding neighborhood in terms of bulk, exterior treatment, height, landscaping, length, lot coverage, scale and width and will not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse effects on public services and resources; and
 - b. That the additional dwelling unit will not contribute to a high concentration of these units sufficient to change the character of the surrounding neighborhood.

S. TRASH/RECYCLABLE STORAGE

Standards governing trash/recyclable storage enclosures are outlined in Section 6.04.1805(23).

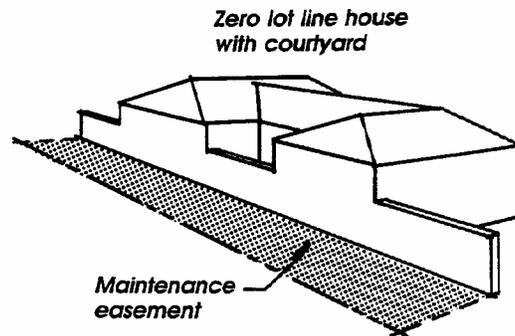
T. ZERO LOT LINE/SMALL LOT RESIDENTIAL DEVELOPMENT STANDARDS

Zero lot line/small lot residential projects are allowable in the RPD-M and M/H zoning districts, subject to the approval of a Development Permit, and shall be developed in the following manner:

1. The parent parcel shall be a minimum of 7,000 square feet (2 lots of 3,500 square feet each);

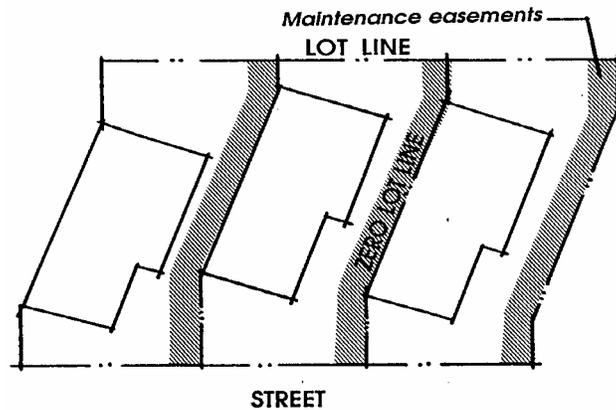
2. The development shall comply with all of the applicable property development standards of the RPD-M and M/H zoning districts respectively;
3. Alleys should be provided in order to accommodate vehicular access to individual units as well as to provide for trash collection and other public/private services. Alleys shall not be used for storage or parking;
4. A parcel abutting a public alley should be designed to gain vehicular access from the alley;
5. Each parcel shall front on a public street and shall have an average width of 45 feet (each lot shall have a minimum width of 40 feet, while averaging 45 feet). However, each parcel fronting on both a public street and a public alley shall be permitted to have a minimum width of 40 feet on the public street and a minimum of 35 feet on the public alley, provided that the access for all required off-street parking is to be only from the public alley;
6. All detached structures (i.e., dwellings, garages, etc.) shall be set back a minimum of 5 feet from the rear alley (public right-of-way) property line and 5 feet from the side/street right-of-way property line;
7. The zero lot line development provides for the placement of a detached single-family dwelling on one interior side yard with a zero (0 ft.) required setback while maintaining a minimum 10 foot setback on the other side. To accomplish this, the parcel adjacent to the zero side yard shall be held under the same ownership at the time of initial development and shall provide for either a zero setback or a minimum setback of 10 feet. The opposite side yard (from the zero setback side) shall be perpetually maintained free of any obstructions, other than a required solid decorative masonry garden wall which shall be architecturally treated on both sides and be subject to the approval of the Director. The masonry wall shall intersect with the rear property lines;
8. The zero side yard shall not be located adjacent to any private or public rights-of-way;
9. No portion of any structure or architectural element shall be permitted to project over any property line;
10. Exposure protection between adjoining structures shall be in compliance with the requirements/ specifications of the City Building Code and Fire Department;
11. The walls of the structure located on the zero lot line shall be constructed with low maintenance solid decorative masonry or masonry veneer;

12. The walls of the structure located on the zero lot line shall have no windows, doors, air conditioning units, or any other type of openings. Atriums/courts may be permitted on the zero lot line side when they are enclosed by 3 walls of the structure and a solid wall, a minimum of 8 feet in height, is provided on the zero lot line. The 8 foot high wall shall be constructed of the same material as the exterior walls of the structure and be subject to the approval of the Director;



13. Parking shall be provided and maintained in compliance with Section 6.04.34 (Off-Street Parking Standards). Tandem parking may be permitted in required garage structures only on parcels with alley access;
14. Landscaping shall be installed and maintained in compliance with Section 6.04.28 (Landscaping Standards);
15. Each dwelling shall have a minimum of 150 square feet of private useable outdoor open space, with no dimension less than 10 feet; and

16. In order to provide for maintenance and repair of structure(s) located on the zero lot line, a perpetual 5 foot wide wall/maintenance easement shall be provided on the parcel adjacent to the zero lot property line which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the parcel/tract map and incorporated into each deed transferring title to the subject property. The roof(s) of the structure(s) shall be designed to ensure that water runoff from the dwelling located on the common lot line is limited to the easement area.



U. FARMWORKER CONGREGATE HOUSING DEVELOPMENT STANDARDS (New Section per Ord. 03-774 Adopted January 13, 2004)

Standards governing Farmworker Congregate Housing are outlined in Section 6.04.23.

6.04.0416 CONDOMINIUM CONVERSIONS (New Section per Ord. 03-775 adopted January 13, 2004)

A. INTRODUCTION

Residential condominium projects, residential condominium conversion projects, and conversions of rental mobile home parks to condominium ownership provide for individual ownership of separate dwelling units which are usually in close proximity to one another. A typical characteristic of such projects is a substantial common area which is managed and maintained by the individual owners of dwelling units through a homeowners' association and covenants, conditions and restrictions (CC&Rs). This type of ownership, which mixes individual ownership and ownership in common, among other things, can magnify the impact upon the public health, safety, welfare, convenience and economic well-being of the larger community if conditions of poor land use and site planning, mismanagement, neglect and blight are allowed to occur. The regulations in this chapter are intended to minimize such impacts while providing opportunities for first-time buyers, senior citizens, and lower income households to purchase their own homes.

B. APPLICABILITY

The provisions of this chapter shall apply to all proposed residential condominium conversions.

C. DEVELOPMENT PERMIT REQUIRED

All residential condominium conversion projects shall require a Development Permit as provided in Section 6.04.0410.

D. REGULATIONS

All residential condominium conversion projects, including conversion of rental mobile home parks to ownership status (i.e., individual ownership of underlying lots or other shared ownership of lots or common facilities) shall require a Development Permit as provided in Section 6.04.0410. The term "conversion of a mobile home park to ownership status" shall mean and include, by way of example but without limitation, any and all ownership changes by which an existing traditional mobile home park, wherein tenants own their individual units but rent spaces or lots within the park, is changed to a situation wherein tenants own, individually or in common, their individual underlying lots or spaces or common facilities within the park.

E. APPLICATION REQUIREMENTS

In addition to such other application requirements as may be established, no application for a Development Permit for a residential condominium conversion project, or for conversion of a rental mobile home park to condominium-type ownership, shall be deemed complete and acceptable for processing unless the application includes the following:

1. A certified list of the names and addresses of all tenants residing in the project proposed to be converted, complete as of the time the application is filed.
2. A list of each tenant known to have children 18 years of age or younger residing in the project.
3. A list of each tenant residing within the project known to be 62 years of age or older.
4. Current rents for each unit.
5. Approximate proposed price for which each unit would be sold.

6. The pro forma budget proposed to be submitted to the state department of real estate or a similar estimate of projected annual operating expenses for the project after conversion and proposed level of maintenance fees or assessments to be borne by the individual unit owners.
7. A property report prepared by a state-licensed civil engineer, architect or other qualified person approved by the building official. The report shall describe, in detail, the condition and the useful life of the roof, foundations, mechanical, electrical, plumbing, energy conservation, and structural elements of all existing permanent buildings on the property.
8. A structural pest report for all existing permanent buildings on the property, prepared by a state licensed pest control operator.
9. An acoustical report for all existing permanent residential buildings on the property which indicates the type of construction of existing walls and ceilings and noise attenuation characteristics of such construction. The test data shall include a sampling of at least ten percent of the dwelling units involved, but in no case fewer than two dwelling units. The reports shall include recommended methods of compliance with the insulation standards of the California Administrative Code Title 24, Part 2, Chapter 2035, and shall be prepared by a person experienced in the field of acoustical engineering.
10. The location and nature of all existing onsite fire protection equipment, including but not limited to fire hydrants, stand pipes, fire sprinkler systems, and fire extinguishers shall be indicated on the plans submitted.
11. A condominium map showing proposed property lines and common areas.

F. NOTICE TO TENANTS

All tenants residing in the project proposed to be converted shall be notified of the proposed conversion by the applicant in accordance with the requirements of the Subdivision Map Act. In addition, written notice shall be mailed by the city to all tenants residing in the project proposed to be converted not less than ten days prior to the hearing on the development permit. Such notice shall specify the following:

1. The date, time, place and purpose of the hearing.
2. That should the development permit be approved, tenants may be required to vacate the premises.
3. That should the development permit be approved, the property owner shall be required to give all tenants a minimum of 180 days' notice to vacate; and that such notice shall not restrict the exercise of lawful remedies pertaining to . but

not limited to, tenants' defaults in the payment of rents or the defacing or destruction of all or part of the rented premises

G. REQUIRED FINDINGS

1. In addition to those findings required for Development Permits, and prior to approving any residential condominium conversion project, other than conversions of rental mobile home parks to ownership status, the decision-making authority must make either all of the findings in paragraph (a) of this subsection or all of the findings in paragraph (b) of this subsection as follows:

(a) That the proposed conversion will not adversely affect supply and availability of rental housing with the city or within a specific area in the city. This finding must be based upon a determination that:

(1) The current vacancy rate for rental units within the city or within the the specific area of the proposed conversion is not less than five percent, as determined by the most recent planning division survey or other reliable vacancy rate data acceptable to the city; and

(2) If the project proposed to be converted is designed for families with children, or includes three and/or four bedroom units, the vacancy rates for these types of units within the city or within the specific area of the proposed conversion is not less than five percent, as determined by the most recent planning division survey or other reliable vacancy rate data acceptable to the city.

(b) That mitigating circumstances exist which justify approval of the conversion when the applicable vacancy rate is lower than five percent. In addition to the other mitigating circumstances that must be found, this determination must also be based on at least one of the following two findings:

(1) That new rental units will be constructed by the applicant which will replace those to be converted. The number of replacement units shall equal or exceed the number of units proposed to be converted. Replacement units shall be completed and occupancy permits issued prior to recordation of the final map for the conversion; or

(2) That the conversion will help other city housing goals by providing a substantial percentage of its units at prices affordable to low and moderate income households in a manner consistent with the adopted Housing

Element, and provision of such housing opportunities outweighs any loss of rental units.

2. In addition to those findings required by subsection 1 of this section, and prior to approving conversion of a rental mobile home park to ownership status, the decision-making authority must also find that the proposed mobile home park conversion will not adversely affect the supply and availability of rental mobile home spaces in the city, or within a specified area in the city.

H. PERMIT APPROVAL

1. Unless otherwise provided in the Development Permit, all such permits authorizing residential condominium conversion projects, except for conversions of rental mobile home parks to ownership status, shall be subject to all of the following conditions, which shall be in addition to such other conditions deemed necessary or desirable by the decision-making authority.

(a) The applicant shall provide relocation assistance equal to two (2) times the monthly rent to any tenant household living in any unit at any time prior to tentative map approval, provided such tenant is not otherwise in default of the rental agreement. If the tenant elects to purchase a unit, such relocation assistance shall be applied to the cost of the unit. The applicant shall provide evidence that such assistance has been made as a condition of approval of the tentative map.

(b) The applicant shall offer a lifetime lease to households in which the head of household or spouse is 62 years of age or older at the time of the final map approval. Reasonable annual rent increases shall be allowed, but shall not exceed the increase in the housing component of the Los Angeles-Long Beach Area Consumer Price Index, or any successor index designed to determine general increases in housing costs, for the preceding 12-month period. Provisions setting forth this limitation on rent increases shall be incorporated into such lease. The applicant shall provide evidence that such offer has been made to all eligible tenants prior to filing for approval of the final subdivision map.

