



# Zoning Code Update

## Public Review Draft

December 