(c) The applicant shall enter into leases, in a form approved by the city, within 30 days after final approval of the sale of units by the State of California with all tenants to whom offers of leases have been required who desire to remain as tenants pursuant to such lease.

(d) The applicant shall provide alternate housing to tenant households at no additional cost to the tenant where substantial remodeling or rehabilitation

occurs during conversion, and the unit being remodeled or rehabilitated is not habitable. The final determination of habitability shall be made by the building official.

(e) The applicant shall submit to the building official for review and approval a complete set of plans and specifications detailing the necessary repair and upgrading required by the property report inspection report, pest report and acoustical report for any new construction.

(f) The applicant shall submit to the building official for review and approval a construction phasing plan providing for safe pedestrian access, lighting and site conditions for those buildings and areas which will be occupied and used during the construction or repair. A work schedule indicating hours of construction activity, type of equipment to be used along with any proposed noise control, and a list of units which will be uninhabitable during construction, shall also be submitted to the building official.

(g) The applicant shall request and receive inspection of individual dwelling units from the city's division of building and safety. Such notice of request for inspection shall be given in a timely and efficient manner. The division of building and safety shall identify any existing substandard conditions and notify the applicant of action required to rectify such substandard conditions.

(h) The applicant shall submit a statement, signed by a person experienced in the field of acoustical engineering, certifying that the converted units conform to the noise insulation standards of California Administrative Code Title 24, Part 2, Chapter 2035 or any amendments thereto.

(i) The applicant shall provide a reasonable degree of onsite fire protection as determined by the fire chief. Such protection shall include, but shall not be limited to. Water supply, fire hydrant location, stand pipes and smoke detectors.

(j) The applicant shall submit, prior to filing for approval of the final subdivision map, verification of compliance with the Fillmore Building Code, relating to smoke detector requirements.

2. Unless otherwise stated in the Development Permit, all such permits allowing conversions of rental mobile home parks to condominium-type ownership shall be subject to all of the following conditions, which shall be in addition to such other conditions deemed necessary by the planning commission or city council.

(a) The applicant shall provide relocation assistance in an amount equal to the actual cost of moving up to a maximum of \$750.00, adjusted annually equal to the greater of 1) the annual January-to-January increase in the Consumer Price Index (“CPI”) for the Los Angeles-long Beach area as per the United States Department of Bureau of Labor Statistics, or 2) in accordance with State of California law relating to mobile home parks. In addition, utility connection fees shall be paid by the developer in an amount equal to the actual costs up to a maximum of \$100.00. If the tenant elects to purchase a lot, such relocation assistance shall be applied to the cost of the lot. The city council may, by separate resolution, periodically adjust the maximum amount set forth in this subsection to reflect increases in costs.

(b) The applicant shall offer a lifetime lease to households in which the head of household or spouse is 62 years of age or older at the time of the final approval. Reasonable annual rent increases shall be permitted but shall not exceed the increase in the housing component of the Los Angeles- Long Beach Area Consumer Price Index, or any successor index designed to determine general increases in housing costs, for the preceding 12-month period provided further that should any rent stabilization laws be in effect, rental increases shall be no greater than the lesser of the amount permitted under the Consumer Price Index method or the rent stabilization law. Provisions setting forth this limitation on rent increases shall be incorporated into the lease. The applicant shall provide evidence that such offer has been made to all eligible tenants prior to filing for approval of the final subdivision map.

(c) The applicant shall enter into leases in a form approved by the city, within 30 days after final approval of the sale of units by the State of California with all tenants to whom offers of leases have been required who desire to remain as tenants pursuant to such lease.

(d) The applicant shall provide a reasonable degree of onsite fire protection, as determined by the fire chief. Such protection will include, but not be limited to, water supply, fire hydrant location, stand pipes and smoke detectors.

(e) The applicant shall submit, prior to filing for approval of the final subdivision map, verification of compliance with the Fillmore Building code, relating to smoke detector requirements.

I. NOTICE OF APPROVAL

Written notices shall be mailed by the city at applicant’s expense to all tenant residing in the project within ten days after the approval of any Development Permit allowing a residential condominium conversion project including conversion of a

rental mobile home park to condominium-type ownership. Such notice shall state all of the conditions of approval of the development permit.

J. DENIAL OF CONVERSION

It shall be against the public policy set forth in this chapter to attempt to evade its provisions by coercing the waiver of any rights or privileges created or protected herein.

1. Coercion. The Planning Commission and City Council may deny any proposed conversion where there is substantial or creditable evidence that tenants have been coerced to publicly support or approve a proposed conversion, or to refrain from publicly opposing it, or to forego any assistance to which they may be entitled.
2. Waiver of Rights. Any provision of a lease or rental agreement which purports directly or indirectly to waive or require waiver of a tenant's rights under this chapter or which requires prior consent to the conversion of the apartment building, apartment complex, or mobile home park to condominium ownership shall be null, void, and unenforceable."

6.04.0420 APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Ordinance, including provisions located in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.54 Home Occupation Permits
4. Section 6.04.28 Landscaping Standards
5. Section 6.04.68 Minor Conditional Use Permits
6. Section 6.04.60 Minor Modifications
7. Section 6.04.62 Minor Variances
8. Section 6.04.32 Off-Street Loading Standards
9. Section 6.04.34 Off-Street Parking Standards
10. Section 6.04.38 Sign Standards
11. Section 6.04.58 Temporary Use Permits
12. Section 6.04.64 Variances

**SECTION 6.04.06
COMMERCIAL ZONES**

6.04.0601 PURPOSE

1. The purpose of this Section is to achieve the following:
 - A. Provide appropriate commercial areas for retail and service establishments, neighborhood convenience and office uses required by residents of the City in a manner consistent with the General Plan;
 - B. Provide adequate space to meet the needs of commercial development, including off-street parking and loading;
 - C. Minimize traffic/parking congestion and avoid the overloading of utilities;
 - D. Protect commercial areas from excessive illumination, noise, odor, smoke, unsightliness, and other objectionable influences;
 - E. Promote high standards of site planning, architecture and landscape design through the application of development standards for commercial projects within the City;
 - F. Provide employment opportunities for existing and future residents of the City and those of adjacent communities;
 - G. Provide for commercial land uses (i.e., new car dealerships) which serve the needs of and attract a community-wide/regional/tourist-oriented population, in addition to local residents;
 - H. Provide for the development of congregate housing facilities in the downtown area to assist in addressing the needs of senior citizens and low income individuals; and
 - I. Ensure compatibility with adjacent land uses.

2. The purpose of the individual commercial zoning districts is as follows:

A. CN (COMMERCIAL NEIGHBORHOOD) ZONE

This zoning district is intended to provide for neighborhood retail and service-oriented business activities serving a localized need under development standards which ensure compatibility and harmony with adjoining residential neighborhoods.

B. CBD (CENTRAL BUSINESS DISTRICT) ZONE

The Central Business District Zone Implements the Downtown Specific Plan which interprets the General Plan for this area of the City. The Downtown Specific Plan has been adopted to support and augment the standards for this zoning district.

This zoning district is intended to be used primarily as a retail business center with a special emphasis on tourism, due to the unique qualities present in the CBD, that set it apart from all other commercial areas in the City. In this zone, commercial establishments are to be located to serve the residents of the City, as well as visitors to the area. The priority of this zone is the establishment and support of street-level retail commercial uses that will help ensure a lively pedestrian-oriented commercial district.

C. CO (COMMERCIAL OFFICE) ZONE

This zoning district is generally intended to provide for administrative/professional office, financial and limited retail activities (limited retail on Sespe Avenue only) serving a community-wide need under development standards which ensure compatibility and harmony with adjoining residential neighborhoods.

The CO zoning district along both sides of Sespe Avenue, west of Central Avenue (Sespe Avenue area) would allow limited retail activities and generally appear as a typical professional office district, while the CO zoning district along both sides of Central Avenue from Kensington Drive to First Street (North Central Avenue Area) would retain a residential character. The North Central Avenue Area would only allow professional office uses, residential uses (in compliance with the RPD-L development standards) or both professional office and residential uses on the same parcel while retaining a residential appearance, character and scale. The development standards will vary between the areas to ensure that the North Central Avenue Area will retain a residential appearance (i.e., off-street parking areas would be prohibited in the front and street side yards, new construction would have a residential appearance, signs would be limited, etc. [refer to Subsection 6.04.0615(3.E) "CO" Standards]).

D. CH (COMMERCIAL HIGHWAY) ZONE

This zoning district is intended to provide for professional office, retail, service- and tourist-oriented business activities located on/adjacent to State Highway 126, serving a community-wide/regional need under development standards which ensure compatibility and harmony with adjoining neighborhoods.

6.04.0605 PERMITTED USES

Any use designated as "Permitted" (P) by the following list shall comply with the provisions of this Ordinance. Any permitted use which will occupy an existing structure (with no structural alteration/enlargement) shall comply with the operational standards contained in this Section as well as Article III (General Regulations). Additionally, any permitted use which will occupy an existing structure that is to be altered, enlarged, or requires construction of a new structure(s) shall require the approval of a Development Permit in compliance with Section 6.04.66.

6.04.0610 PERMITTED, DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES

The following list represents those primary uses in the commercial zoning districts which are Permitted (P), subject to a Development Permit (D) or a Conditional Use Permit (C):

<u>LAND USE ACTIVITY</u>	<u>CN</u>	<u>CBD¹</u>	<u>CO</u>	<u>CH</u>
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A. Administrative and Professional Offices

Establishments where the administrative, clerical and managerial functions of a business or industry are conducted or where members of a profession conduct their practice (i.e., accounting, medicine or engineering).

-	P ²	P	D
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B. Automotive Related Uses

Commercial establishments which provide parts, repair, sales and service for autos, light/medium trucks/vans and RV's. Examples of allowable land use activities include, but are not limited to, the following:

- | | | | | |
|--|---|----------------|---|---|
| 1. Auto Parts Sales - No Installations | - | C | - | P |
| 2. Auto Parts Sales - With Installations | - | C ² | - | C |

LAND USE ACTIVITY	CN	CBD¹	CO	CH
3. Auto Service/Repair - Major (i.e., Bodywork, Engine and Drive Train, Painting & Misc. Work)	-	C ²	-	C
4. Auto Service/Repair - Minor (i.e., Lube-N-Tune, Window Tinting)	-	C ²	-	D
5. Automobile (Car, RV and Truck) Sales	-	C	-	D
6. Car Washes	-	-	-	C
7. Fuel/Service Stations	-	-	-	C
8. Vehicle Impound Yards	-	-	-	C
9. Vehicle Leasing/Rental	-	C	-	P

C. Boarding and Lodging Facilities (Revised per Ord. 03-774 Adopted January 13, 2004)

Commercial establishments which provide boarding and lodging facilities. Examples of allowable land use activities include, but are not limited to, the following:

1. Bed & Breakfast Inns	-	P	C	C
2. Congregate Housing Facilities	-	C	-	-
3. Hotels/Motels and associated Conference Facilities	-	P	-	D
4. Farmworker Congregate Housing	-	C	-	-

D. Eating/Drinking Establishments (Revised May 28, 1996 per Ord. 96-715)

Commercial establishments which serve prepared food or beverages for consumption on or off the premises. Examples of allowable land use activities include, but are not limited to, the following:

1. Delicatessen/Sandwich Shop	P	P	-	P
2. Night Clubs/Bars/Lounges	-	C	-	-
3. Restaurants - No Drive-Thrus	-	P	D	D
4. Restaurants - With Drive-Thrus	-	-	-	C
5. Restaurants - Serving Alcoholic Beverages	-	C	C	C
6. Restaurants - Outdoor dining on private property	-	P	-	C

7. Restaurants - Outdoor dining within the public right-of-way (parking spaces)	-	C	-	-
LAND USE ACTIVITY	CN	CBD¹	CO	CH

E. Entertainment/Recreation Establishments

Commercial establishments which provide participant/spectator amusement, entertainment or sport, primarily for financial gain. Examples of allowable land use activities include, but are not limited to, the following:

1. Auditoriums, Convention Halls and Theaters	-	C	-	C
2. Horse drawn carriages, other non-motorized conveyances	-	D	-	-
3. Miscellaneous Indoor Establishments	-	D	-	D
4. Miscellaneous Outdoor Establishments	-	D ²	-	D
5. Museums	-	P	-	P
6. Tourist-Oriented Establishments	-	D	-	D

F. Financial

Commercial establishments which engage in monetary transactions not directly related to the sale of a product/service (i.e., banks, savings and loans, etc.)

-	P	P ³	P
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G. Medical/Care Facilities

Commercial establishments which provide needed services of a medical/care nature. Examples of allowable land use activities include, but are not limited to, the following:

1. Blood Banks	-	D ²	P	P
2. Child Day Care (up to 6 children)	-	P ²	P	P
3. Child Day Care (7 or more children)	-	C ²	D	D
4. Emergency Shelters	-	-	D	-
5. Hospitals/Surgery/Health Clinics	-	D ²	P	D

6. Outpatient - Treatment Programs	-	-	P	D
7. Residential Care Facilities	-	D ²	P	D
LAND USE ACTIVITY	CN	CBD¹	CO	CH

H. Mixed Use Developments

Commercial and/or residential developments which provide office/retail/service establishments and/or residential opportunities.

C	D ²	D ³	D
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I. Personal Service

Commercial establishments which provide needed services of a personal nature. Examples of allowable land use activities include, but are not limited to, the following:

1. Barber/Beauty/Nail Shops	-	P ²	P ⁴	D
2. Dance School/Karate Studio	-	D ²	P ⁴	D
3. Dry Cleaners	-	C ²	P ⁴	D
4. Health/Athletic Clubs	-	D ²	P ⁴	C
5. Laundromat (Retail only)	-	P ²	P ⁴	C

J. Retail Commercial

Commercial establishments which sell merchandise generally needed/desired by the residents, employees and visitors of/to the community. Examples of allowable land use activities include, but are not limited to, the following:

1. Art Galleries and Studios	-	P	-	D
2. Convenience Stores (i.e., corner market)	C	P	P ⁴	C
3. Drug Stores	-	P	P ⁴	C
4. Flower/Gift Shops	-	P	P ⁴	P
5. General Merchandise (i.e., Apparel, Supermarkets, etc.)	-	P	-	D
6. Home Improvements with Outdoor Display of Lumber, Garden & Nursery Items	-	C	-	C
7. Liquor Stores	-	C	-	C
8. Mobile Home Sales	-	-	-	C

9.	Nurseries/Garden Supplies	-	C	-	D
10.	Office Supplies/Equipment	-	P	P ⁴	D
11.	Specialty Food Stores (No Alcohol Sales)	-	P	-	P
LAND USE ACTIVITY		CN	CBD¹	CO	CH

12.	Thrift Stores	-	P	P ⁴	P
13.	Tourist-Oriented Retail Stores	-	P	-	P

K. Service Commercial

Commercial establishments which provide business, repair and miscellaneous services. Examples of allowable land use activities include, but are not limited to, the following:

1.	Catering Establishments	-	P ²	P	P
2.	Cleaning/Janitorial	-	P ²	P	P
3.	Copy Center/Postal Service Centers and Blueprinting	-	P	P	P
4.	Equipment Rental/Sales/Service Yards	-	-	-	D
5.	Interior Design Shops	-	P	P	P
6.	Laboratories (i.e., Film, Medical and Dental, "R & D," etc.)	-	-	D	D
7.	Misc. Repairs/Services (Indoors Only)	-	P	P ⁴	D
8.	Printing/Publishing Facilities	-	P	P	P
9.	Recycling Facilities	-	-	-	D
10.	Recycling Facilities (Reverse Vending Only)	P	P ²	P	P
11.	Veterinary Services/Hospitals	-	C ²	D	C
12.	Welding/Repair and Related Uses	-	-	-	C

L. Other

1.	Antennae/Satellite Dish	D	D ²	D	P
2.	Artists Live/Work Studios (Only on the ground floor)	-	P	P ³	-
3.	Bus Terminals or Train Depot	-	C	-	-
4.	Cable Service Companies	-	P ²	P	P
5.	Clubs, Lodges and Meeting Halls	-	D ²	P	P
6.	Density Bonus	-	D	-	-
7.	Drive-Thru Establishments	-	-	D	C
8.	Funeral Parlors/Mortuaries	-	P ²	D	D
9.	Handicraft-type Industries less than				

	5,000 sq. ft. (i.e., saddles, sculptures, stained glass, etc.)	-	P	-	P
10.	Handicraft-type Industries more than 5,000 sq. ft.	-	D	-	D
LAND USE ACTIVITY		CN	CBD¹	CO	CH
11.	Multi-Family Residential	-	D ²	-	-
12.	Newspaper/Magazine Racks	D	D	D	D
13.	Parking Lots/Structures	D	D ²	D	D
14.	Parks and Playgrounds	-	D	-	-
15.	Police/Fire Protection	-	D	D	C
16.	Private Schools	-	D ²	D ⁴	-
17.	Public/Quasi Public Uses (i.e., City Hall, Library, Post Office)	-	D	D	-
18.	Radio Broadcasting	-	D ²	D ⁴	-
19.	Religious Facilities	-	D ²	P	C
20.	Single-Family Residential (only one)	-	P ²	P ³	-
21.	Single-Family Residential (2 or more)	-	D ²	-	-
22.	Spiritual Consultants	-	D ²	-	-
23.	Street Vendors	-	D	-	-
24.	Swap Meets	-	D ²	D ⁴	C
25.	Temporary Offices	C	C ²	C	C
26.	Temporary Uses (Subject to (T) Temporary Use Permit)	T	T	T	T
27.	Trade/Tech Schools	-	D ²	D ⁴	C
28.	Truck Stops/Repair	-	-	-	C
29.	Two-Family Residential	-	D ²	-	-

Other similar uses which the Director finds to fit within the purpose/intent of the zoning districts, in compliance with Subsection 6.04.0225(3).

¹All uses in the CBD are subject to the CBD Development Standards in Subsection 6.04.0615(3.D).

²Use/activity not allowed in the front 1/3 of the ground floor for structures fronting on streets in the "core area," as identified by Figure 1.6 on page 1:7 of the Downtown Specific Plan, in compliance with the CBD Development Standards in Subsection 6.04.0615(3.D).

³Refer to Subsection 6.04.0615(3.E) (CO Development Standards).

⁴Allowable use only on properties fronting on Sespe Avenue or Orchard Street.

6.04.0615 ZONING DISTRICT DEVELOPMENT STANDARDS

1. GENERAL STANDARDS

- A. The following standards are minimum unless stated as maximum by this Ordinance. All setbacks shall be measured from the property line.

Any variation from these standards shall require the approval of a Development Permit in compliance with Section 6.04.66 and consistency with any adopted guidelines for the subject neighborhood/zoning district or a Minor Variance/Variance in compliance with Sections 6.04.60 or 6.04.64.

ZONING DISTRICT DEVELOPMENT STANDARDS

STANDARD	CN	CBD	CO	CH
Lot Area (Sq. Ft.)	5,000	7,000	7,000	20,000
Lot Frontage (Feet)	50	50	50	100
Front Setback, Minimum (Feet)	5	0 ¹	0	10
Front Setback, Maximum (Feet)	15	0 ¹	20 ²	N/A
Rear Setback (Feet)	25	0 ¹	25 ²	20
Side Setback ³ (Each)	10	0 ¹	0	10
Side Setback (Street Side) Minimum (Feet)	5	0 ¹	0	0
Side Setback (Street Side) Maximum (Feet)	15	0 ¹	0	0

STANDARD	CN	CBD	CO	CH
Structural Parcel Coverage (Maximum)	60%	100%	60%	50%
Structure Height (Maximum)	35 ft. 2 sts.	35 ft. 2 sts.	35 ft. 2 sts.	35 ft. 2 sts.

¹ See CBD Development Standards for special requirements and exemptions. Shall also meet minimum standards of the Uniform Building Code.

² The standards outlined in this chart under the CO zoning district are for the Sespe Avenue CO District. For property in the North Central Avenue CO District, the Sespe Avenue CO District standards shall apply, with the following exceptions:

Front Setback Minimum (Ft.)	10
Rear Setback, Main Structure (Ft.)	25
Rear Setback, Accessory Structure (Ft.)	5
Side Setback (Each)	5 (Single Story)
	10 (Two-Story/Both Stories)
Side Setback (Street Side) Minimum (Ft.)	5
Side Setback (Street Side) Maximum (Ft.)	10

³Only required when adjoining a residential zoning district/use.

B. COMMERCIAL ZONE STANDARDS

The following general standards shall apply to all commercial activities except as otherwise provided for in this Ordinance:

1. All uses shall generally be conducted within a completely enclosed structure. Limited outside uses (i.e., patio dining areas, garden sales and other uses deemed acceptable) may be approved with a Development Permit. In addition, limited outdoor displays or sales of merchandise shall be permitted in compliance with the following standards:
 - a. The outdoor display/sale of merchandise shall be limited to 6 times per year for periods not exceeding 2 consecutive days each;
 - b. No display shall be placed in a manner that will effect normal pedestrian or vehicular traffic flow; and
 - c. When an outdoor display occupies space on a public sidewalk, only the area immediately in front of the responsible business may be used, and the sidewalk shall be kept clear for a minimum width of 4 feet.
2. There shall generally be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts; tents; equipment; or building materials on any portion of a parcel. The storage of rubbish, garbage, or junk is prohibited on any portion of a parcel. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid Building Permit is in effect for construction;
3. All residential development (i.e., congregate housing and multi-family units) shall comply with the general, specific, and property development standards contained in Section 6.04.04 (Residential Zones);
4. All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from any abutting parcel, or any public rights-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure; and
5. The exterior elevations of all structures shall be architecturally treated to ensure compatibility with all neighboring structures and the established character of the City.

2. ZONE SPECIFIC STANDARDS (Revised February 18, 2004 per Ord 03-774)

In addition to the general development requirements contained in Article III (General Regulations), the following table identifies specific standards which apply to individual commercial zoning districts:

SPECIFIC STANDARDS*

SPECIFIC STANDARDS	CN	CBD	CO	CH
A. Alcohol Beverage Control License	Y	Y	N	Y
B. Automobile Sales	N	N	N	Y
C. Automotive Service Centers/Automotive Repair Specialty Shops	N	N	N	Y
D. Bonus Height	N	Y	N	Y
E. "CBD" Standards	N	Y	N	N
F. "CO" Standards	N	N	Y	N
G. Congregate Housing Facilities	N	Y	N	N
H. Convenience Stores	Y	Y	N	Y
I. Density Bonus (Residential Only)	N	Y	N	N
J. Drive-Thru Establishments	N	N	N	Y
K. Recycling Facilities	Y	Y	N	Y
L. Service Stations	N	N	N	Y
M. Service Station Conversions	N	N	N	Y
N. Shopping Centers	N	N	N	Y
O. Farmworker Congregate Housing	N	Y	N	N

*Key: "Y" applies and "N" does not apply in the zoning district

3. LAND USE DISTRICT SPECIFIC STANDARDS

In addition to the general development requirements contained in Article III (General Regulations) the following standards shall apply to specific commercial land use activities:

A. **ALCOHOL BEVERAGE CONTROL "ABC" LICENSE** (Revised per Ord. 97-720)

A business or establishment requiring the issuance of an "ABC" license is subject to the approval of a Conditional Use Permit, and shall comply with the following standards, in addition to any conditions imposed by the Commission:

1. The structure subject to the "ABC" license shall not be occupied by an adult entertainment business.
2. The Conditional Use Permit application shall be reviewed by the Police Department prior to Commission approval.
3. The structure subject to the "ABC" license shall not have more than 5% of the retail floor area of the structure utilized for the sale of alcoholic beverages.
4. In addition to the above conditions, a business or establishment within the CBD zoning district requiring the issuance of an "ABC" license, the structure subject to the "ABC" license shall not be:
 - a. Located within 1,000 feet of another structure/use with a valid "ABC" license (except a restaurant);
 - b. Located within 500 feet of any public park, religious institution or school within the City (except a restaurant); or
 - c. Located within 200 feet of any property designated for residential use or used for residential purposes, including mixed use residential developments (except a restaurant); and
5. The distance between any structure subject to an "ABC" license and another structure with an "ABC" license, public park, religious institution or school or any property designated for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of another structure with an "ABC" license, public park, religious institution or school or any property designated for residential use or used for residential purposes.

B. AUTOMOBILE SALES

Automobile sales dealerships (including all light/medium duty licensed motor vehicles, new and/or used) are permitted in the CH zoning district, and subject to the approval of a Conditional Use Permit in the CBD zoning district. All automobile sales uses shall conform with the purpose/intent of this Ordinance, shall enhance and promote the image of the City, and shall be developed/operated in the following manner:

1. The minimum site area for a new dealership shall be 15,000 square feet;
2. All vehicles stored (not for display) outdoors shall be screened from public view with a combination of landscaping, trellises and walls as appropriate;
3. All parts, accessories, etc., shall be stored within a fully enclosed structure;
4. Service and associated car storage areas shall be completely screened from public view;
5. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way;
6. All landscaping shall be installed and permanently maintained in compliance with Section 6.04.28 (Landscaping Standards);
7. All on-site signs shall comply with the provisions of Section 6.04.38 (Sign Standards);
8. All loading and unloading of vehicles shall occur on-site where feasible and not in adjoining public rights-of-way;
9. All vehicles associated with the business shall be displayed, parked or stored on-site on paved surfaces only and not in adjoining streets or alleys;
10. An adequate on-site queuing area for service customers shall be provided. Required parking spaces may not be counted as queuing spaces;
11. No vehicle repair or service work shall occur outside of a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way; and

12. Off-street parking requirements shall be established during project review to adequately accommodate all on-site uses including showroom, office, parts and service areas, as well as employee and customer parking.

C. AUTOMOTIVE SERVICE CENTERS/AUTOMOTIVE REPAIR SPECIALTY SHOPS

Automotive (light/medium duty licensed motor vehicle) parts, repair and service centers/facilities are allowable in the CH zoning district, subject to the approval of a Conditional Use Permit (major) or Development Permit (minor) and in the CBD zoning district are subject to the approval of a Conditional Use Permit (major and minor). Automotive service and repair facilities shall be developed/operated in the following manner:

1. The site shall be entirely paved, except for structures and landscaping, so that vehicles are not parked in a dirt or otherwise not fully improved area;
2. All stored (for more than 5 consecutive days), damaged or wrecked vehicles shall be completely screened so as not to be visible from adjoining properties or public rights-of-way;
3. Service access shall be located at the rear or side of structure(s) and as far as possible from adjoining residential uses;
4. Repair/service activities and vehicle loading and unloading shall only occur on-site and not in adjoining streets or alleys;
5. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way;
6. All repair/service activities and operations shall be conducted entirely within an enclosed structure. Outdoor hoists shall be prohibited;
7. All repair facilities shall maintain closed windows when performing body and fender work, hammering, sanding or other noise-generating activity. Exterior noise shall be in compliance with Subsection 6.04.1805(14) (Noise Attenuation);
8. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way;
9. All landscaping shall be installed and permanently maintained in compliance with Section 6.04.28 (Landscaping Standards);

10. All on-site signs shall comply with the provisions of Section 6.04.38 (Sign Standards);
11. All on-site parking shall comply with the provisions of Section 6.04.34 (Off-Street Parking Standards). A specific parking plan shall be developed as part of the permit review process;
12. No work shall be performed on vehicles between the hours of 8:00 P.M. and 7:00 A.M. Monday through Saturday; or until 8:00 A.M. on Sundays;
13. The premises shall be kept in a neat and orderly condition at all times;
14. All discarded automotive parts or equipment or permanently disabled, junked or dismantled vehicles shall be removed from the premises in a timely manner; and
15. All hazardous materials resulting from the repair/service operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable local, State, and Federal regulations.

D. "CBD" STANDARDS

The following specific standards shall apply within the CBD zoning district in addition to the general regulations in Article III (i.e., general standards, parking, loading, noise, signs, etc.)

1. Setback Encroachments

The following projections into required setback areas shall be permitted subject to the approval of an Encroachment Permit:

- a. Special architectural features may project up to 3 feet beyond the property or right-of-way line and shall be 12 feet above the highest point of publicly owned ground over which they project. No feature shall project into an adjoining privately owned parcel, or obstruct a vehicle access route or parking area;
- b. Awnings may project up to 8 feet beyond the property or right-of-way line and shall be 8 feet above the highest point of ground over which they project. An encroachment permit is not required for awnings that project less than 3 feet over the property or right-of-way line; and

- c. Projecting signs may project over the property line or right-of-way line.

2. Build-To-Line Requirement

- a. First floors of structures shall be built to and parallel with the front property line or right-of-way line. This requirement shall apply to all new development or additions of 25% or more of gross floor area to an existing structure.
- b. Second floors of all structures shall be built to and parallel with the front property line except that up to 50% of the second floor frontage may be setback.

3. Exceptions To Build-To-Line Requirements

- a. The corner portion of the structure situated on a street corner is exempt from the build-to-line requirement. The corner portion to be setback shall not exceed 50% of the structure frontage.
- b. The first floor may be setback to accommodate an arcade or colonnade which shall be constructed to the property line.
- c. Additions to existing structures that add less than 25% of new gross floor area to the structure shall not be required to meet the build-to-line requirement.
- d. Special architectural features (i.e., windows, entryways, towers, balconies, decks and terraces) shall not be required to meet the build-to-line requirement.
- e. Civic buildings (i.e., owned/leased by a governmental agency) may be setback from the front property line or right-of-way line provided the setback area is landscaped, enclosed with a decorative wall or provides a public space which contains a public improvement (i.e., fountain, sculpture, seating or plaza).
- f. Additions of 25% or more of the existing gross floor area of structures with historic character and value as determined by the Director shall not be required to meet the build-to-line requirement.
- g. If an addition of 25% or more is to be added to an existing structure with an associated on-site parking lot in the front yard, the build-to-line requirement may be waived by the Director if the parking lot is screened by a decorative fence or wall along the front property or right-of-way.

4. Use Of Ground Floor For Retail Commercial Businesses

- a. In order to maintain an active pedestrian environment, only retail commercial businesses shall be allowed within the front 1/3 of the ground floor for structures fronting on streets in the "core area" (Figure 1.6 on page 1:7 of the Downtown Specific Plan).

A bona fide retail commercial business operating within the front 1/3 shall derive at least 75% of its gross receipts from the sale of merchandise to the general public.

A single user of an entire structure shall derive at least 33% of its gross receipts from sale of merchandise to the general public. The remainder of the business activity may come from services that are commonly associated with the merchandise for sale.

- b. Windows facing a public street right-of-way shall have merchandise visible to passing pedestrians.
- c. One passageway may be provided through the front 1/3 area to the rear of the structure. The passageway shall not exceed a maximum width of 5 feet or the minimum width necessary to comply with the American's with Disabilities Act.
- d. No structure shall exceed 48 feet in height of habitable space. This limit provides for appropriate fire protection for the top or, maximum, third story **(Revised per Ord. 02-765 Adopted June 11, 2002)**.

5. Alley Setback

Vehicular garages that face an alley shall be setback from the alley a minimum of 5 feet and a maximum of 18 feet.

6. Structure Heights

- a. Single story structures shall have a minimum height of 16 feet.
- b. The first story of a two-story structure shall have a minimum height of 16 feet when measured from the lowest elevation of the first floor to the lowest elevation of the second floor.
- c. Exceptions to the structural height maximum regulations are as follows:
 - 1) Pitched roofs may exceed the maximum structural height by 8 feet; and

- 2) Architectural features (i.e., towers, flagpoles, turrets or ornamental portions of parapet walls) may exceed the maximum structure height by 4 feet for one-story structures and by 8 feet for two-story structures.

7. Public Space Provisions

An area equal to at least 2% of the total gross floor area of new commercial structures over 5,000 square feet shall be provided for passive public space (i.e., garden, plaza, sculpture display, rooftop sitting or eating area).

8. Standards For Mixed Uses (Revised per Ord. 02-765 Adopted June 11, 2002)

- a. Mixed Use - Developments which contain both commercial and residential uses shall comply with the following provisions:
 - 1) Single-family, two-family, multi-family and congregate dwelling units are allowed;
 - 2) Useable common outdoor space shall be provided for all structures containing 4 or more units. A minimum of 100 square feet of common area shall be provided per unit;
 - 3) A private outdoor balcony, deck or patio shall be provided for each unit and shall have a minimum of 80 square feet, not less than 6 feet in any dimension;
 - 4) Residential uses may be located on the ground floor behind retail space; and
 - 5) The maximum residential density in a mixed use project shall be 50 dwelling units per acre unless a bonus density is granted.
- b. Single-family, two-family or multi-family units which comply with the provisions of this Section and the Downtown Specific Plan are allowed in the area bounded by Main Street, the extension of Saratoga Street, Santa Clara Avenue and Mountain View Street.
- c. Multi-family residential units shall not exceed a density of 50 dwelling units per acre unless a bonus density is granted.

9. Standards For Outdoor Dining Facilities

Outdoor dining facilities in the public right-of-way shall comply with the following provisions:

- a. Approval of a Temporary Use Permit in compliance with Section 6.04.58 is required to operate. The permit shall be limited to one year. A maximum of 10 permits shall be allotted each year on a first come, first served basis;
- b. Outdoor dining areas located within a public right-of-way shall be associated with an established restaurant/deli or food market use;
- c. If located on public parking spaces, the dining area shall occupy no more than 4 parking spaces which shall be located adjacent to the associated facility. Where the dining area encroaches into the sidewalk, a minimum 4 foot wide path shall be maintained;
- d. The maximum number of seats to be provided shall be consistent with the Fire Department occupancy standard for a similar sized area for an indoor restaurant;
- e. Outdoor dining may occur only between the hours of 7:00 A.M. and midnight. The parking spaces affected shall be open for public use at all other hours;
- f. Moveable tables, chairs and trash cans shall be provided for each dining area. Umbrellas, canopies and moveable potted plants may be used in the outdoor dining area;
- g. Each dining area shall be separated from adjoining parking spaces and vehicle travel lanes by a continuous, removable barrier (i.e., wooden planter boxes or canvas decorative fencing). The barrier shall be no less than 18 inches high and no greater than 40 inches high;
- h. No food preparation or service facilities shall be located in the outdoor dining area;
- i. The public right-of-way where outdoor dining areas are located shall be cleaned of all trash, spills and debris at the end of each day; and
- j. Proof of the availability of adequate storage area for the outdoor dining equipment shall be provided prior to the issuance of the Temporary Use Permit.

10. Standards For Street Vendors

Street vendors are allowed, in compliance with the following provisions:

- a. Approval of a Temporary Use Permit in compliance with Section 6.04.58 is required to operate. This permit shall be limited to one year. A maximum of 10 permits shall be allotted each year on a first come, first served basis;
- b. Each permit shall designate a specific location on public or private property on which the vendor shall be located. The vendor shall not operate in any other location than as specified on the permit;
- c. The vending cart shall be no more than 4 feet wide and 6 feet long. This cart shall be moveable and self-contained. The appearance of the cart shall be subject to review and approval by the Director;
- d. No music or amplified sounds are permitted to be associated with the vending cart; and
- e. Goods to be sold shall be limited to the following:
 - 1) Fresh fruit, juices and vegetables;
 - 2) Flowers;
 - 3) Prepared foods;
 - 4) Ice cream; and
 - 5) Bakery items.

11. Standards For Miscellaneous Uses

- a. Interior design shops shall provide retail sales and display of housewares on the premises in a prominent location accessible and visible to the public.
- b. Handicraft-type businesses (i.e., saddlery, stained glass, sculpture) shall provide retail sales and crafting on the premises in a prominent location accessible and visible to the public.
- c. Nightclubs, bars and cocktail lounges, including dance floors are allowed provided that residential use is not located on the same floor or the floor immediately above.
- d. Thrift stores or sale of second-hand goods are allowed provided that only one use of this type may be located on each side of a city block.

E. "CO" STANDARDS

All parcels fronting on both sides of Central Avenue from Kensington Drive to First Street "NCAA" (North Central Avenue Area) shall comply with the following standards:

1. All construction/development (except civic or public structures) shall maintain a residential appearance, character and scale;
2. Residential land uses are allowable in compliance with the RPD-L development standards;
3. Individual land uses (i.e., residential or professional office uses) or mixed land uses (i.e., residential and professional office uses) are allowable in compliance with their respective development standards;
4. Drive-thru facilities are not allowable; and
5. Off-street parking may only be situated at the rear of the structure, with access from an alley if available, and not in front or street side yards.

F. CONGREGATE HOUSING FACILITIES STANDARDS

Standards governing Congregate Housing facilities are outlined in Section 6.04.22.

G. CONVENIENCE STORES

The retail sales of groceries, staples and sundry items within structures of less than 5,000 square feet of gross floor area is permitted in the CBD zoning district and is subject to the approval of a Conditional Use Permit in the CN and CH zoning districts. All convenience stores shall be developed/operated in the following manner:

1. The minimum site area for a new convenience store in the CN and CBD zoning districts shall be 7,000 square feet and in the CH zoning district it shall be 10,000 square feet;
2. The site shall have direct frontage along a major or secondary street. In the CH zoning district the site shall not have direct access on a local residential street;
3. One access drive may be permitted for each street frontage. The design and location of the access drive(s) shall be subject to the approval of the Director;
4. No new convenience store shall be located less than 1,000 feet from an existing or previously approved convenience store, or an existing elementary, junior high school, or high school, as measured from one property line to another;
5. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way;
6. All landscaping shall be installed and permanently maintained in compliance with Section 6.04.28 (Landscaping Standards);
7. All on-site signs shall comply with the provisions of Section 6.04.38 (Sign Standards);
8. All on-site parking shall comply with the provisions of Section 6.04.34 (Off-Street Parking Standards). A specific parking plan shall be developed as part of the permit review process;
9. The premises shall be kept in a neat and orderly condition at all times;
10. If on-site dispensing of automotive fuels is provided, the design, location and operation of these facilities shall be consistent with the provisions of Subsection 6.04.0615(3.K) (Service Station Standards). Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands;
11. A bicycle rack designed to accommodate a minimum of 4 bicycles shall be installed in a convenient location, visible from the inside of the store;

12. Each convenience store shall provide at least one public, disabled-accessible restroom located within the store;
13. Public pay telephones, if provided on-site, shall not be set up for incoming calls. Public telephones shall be featured with "call out" service only; and
14. A convenience store located adjacent to any residential zoning district/use shall have an 8 foot high decorative masonry wall along all property lines adjacent to the district(s). The design of the wall and its construction materials shall be subject to the approval of the Director.

H. DENSITY BONUS

Provisions governing Density Bonus/Affordable Housing are outlined in Subsection 6.04.0415(2.G).

I. DRIVE-THRU ESTABLISHMENTS

New drive-thru establishments may only be permitted in the CH zoning district, are subject to the approval of a Conditional Use Permit, and shall be developed/operated in the following manner:

1. Pedestrian walkways should not intersect the drive-thru drive aisles, but where they do, they shall have clear visibility, and they shall be emphasized by enhanced paving and marking/stripping;
2. Drive-thru aisles shall have a minimum 10 foot interior radius at curves and a minimum 12 foot width. Each drive-thru entrance/exit shall be at least 200 feet from an intersection of public rights-of-way. Also, each entrance to an aisle and the direction of flow shall be clearly designated by signs/pavement marking(s) or raised curbs;
3. Each drive-thru aisle shall provide sufficient stacking area behind the ATM's, menu board(s), etc. to accommodate a minimum of 6 vehicles or 180 feet, whichever is greater;
4. Access to a drive-thru aisle(s) shall be separated by at least 25 feet from any other driveways (i.e., access driveways to parking lots, alleys, etc.);
5. The provision of drive-thru service facilities shall not justify a reduction in the number of required off-street parking spaces;
6. Drive-thru aisles shall be constructed with (PCC) concrete;

7. All service areas, restrooms and ground mounted and roof mounted mechanical equipment shall be screened from public view;
8. The drive-thru facility may only be an accessory use to an allowed primary land use. The minimum interior floor area for the primary land use (i.e., cleaners, drive-thru restaurant, etc.) shall be 1,750 square feet;
9. Landscaping shall screen drive-thru or drive-in aisles from public rights-of-way and shall be used to minimize the visual effect of menu boards and/or directional signs;
10. Menu boards shall not exceed 24 square feet in area, with a maximum height of 6 feet, and shall face away from public rights-of-way. Outdoor speakers shall be located at least 50 feet from any residential zoning district/use;
11. Drive-thru facilities within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru facility shall provide compatibility with surrounding uses in terms of form, materials, color, scale, etc.; and
12. An 8 foot high solid decorative masonry wall shall be constructed on each property line that is adjacent to a residential zoning district/use. The design of the wall and its construction materials shall be subject to the approval of the Director.

J. RECYCLING FACILITIES

Standards governing Recycling Facilities are outlined in Section 6.04.36.

K. SERVICE STATION STANDARDS

Service stations may only be allowed in the CH zoning district, are subject to the approval of a Conditional Use Permit and shall be located/ developed/operated in the following manner:

1. New service stations shall be permitted only at the intersections of major and secondary arterials, and their intersections with State Highway 126. A maximum of 2 service stations shall be permitted at each intersection (**Revised per CC Ord. 98-736**).
2. The minimum site area for new service stations shall be 15,000 square feet, with a minimum street frontage of 100 feet;

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3. All repair/service activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - a. The dispensing of petroleum products, water and air from pump islands;
 - b. The provision of emergency service of a minor nature; and
 - c. The sale of items via vending machines which shall be placed next to the main structure in a designated area not to exceed 32 square feet, and which shall be screened from public view.
 4. Pump islands shall be located/set back a minimum of 20 feet from a street property line; however, a canopy or roof structure over a pump island may encroach up to 10 feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands;
 5. There shall be no more than 2 vehicular access points to any one street;
 6. There shall be a minimum distance of 30 feet between curb cuts along a street frontage;
 7. No driveway may be located closer than 50 feet to the end of a curb corner nor closer than 20 feet to a common property line;
 8. The width of a driveway may not exceed 30 feet, measured at the back of the apron;
 9. On-site parking shall be provided in compliance with Section 6.04.34 (Off-Street Parking Standards);
 10. Outside storage of motor vehicles is prohibited;
 11. No vehicles may be parked on sidewalks, parkways, driveways or alleys;
 12. No vehicle may be parked on the premises for the purpose of offering same for sale;
 13. All light sources, including canopy, perimeter, and flood shall be energy efficient, stationary and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. Lighting shall not be of a high intensity so as to cause a traffic hazard or adversely affect adjoining properties. No luminaries shall be higher than 15 feet above finished grade;

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14. Landscaping shall comprise a minimum of 15% of the service station site area, exclusive of required setbacks, and shall be provided and permanently maintained in compliance with the following provisions, as well as those outlined in Section 6.04.28 (Landscaping Standards):
 - a. A minimum 5 foot wide (inside dimension) and 6 inch high curbed planter area shall be provided along interior property lines, except for openings to facilitate vehicular circulation to adjacent properties. Where adjacent to a periphery wall, trees planted not more than 16 feet apart shall be included in the planter areas;
 - b. An on-site planter area of not less than 200 square feet shall be provided at the corner of 2 intersecting streets. Landscaping shall not exceed a height of 36 inches at this location;
 - c. A minimum of 50 square feet of planter area shall be located along each portion of the main structure fronting on a public right-of-way; and
 - d. Additional landscaping may be required by the Director to further screen the service station from adjacent properties.
 15. All on-site signs shall comply with the provisions of Section 6.04.38 (Sign Standards);
 16. Openings of service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion onto adjoining properties;
 17. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles may be located in any open area outside of the main structure;
 18. Where an existing service station adjoins property in a residential zoning district/use, an 8 foot high decorative masonry wall shall be constructed along the common property line at the time the station requires a permit for on-site improvement/modification. Materials, textures, colors and design of the wall shall be compatible with on-site development and adjoining properties and shall be subject to the approval of the Director. When the wall reaches the established front yard setback line of a residentially zoned parcel abutting or directly across an alley from the service station, it shall decrease to a maximum height of 36 inches;
 19. Restroom entrances otherwise visible from adjacent properties or public rights-of-way shall be concealed from view by planters or decorative screening;

20. Noise from bells, loudspeakers or tools shall be in compliance with Subsection 6.04.1805(14) (Noise Attenuation) and shall not be audible from residentially zoned/occupied parcels between the hours of 7:00 P.M. and 7:00 A.M. on weekdays and Saturdays, and before 10:00 A.M. and after 7:00 P.M. on Sundays, in compliance with Subsection 6.04.1805(14) (Noise Attenuation);
21. All parking, loading, circulation aisles, and pump island areas shall be constructed with (PCC) concrete; and
22. Service stations may receive used motor oil for subsequent recycling and removal, subject to approval by the Fire Department.

L. SERVICE STATION CONVERSIONS

A structure originally constructed as a service station and which is proposed for conversion to another allowable use shall require approval of a Development Permit and upgrading/remodeling which may include, but is not limited to, the removal of all gasoline appurtenances (i.e., underground tanks), canopies, pump islands and overhead doors, additional landscaping provisions as required by Section 6.04.28 (Landscaping Standards), additional street improvements or modification of existing improvements to conform to access provisions, and exterior remodeling.

M. SHOPPING CENTERS

Shopping Centers (small scale, up to 15,000 square feet, multi-tenant centers) may only be allowed in the CH zoning district, are subject to the approval of a Conditional Use Permit and shall be developed/operated in the following manner:

1. All development and operational standards outlined in Subsection 6.04.0615(3.G) (Convenience Stores), (except for item numbers 4 and 12) shall apply to Shopping Centers;
2. The development shall provide internal continuity, uniformity, and compatibility relating to architectural design, vehicular and pedestrian access, and on-site provisions for landscaping, loading, parking, and signs; and
3. To the extent feasible, the on-site vehicular circulation system shall provide continuity with adjacent and similar commercial developments.

N. FARMWORKER CONGREGATE HOUSING FACILITIES STANDARDS (Revised per Ord. Ord. 03-774)

Standards governing Congregate Housing facilities are outlined in Section 6.04.23

6.04.0620 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.34 Off-Street Parking Standards
9. Section 6.04.38 Sign Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances

SECTION 6.04.08
MANUFACTURING/INDUSTRIAL ZONES

6.04.0801 PURPOSE

The purpose of the MPD zoning district is to provide for service commercial, business and manufacturing/industrial land uses, while achieving the following:

1. Provide major employment concentrations generally served by highways, arterial streets/roadways and rail in a manner consistent with the General Plan;
2. Provide adequate space to meet the needs of manufacturing/industrial development, including off-street parking and loading;
3. Minimize traffic congestion and avoid the overloading of utilities;
4. Protect adjoining areas from excessive illumination, noise, odor, smoke, unsightliness and other objectionable influences; and
5. Promote high standards of site planning, architecture and landscaping through the application of development standards/guidelines for manufacturing/industrial developments within the City.

6.04.0805 PERMITTED USES

Any use designated as "Permitted" by the following list shall comply with the provisions of this Ordinance. Any permitted use which will occupy an existing structure (with no structural alteration/enlargement) shall comply with the operational standards contained in this Section as well as Article III (General Regulations). Additionally, any permitted use which will occupy an existing structure that is to be altered, enlarged, or requires construction of a new structure(s) shall require the approval of a Development Permit in compliance with Section 6.04.66.

6.04.0810 PERMITTED, DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES

The following list represents those primary land uses in the manufacturing/industrial zoning district which are Permitted (P), subject to a Development Permit (D) or a Conditional Use Permit (C):

LAND USE ACTIVITY	MPD
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|--|---|
| 1. Light manufacturing/industrial activities which, by virtue of size, intensity, number of employees or the nature of the operation, would not likely create significant effects by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other effects, or hazardous by way of materials, process, product or wastes and only when conducted within an enclosed structure(s) (with only passive outdoor screened storage areas allowed). Examples of allowable land use activities include, but are not limited to, the following: | |
| A. ASSEMBLY (appliances [small], clocks, copiers) | P |
| B. DISTRIBUTION (limited volume freight terminal) | P |
| C. MANUFACTURING (cabinets, clothing, shoes) | P |
| D. PROCESSING (dry cleaning, linen/towel service) | P |
| E. RECYCLING (collection, sorting, shipping of recyclable materials [cans, glass, etc.] | P |
| F. REPAIRING (appliances [small], clocks) | P |
| G. RESEARCH/DEVELOPMENT (design of new products) | P |
| H. STORAGE (computer data, household goods, office files, valuables ... not self-serve mini storage) | P |
| I. TESTING (air, soil, water contamination) | P |
| J. TREATMENT (non-toxic coating/plating) | P |
| K. WHOLESALE (auto parts, office supplies) | P |
| 2. Heavy* manufacturing/industrial activities which, by virtue of size, intensity, number of employees or the nature of the operation, have the potential to create significant effects by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other effects, or hazardous by way of materials, process, product or wastes and when conducted within/outside of an enclosed structure(s) (with active/passive outdoor screened storage areas allowed). Examples of allowable land use activities include, but are not limited to, the following: | |

LAND USE ACTIVITY	MPD
A. ASSEMBLY (appliances [large], furniture, signs)	C
B. DISTRIBUTION (high volume freight terminal)	C
C. MANUFACTURING (boats, chemicals, machinery)	C
D. PROCESSING (brewery, concrete, petroleum)	C
E. RECYCLING (collecting, sorting, compacting, crushing, shredding of recyclable materials)	C
F. REPAIRING (appliances [large], motor vehicles)	C
G. RESEARCH/DEVELOPMENT (design of new products/ services that require large facilities and/or outdoor evaluations)	C
H. STORAGE (large/potentially hazardous items, or outdoor storage [i.e., contractor's equipment, rental yards, etc.]	C
I. TESTING (noise, vehicle effect evaluation)	C
J. TREATMENT (potentially toxic coating/plating)	C
K. WHOLESALE (building materials [lumber])	C
3. Administrative/Professional Office (Only in conjunction with the primary manufacturing/industrial activity).	P
4. Adult Businesses	C
5. Bus/Rail Facilities (Ord. 02-763, Adopted February 26, 2002)	C
a. Busses with a gross vehicle weight rating (GVWR) of not more than 26,000 pounds; limited to light maintenance activities that mitigate objectionable odors, noises, vibration, smoke, heat, dust, glare or other effects on adjacent residential zoning districts/uses. Welding, sandblasting, and painting are not permitted.	
b. All Other Bus/Rail Facilities* (Ord. 02-763, Adopted February 26, 2002)	C
6. Commercial uses (i.e., cleaner, day care, health club, mini-market, restaurant) which are intended to meet the needs of the immediate employment population	C
7. Communication transmitting, reception or relay facilities	C
8. Crematory/Mortuary	C

- 9. Dismantling facilities/Scrap yards* C
- 10. Fire/Police Stations C

LAND USE ACTIVITY	MPD
11. Fuel/Service Stations	C
12. Hazardous Waste Facilities	C
13. Hospitals/Sanatoria	C
14. Kennels/Veterinary Clinics or Hospitals*	C
15. Mini Storage	D
16. Newspaper Offices	D
17. Parking Lots/Structures	D
18. Printing/Publishing Facilities*	C
19. Public service and utility structures and facilities	P
20. Retail sales of goods, provided that the floor space devoted to the activity does not exceed 25% of the gross floor area of the principally permitted land use	D
21. Service Commercial Activities	D
22. Tire Sales/Service*	C
23. Trade/Tech Schools	D
24. Truck Parking*	C
25. Truck Repair (Heavy)*	C
26. Truck Stops*	C

*These land use activities shall not be allowable within 500 feet of a residential zoning district/use and/or not directly visible from a residential zoning district/use.

Other similar uses which the Director finds to fit within the purpose/intent of the zone, in compliance with Subsection 6.04.0225(3).

6.04.0815 GENERAL STANDARDS

1. The following development standards are minimum unless stated as maximum by this Ordinance. All setbacks shall be measured from the property line.

Any variation from these standards shall require the approval of a Development Permit in compliance with Section 6.04.66 and consistency with any adopted guidelines for the subject zoning district or a Minor Variance/Variance in compliance with Sections 6.04.60 or 6.04.64.

ZONING DISTRICT DEVELOPMENT STANDARDS

STANDARD	MPD
Gross Lot Area (sq. ft.)	0
Project Area Width	200
Front Setback (feet)	20 ¹
Rear Setback (feet)	UBC ²
Side Setback (feet) (Each)	UBC ³
Side Setback (feet) (Street Side)	20 ⁴
Lot Coverage (Maximum)	50%
Distance Between Structures (feet)	UBC ⁵
Structure Height (feet) (Maximum)	50 ft. ⁶ 2 sts.

¹For structures located across a street or alley from a "RPD" zoning district/use, each one foot increase in structure height over a height of 15 feet shall be accompanied by a one foot increase in the required minimum front yard setback.

²Shall meet the minimum standards of the Uniform Building Code. Where the rear yard abuts a "RPD" zoning district/use, a minimum rear yard of 20 feet shall be maintained.

³Shall meet the minimum standards of the Uniform Building Code. Where any parcel abuts a "RPD" zoning district/use, a minimum side yard of 20 feet shall be maintained.

⁴For structures located across a street or alley from a "RPD" zoning district/use, each one foot increase in structure height over a height of 15 feet shall be

accompanied by a one foot increase in the required minimum side yard (street side) setback.

⁵Shall meet the minimum standards of the Uniform Building Code.

⁶The maximum structure height along the "A" Street corridor shall be 35 feet.

2. The following additional standards/guidelines shall apply to all manufacturing/industrial development within the MPD zoning district:
 - A. All manufacturing/industrial developments shall comply with any adopted Guidelines;
 - B. Retail sales and service incidental to a principally permitted land use are allowable provided that the following standards are met:
 1. The operations are contained within the main structure which houses the primary land use;
 2. Retail sales represent less than 25% of the gross floor area;
 3. No retail sales or display of merchandise occur(s) outside the structure(s); and
 4. All products offered for retail sale on the site are manufactured, warehoused, or assembled on the premises.
 - C. Outside storage shall be confined to the rear of the principal structure(s) or the rear one-half of the site, whichever is the more restrictive, and screened from public view from any adjoining properties and public rights-of-way by appropriate walls, fencing and landscaping, subject to the approval of the Director. Hours of operation within the outdoor storage areas (for product and materials-related activities) shall not exceed 7:00 A.M. to 7:00 P.M. when adjoining residential neighborhood(s) to minimize noise impacts; and
 - D. Landscaping shall be installed and maintained within all required setback areas in compliance with Section 6.04.28 (Landscaping Standards).

3. LAND USE DISTRICT SPECIFIC STANDARDS

In addition to the general development requirements contained in Article III (General Regulations) the following standards shall apply to specific industrial land use activities:

Mini-Storage

Self-serve mini-storage facilities are allowable in the MPD zoning district, subject to the approval of a Development Permit and shall be developed/operated in the following manner:

- A. The minimum site area for a new mini-storage facility shall be 85,000 square feet;
- B. The site shall have a minimum front yard of 20 feet which shall be landscaped and permanently maintained in compliance with Section 6.04.28 (Landscaping Standards);
- C. Any site adjacent to a residential zoning district/use shall maintain a 25 foot deep landscaped yard along that portion of the site adjacent to the residential zoning district/use. A 20 foot deep landscaped yard shall be maintained along that portion of the site across the street or within 100 feet of a residential zoning district/use. All landscaping shall be installed and permanently maintained in compliance with Section 6.04.28 (Landscaping Standards);
- D. Vehicular ingress/egress shall be limited to one drive-way for each portion of the site fronting on a public right-of-way;
- E. The site shall be entirely paved, except for structures and landscaped areas. The paving shall consist of concrete, asphalt, or asphaltic concrete. Continuous concrete curbing and perimeter walls shall serve to prevent any vehicle from extending beyond the property lines;
- F. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way;
- G. All on-site signs shall comply with the provisions of Section 6.04.38 (Sign Standards);
- H. All exterior structure walls within 10 feet of a property line adjacent to a public right-of-way shall be stucco or decorative masonry block and shall be subject to the approval of the Director;

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- I. Any portion of the storage structure(s) providing access doorways to individual storage spaces, facing and generally parallel to an adjacent property line, shall be setback a minimum of 35 feet from the adjacent property line;
 - J. The site shall be completely enclosed with an 8 foot high solid decorative masonry wall or fence with appropriate landscaping, except for points of ingress and egress (including emergency fire access) which shall be properly gated. The gate(s) shall be maintained in good working order and shall remain closed except when in use. The design of the wall, fence, landscaping and gate(s) shall be subject to the approval of the Director;
 - K. No business activity shall be conducted other than the rental of storage spaces for inactive storage use. Additionally, no miscellaneous/garage sales or repair of motor/recreational vehicles, machines or equipment shall be permitted to occur on the premises;
 - L. All storage shall be located within a fully enclosed structure(s). Motor vehicles (i.e., autos, recreational vehicles, trucks, etc.) may be stored on the premises when properly situated in one location, fenced and screened to the satisfaction of the Director;
 - M. No flammable or otherwise hazardous materials shall be stored on-site;
 - N. One manager's dwelling unit may be provided within the development. No more than 2 adults (without children) shall be permitted to occupy the manager's unit. The occupancy of the manager's unit shall be contingent upon the continual operation of the storage facility; the use shall immediately cease if the storage facility ceases its operation. No person may occupy the manager's unit who has been convicted of a burglary or theft. A clearance from the Police Department shall be obtained for any individual who occupies the manager's unit;
 - O. Aisle widths shall be a minimum of 25 feet for one-way drives and 35 feet for two-way drives as measured between the structures to provide unobstructed and safe circulation. The Director may reduce the required widths for aisles that do not directly serve any storage spaces;
 - P. The owner/manager shall be responsible for the removal of graffiti within 72 hours of its application;
 - Q. Exterior structure walls and screen walls and fences shall be constructed, treated and maintained in compliance with Subsections 6.04.1805(6) and 6.04.1805(7) and Municipal Code Chapter 15.25 (Graffiti).

- R. The entire site shall be permanently maintained in a clean manner free of trash and debris or materials stored out-of-doors; and
- S. Storage facilities located adjacent to a residential zoning district(s)/use shall have their hours of operation limited to no more than 7:00 A.M. to 9:00 P.M., Monday through Saturday, and 9:00 A.M. to 8:00 P.M. on Sundays.

6.04.0820 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.34 Off-Street Parking Standards
9. Section 6.04.38 Sign Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances

**SECTION 6.04.10
SPECIAL PURPOSE ZONES**

6.04.1001 PURPOSE

1. The purpose of this Section is to achieve the following:
 - A. Management, preservation, protection, and wise utilization of the natural/environmental resources of the City for the long range health, safety and general welfare of the City's residents;
 - B. Maintain a sense of natural openness around the urban environment in order to enhance the physical, emotional and mental well-being of the City's residents; and
 - C. Provide for the continuation and expansion of existing public facilities.
2. The purpose and allowable uses for each of the individual special purpose zoning districts are as follows:

A. O-S (OPEN SPACE) ZONE

1. The purpose of this zoning district is to provide for the following:
 - a. Management, preservation and protection of natural resources, including suitable sites for the continuation of agricultural operations;
 - b. Preserve and establish buffers between rural and urban uses;
 - c. Preserve and maintain all worthwhile natural habitat areas as well as visual and compatible-use recreational resources;
 - d. Provide for public and private recreational land use activities necessary to meet both active and passive recreational needs of all segments of the City; and
 - e. Protection of existing public outdoor recreation.

2. The following land uses may be allowed subject to the approval of a Development Permit:
 - a. Active recreational/open space land use activities, including:
 - 1) Agriculture (including the accommodation for an open air stand for the sale of produce only grown on the subject parcel as well as all activities/uses typically associated with a bona fide agricultural operation);
 - 2) Animal breeding, pasturing or ranching;
 - 3) Commercial stables;
 - 4) Fish hatcheries;
 - 5) Guest ranches;
 - 6) Indoor and outdoor athletic/spectator/sports facilities;
 - 7) Interpretive centers;
 - 8) Movie sets/locations;
 - 9) Non-vehicular recreational areas;
 - 10) Overnight accommodations for recreational vehicles (minimum parcel size of 10 acres);
 - 11) Parks;
 - 12) Pistol, rifle and skeet ranges; and
 - 13) Recreational Clubs.
 - b. Passive recreational/open space land use activities, including:
 - 1) Cellular, radio and television towers and related facilities;
 - 2) Cemeteries;
 - 3) Designated cultural heritage sites and historical monuments;

- 4) Fishing, hiking and hunting;
 - 5) Nature preserves;
 - 6) Open space areas (i.e., river and stream beds);
 - 7) Outdoor theaters (without structures); and
 - 8) Water spreading grounds.
3. The following intensive land uses may be allowed subject to the approval of a Conditional Use Permit:
- a. Agricultural contractor's plants and storage yards;
 - b. Agricultural warehouses;
 - c. Campgrounds and recreational vehicle parks;
 - d. Dairies (without on-site retail sales);
 - e. Feed lots;
 - f. Golf courses/driving ranges (with/without clubhouses and restaurants within the clubhouse);
 - g. Oil exploration/extraction;
 - h. Sand and gravel quarries;
 - i. Soil amendment activities; and
 - j. Unimproved private airstrips/heliports.

B. P-F (PUBLIC FACILITIES) ZONE

1. The purpose of this zoning district is to provide for a wide range of public and quasi-public land use activities serving the residents of the City.
2. The following land uses may be allowed subject to the approval of a Development Permit:
 - a. Art galleries/museums;

- b. Cultural/recreational activities;
- c. Governmental offices/facilities;
- d. Hospitals;
- e. Libraries;
- f. Parks;
- g. Police and fire stations;
- h. Production/distribution of water;
- i. Public schools;
- j. Public utility facilities; and
- k. Sanitary landfills.

6.04.1005 GENERAL STANDARDS

1. Any structure located in a special purpose zoning district shall be:
 - A. Compatible to and in harmony with surrounding development and zoning designation(s);
 - B. Designed to ensure that all exterior structural elevations are architecturally treated to provide compatibility with all neighboring structures and the established character of the City;
 - C. Designed to ensure that all required roof-mounted air conditioning or heating equipment, including vents and ducts, shall not be visible from any abutting parcel or public rights-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s) subject to the approval of the Director; and
 - D. Landscaped in a manner which compliments both the immediate setting and surrounding areas in compliance with Section 6.04.28 (Landscaping Standards).
2. Any structure located in the O-S (Open Space) zoning district shall be:
 - A. Clearly incidental to the primary use;

- B. Sited in a manner which is sensitive to the existing natural resources and physical constraints of the land;
- C. Subject to demonstrating need and appropriateness;
- D. Subject to demonstrating the need for exterior lighting, and if justified shall be appropriately located, energy efficient, directed, and shielded from surrounding parcels and public rights-of-way; and
- E. Subject to a visual analysis relating structural proportions, height, massing, and setbacks to preserve and enhance the scenic character of the area.

6.04.1010 LAND USE DISTRICT SPECIFIC STANDARDS

In addition to the general development requirements contained in Article III (General Regulations) the following standards shall apply to specific recreational/open space land use activities:

1. COMMERCIAL STABLES

Commercial stables may be allowed, subject to the approval of a Development Permit, and shall be developed in the following manner:

- A. All parcels shall have a minimum of 20,000 square feet of land area for the commercial keeping of horses. The Director may approve the commercial keeping of one horse on parcels less than 20,000 square feet, but no less than 15,000 square feet, upon the applicant obtaining written permission of all adjoining property owners and meeting all other requirements contained in this Subsection;
- B. The following acreage and numbers of horses are the maximum allowable:

<u>Acreage</u>	<u>Maximum Permitted</u>
20,000 sq. ft. to 1 net acre	2
1 to 2 net acres	5
2 to 4 net acres	10
4 to 10 net acres	20
10 to 15 net acres	40
15+ net acres	100

- C. No horse shall be kept closer than 35 feet to a dwelling located on adjacent property;

- D. All horses shall be provided with adequate fenced enclosures, to contain them within the boundaries of the stable property, subject to the approval of the Director; and

- E. An application for the keeping of horses shall contain a detailed description outlining the proposed method(s) of controlling dust, insects, odors, sanitation, and other considerations required by the Director.

2. GOLF COURSES AND RELATED FACILITIES

Golf course developments may be allowed, subject to the approval of a Conditional Use Permit, and shall be developed in the following manner:

- A. State-of-the-art water conservation techniques shall be incorporated into the design and irrigation of the golf course;
- B. Treated effluent shall be used for irrigation where available;
- C. Perimeter walls or fences shall provide a viewshed window design along all public rights-of-way, incorporating a mix of walls and wrought-iron fencing or equivalent treatment subject to the approval of the Director;
- D. Single-loaded fairways shall be a minimum average of 300 feet wide; double-loaded (side-by-side) fairways shall be a minimum average of 600 feet wide; and
- E. All accessory facilities, including but not limited to, club houses, maintenance buildings, and half-way houses shall be designed and located to ensure compatibility and harmony with the golf course setting.

6.04.1015 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.70 Conditional Use Permits
2. Section 6.04.66 Development Permits
3. Section 6.04.28 Landscaping Standards
4. Section 6.04.68 Minor Conditional Use Permits
5. Section 6.04.60 Minor Modifications
6. Section 6.04.62 Minor Variances
7. Section 6.04.32 Off-Street Loading Standards
8. Section 6.04.34 Off-Street Parking Standards
9. Section 6.04.38 Sign Standards
10. Section 6.04.58 Temporary Use Permits
11. Section 6.04.64 Variances

SECTION 6.04.12
OVERLAY ZONES

6.04.1201 PURPOSE

The overlay zone(s) outlined in this Section is intended to supplement specific zoning districts in responding to particular land use issues/needs. The purpose of the individual overlay zoning district(s) is as follows:

~~1. **SOUTH FILLMORE INDUSTRIAL PARK OVERLAY ZONE**~~

~~— The purpose of this overlay zone is to encourage the establishment of "light" manufacturing/industrial land use activities within the South Fillmore Industrial Park (SFIP) with appropriate site plan characteristics to adequately/effectively buffer the nearby residential uses to the northeast.~~

~~— The South Fillmore Industrial Park is approximately 30 acres in size, is located south of State Highway 126, and is bounded by River Street to the north, the Santa Clara River and the City's sewage treatment plant on the south, approximately 500 feet west of "C" Street with "E" Street to the west.~~

6.04.1205 DEVELOPMENT PERMITTED USES

Subject to the approval of a Development Permit this overlay zone allows the following "light" manufacturing/industrial land use activities:

- ~~— 1. Boat, recreational vehicle, bus and truck storage;~~
- ~~— 2. Light manufacturing/industrial land use activities outlined in Subsection 6.04.0810(1) (Permitted, Development Permitted and Conditionally Permitted Uses);~~
- ~~— 3. Motor vehicle repair (No salvage activities permitted); and~~
- ~~— 4. Truck parking.~~

~~6.04.1210 DEVELOPMENT STANDARDS~~

~~The development standards applicable to the overlay zone(s) in this Section shall be found in the following Subsections:~~

- ~~1. The applicable base zoning district development standards shall apply. The only exception to the standards in the MPD zoning district is the relaxation of the 500 foot separation between allowable manufacturing/industrial land use activities and existing residential zoning districts/use(s); and~~
- ~~2. The guidelines applicable to the permitted use/neighborhood.~~

~~6.04.1215 APPLICABLE REGULATIONS~~

~~All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:~~

- ~~1. Section 6.04.70 Conditional Use Permits~~
- ~~2. Section 6.04.66 Development Permits~~
- ~~3. Section 6.04.28 Landscaping Standards~~
- ~~4. Section 6.04.68 Minor Conditional Use Permits~~
- ~~5. Section 6.04.60 Minor Modifications~~
- ~~6. Section 6.04.62 Minor Variances~~
- ~~7. Section 6.04.32 Off Street Loading Standards~~
- ~~8. Section 6.04.34 Off Street Parking Standards~~
- ~~9. Section 6.04.38 Sign Standards~~
- ~~10. Section 6.04.58 Temporary Use Permits~~
- ~~11. Section 6.04.64 Variances~~

SECTION 6.04.12**BUSINESS PARK DISTRICT**

(New Section. Amended August 1, 2005 per Ord. 05-782)

6.04.1201 PURPOSE

A. The purpose and intent of the Business Park District is to provide an area in the community within which office, commercial and industrial firms can locate with an assurance of a high permanent level of design quality, extensive site amenities, open space and environmental protection. The restrictions and conditions applied to this district shall be designed to promote the development of a park like atmosphere which will be conducive to the construction of buildings and parking lots which are pleasing in appearance and which harmonize with the surrounding built and natural environments.

B. In addition, these regulations are designed to promote flexibility in building design, to promote efficient use of land, to provide both active and passive open space, and to insure a quality of construction commensurate with the community's appearance standards as set forth herein and as are from time to time established by the City.

C. When the Planning Commission and City Council determine that it is in the City's best interest, established standards for building heights and area regulations may be varied to promote design flexibility and the community standards as provided.

D. The granting of approval under this category establishes an approved site plan and appropriate supporting documents as the sole use or uses and site arrangement allowed under within the Business Park District.

E. The Business Park District consists of two zones to allow for a combination of light and medium industrial uses together with certain retail/commercial uses as follows:

1. BP-1 (BUSINESS PARK-1) ZONE

This zone within the Business Park District is intended to provide for a variety of campus-like retail and commercial uses and light industrial uses, intended to establish the area as a focus of future employment in the city, as well as to enhance the highway commercial corridor along Highway 126.

2. BP-2 (BUSINESS PARK-2) ZONE

This zone within the Business Park District is intended to provide for a variety of light and medium industrial uses and certain retail/commercial uses which support

or are incidental to the industrial uses intended to establish the area as a focus of future employment in the city, as well as to complement the adjacent BP-1 zone.

6.04.1202 PERMITTED USES

Any use designated as "Permitted" (P) by the following list shall comply with the provisions of this Ordinance. Any "permitted" use which will occupy and existing structure (with no structural alteration/enlargement) shall comply with the operational and development standards contained in the Business Park Development Standards in Subsection 6.04.1215 of this Ordinance

6.04.1202 PERMITTED, DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES

The following list represents those primary uses in the Business Park districts which are either: Permitted (P), or subject to a Development Permit (D), or subject to a Conditional Use Permit (C), or Not Permitted (NP):

LAND USE ACTIVITY	BP-1	BP-2
A. Administrative and Professional Offices	P	P
B. Automobile (Car, RV and Truck) and Boat Sales	D	NP
C. Auto and Boat Service/Repair – Major (i.e., Bodywork, Engine and Drive Train, Painting and Miscellaneous Work)	C	C
D. Auto and Boat Service Repair/Minor (i.e., Lube-N-Tune, Window Tinting)	C	C
E. Automated Car Wash (in conjunction with a permitted Business Park use)	C	C
F. Hotels/Motels and associated Conference Facilities	D	NP
G. Hospital	C	C
H. Delicatessen/Sandwich Shop	P	P
I. Restaurants – No Drive-Thrus	C	NP
J. Restaurants – Serving Alcoholic Beverages	C	NP
K. Restaurants – Outdoor Dining on private property	C	NP
L. Auditoriums, Convention Halls and Theaters	C	NP
M. Financial (Banks, Savings and Loans, etc.)	P	NP

LAND USE ACTIVITY	BP-1	BP-2
N. Service Commercial Commercial establishments that provide business, repair and miscellaneous services. Including, but not limited to, the following:		
1. Catering Establishments	P	P
2. Cleaning/Janitorial	P	P
3. Copy Center/Postal Service Centers and Blueprinting	P	P
4. Interior Design Shops	P	P
5. Laboratories (i.e., Film, Medical and Dental Research and Development, etc.)	D	D
6. Miscellaneous Repairs/Services (Indoors Only)	D	D
7. Printing/Publishing Facilities	P	p
8. Services and Contractors (Plumbing, Electrical Heating, Air Conditioning, Tile Suppliers, etc.)	P	P
O. Health/Athletic Clubs	C	C
P. Vehicle Leasing/Rental (in conjunction with a permitted Business Park use)	P	P
Q. Other:		
1. Business/Industrial Incubator Resource Center	C	C
2. Child Day Care (in conjunction with a permitted Business Park use)	D	D
3. Commercial uses (i.e., cleaner, day care, health club, mini-market, restaurant) that are intended to meet the needs of the immediate employment population.	C	C
4. Handicraft-type industries (i.e., saddles, sculptures, stained glass, etc.)	P	P
5. Temporary Offices	C	C

LAND USE ACTIVITY	BP-1	BP-2
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R. Light Manufacturing/Industrial

Manufacturing/Industrial activities which, by virtue of size, intensity number of employees or the nature of the operation, would not likely create significant effects by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other effects, or hazardous by way of materials, process, products or wastes, and only when conducted within a building (with only limited passive outdoor screened storage areas allowed). Including, but not limited to, the following:

1. Assembly and Repair	C	C
2. Manufacturing	C	C
3. Research and Development	P	P
4. Processing (agricultural products, dry cleaning, linen/towel service)	P	P
5. Storage (cold storage of agricultural products, computer data, household goods, office files, valuables...not self-serve mini-storage)	P	P
6. Testing (air, soil, water contamination)	P	P
7. Treatment (non-toxic coating/plating)	P	P
8. Wholesaling (auto parts, office supplies)	P	P
9. Retail sales of goods, provided that the floor space devoted to the activity does not exceed 25% of the gross floor area of the permitted Light Manufacturing land use	D	D
10. Trade/Tech schools	P	P
11. Welding/Repair and Related Uses	C	C
12. Warehousing and Distribution (not to exceed 45,000 sq.ft. unless employment meets or exceeds one job/900 sq. ft. of the floor space)	C	C

LAND USE ACTIVITY **BP-1** **BP-2**

S. Medium Manufacturing/Industrial

Manufacturing/Industrial activities which, by virtue of size intensity, number of employees or the nature of the operation, may create significant effects by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other effects, or hazardous by way of materials, process, products or wastes, and may include outdoor uses and storage areas when those uses and areas are screened from the public areas when those uses and areas are screened from public right-of-way. Including, but not limited to, the following:

- | | | | |
|----|---|----|---|
| 1. | Assembly | NP | C |
| 2. | Manufacturing (machine shops or other manufacturing operations requiring plating, dust cyclone systems, heavy metal stamping, fiber glassing, etc.) | NP | C |
| 3. | Research and Development (design of new products/services that require outdoor evaluations | NP | C |
| 4. | Public Service and utility structures and facilities | NP | C |

Other similar uses which the Community Development Director finds to fit within the purpose/intent of the Business Park District, in compliance with subsection 6.04.0225(3) of the City of Fillmore Zoning Ordinance.

SECTION 6.04.1205 CONDITIONS OF USE

All uses in this district shall be subject to site plan review and approval by the Planning Commission and the City Council. The standards for review of such development plans and the uses they propose to contain shall be as follows:

1. Will have a minimal adverse impact on the location, size, design, operating characteristics and property values of existing and future primary uses on neighboring properties.
2. Will not inhibit the consolidation of adjoining parcels of land in this district.
3. Is compatible in appearance, size, and scale of operation with existing and future uses in this district.
4. Is compatible with the City's General Plan.

5. Will not create offensive odor, dust, smoke, fumes, noise, glare, heat, vibrations or traffic which is compatible with the primary uses allowed in this district.
6. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with the other uses of this district and will not be detrimental to the surrounding traffic flow, pedestrian safety and accessibility of emergency vehicles.
7. Will enhance the open space, recreational facilities or aesthetic features of this district.
8. At the specific location, will contribute to and promote the community welfare or convenience.

SECTION 6.04.1206 ACCESSORY USES

The following uses shall be allowed as accessory uses in the "BP" District subject to site plan review and approval by the Community Development Director.

1. Uses and structures customarily accessory and incidental to a permitted or conditional primary use.
2. Temporary buildings, including construction trailers, for uses incidental to construction activity, which buildings shall be removed upon completion of construction activity.
3. Bus shelters, mass transit facilities and street furniture.
4. Solar collection apparatus.
5. Antennas, including satellite dish antennas.
6. Day care facilities.
7. Indoor and outdoor recreational facilities such as, but not limited to, swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, playgrounds pavilions, shelters, tennis and other play courts, bike and walking trails, pedestrian plazas and courts and art work..
8. Parking and landing facilities and areas provided in conjunction with a primary use.

9. Signage, subject to the provisions of Section 6.04.38 of the City of Fillmore Zoning Ordinance.

10. Fencing.

11. Parking, subject to the provisions of Section 6.04.34 of the City of Fillmore Zoning Ordinance.

SECTION 6.04.1210 DIMENSIONAL STANDARDS

A. Minimum Lot Area.

No minimum lot area is established for this district; however, lot dimensions shall be sufficient to meet the other requirements of this Section.

B. Minimum setbacks for building structures are as follows:

Ventura Street – Front yard. Fifty (50) foot minimum (with at least twenty (20) feet of landscaping). Corner lots shall have structures set back fifty (50) feet from both streets.

Ventura Street – Side yard. Fifteen (15) feet minimum.

Ventura Street – Rear yard. Thirty (30) feet minimum.

Interior Street – Front yard. Twenty (20) foot minimum. Interior corner lots shall have structures set back twenty (20) feet from both streets.

Interior Street – Side yard. Fifteen (15) feet minimum on one side, no side yard setback on the other side and fifteen (15) feet from and internal access road or private street.

Interior Street – Rear yard. There shall be no rear yard setback where the parcel does not abut a street.

C. Minimum setbacks for parking lots are as follows:

Ventura Street – Front yard. Twenty (20) feet.

Ventura Street – Side yard. Ten (10) feet.

Ventura Street – Rear yard. Ten (10) feet.

D. When a site abuts a residential zoning district, structures and parking lots in the Business Park district shall be set back a minimum of twenty (20 feet.) and for each one foot increase in structure height over a height of fifteen (15) feet shall be accompanied by a one foot increase in the required minimum set back. A landscaped buffer or screen shall be provided between residential areas and business park district areas.

E. Internal Building Setbacks. Within a development of single ownership with multiple buildings, buildings shall be set back from other buildings at a minimum of

twenty (20) feet on one side, no setback on the other side and fifteen (15) feet from an internal access road or private road.

F. Building Height. Thirty-five (35) feet maximum.

G. Corner Visibility. No sight-obscuring structures or plantings exceeding thirty (30) inches in height shall be located within a twenty (20) foot radius of the lot corner nearest the intersection of two (2) street or a street and a private driveway. Trees may be located within this twenty (20) foot radius so long as they are maintained to allow at least ten (10) feet of visual clearance below the lowest hanging branch.

H. Exception to Dimensional Standards. The requirements of this Section may be modified by the Planning Commission. When such modifications are consistent with the purposes set forth in this Chapter and with the General Plan, minor modifications to approved site plans may be made by the Community Development Director. Minor modifications shall consist of slight changes to the alignment of buildings, structures, parking facilities, lot lines and street alignments.

SECTION 6.04.1215 DEVELOPMENT STANDARDS

All development within the Business Park District is subject to the review procedures and applicable requirements of Section 6.04.50 (Administration). In addition, the following standards, requirements and objectives shall also apply to all development in this district:

1. Area plans. Development shall comply with any special requirements or provisions that may be required by area or master plans which have been adopted by the Fillmore City Council.
2. Innovation. Developers are encouraged to propose innovative land use plans and building designs which promote the purpose and intent of this Chapter.
3. Building Siting and Design.
 - a. The design and siting and of buildings shall complement the natural terrain to the greatest extent possible.
 - b. Open, landscaped front yards shall be required.
 - c. All exterior surfaces of a building shall be designed with compatible material.

- d. Durable, and attractive materials such as textured concrete, stone, brick brick, finishing wood and glass are encouraged. Large exterior wall surfaces should be designed with change-of-planes, ribbing, fluting, texturing, band or other techniques to add visual interest. Use of decorative concrete block masonry and prefabricated metal panels may be permitted when used in combination with other permitted exterior materials. Buildings which are entirely covered with prefabricated metal siding or non-decorative concrete masonry block on any exterior wall or use only the combination of pre-fabricated metal siding and concrete block masonry shall be prohibited.
- e. Natural, non-primary or muted colors are encouraged. Primary colors shall be limited to accent colors only.
- f. (1) All roof top equipment must be screened from view from any street, parking lot or other building within the district.
- (2) All mechanical equipment shall be screened or colored to blend in with the field color of the building.
- (3) Roof top equipment may be permitted without screening if it is of a low profile design, in a location on the roof which is not visible from adjoining properties, and is of a color which blends in with the building color.
- g. All exterior building materials, finishes and colors shall be coordinated to achieve a continuity of design. All exterior doors and grills and building trim shall be painted consistent with the color scheme of the building.
- h. Vents, louvers, coping, flashing, tanks, stacks and all similar sheet metal items shall be painted consistent with the color scheme of the building.
- i. Antennas, aerials and other radio wave transmitting and receiving equipment shall be located to the rear or "hidden" side of the building.
- j. Fencing shall be permitted as follows:
- (1) No fence shall be permitted in front yards.
- (2) Unless otherwise approved by the Planning Commission, fences shall not exceed eight (8) feet in height.
- (3) Fences shall be designed to be consistent in style and color with the principal structure. Chain-link type fencing is permitted if it has been pre-finished in an approved color. Black, brown or green are recommended for this type of fencing, however, alternative colors may

be approved if they are found to be compatible with adjoining structures. **Corrugated fencing material is prohibited.**

k. Outdoor storage and refuse collection. All outdoor storage and/or refuse collection areas and containers shall be fully screened from streets and adjacent properties and shall not be permitted in any front yards. Landscaping of these areas is required.

l. Sidewalks and bikeways shall be provided along all collector and arterial streets in accordance with the Business Park Master Plan.

m. Utility lines shall be located underground.

n. Lighting systems for all exterior areas shall be required to use high pressure sodium bulbs and fixtures. Lighting standards shall not exceed thirty (30) feet in height. Lighting fixtures shall direct light toward the ground and prevent glaring of light onto adjoining properties and streets.

o. Building foundations shall not be exposed by more than (12) inches.

4. Landscaping.

A landscaping plan must be submitted and approved by the Planning Commission prior to approval of the final site plan. Landscaping plans shall be to the following standards:

a. All yards and open spaces surrounding buildings, parking lots, access drives and streets shall be landscaped with trees and shrubs and shall be maintained by the property owner.

b. Trees in front yards shall be planted at a ratio of at least one (1) two and one-half (2 ½) caliper (measured at least 6" above ground line) shade tree for every forty (40) feet of street frontage. Clustering of trees and shrubs is encouraged, as opposed to even spacing of trees.

c. Parking lots shall be landscaped with at least one (1) two and one-half (2 ½) caliper shade tree for every fifteen (15) parking spaces. These shall be planted in a landscaped planting area with dimensions of at least ten (10) feet by ten (10) feet. The spacing of these trees shall be determined during the site plan review process and shall be arranged to maximize the amount of shaded areas within parking lots.

d. Building foundations shall be landscaped at a ratio of at least one (1) shrub or tree for every ten (10) feet of exterior wall. Clustering of these plantings is also encouraged.

- e. Each site shall be required to install a permanent irrigation system for all required landscaping installations.
5. Ingress and egress standards.
 - a. Driveway openings along local streets shall be limited to one (1) per one hundred (100) feet of street frontage.
 - b. Driveways shall be located a least one hundred fifty (150) feet from intersections of collector or arterial streets and at least one hundred (100) feet from the intersection of two (2) local or minor streets.
 - c. The angle of driveway intersection with the street and the slope of such intersections shall be based on criteria established by the City Engineer.
 - d. Common access drives for adjacent businesses and lots is encouraged.

SECTION 6.04.1218 ENVIRONMENTAL STANDARDS

All developments shall:

1. Not emit any smoke, dust, glare, noise, gases or other matter in such quantities as to be readily detectable at any point beyond the perimeter of the site.
2. Not include the storage or maintenance of water or materials which attract or aid in the propagation of insects or rodents or create a health hazard.
3. Provide or contract for the suppression, containment and cleanup of hazardous materials acceptable to the local fire department.

SECTION 6.04.1220 OFF-STREET PARKING AND LOADING REGULATIONS

Off-street loading and parking shall be in accordance with Sections 6.04.32 and 6.04.34 of the City of Fillmore Zoning Ordinance.

6.04.1224 APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Ordinance, including the procedures outlined in the following Sections:

1. Section 6.04.0225 (3) Similar Uses Permitted
2. Section 6.04.32 Off-Street Loading Standards
3. Section 6.04.34 Off-Street Parking Standards
4. Section 6.04.38 Sign Standards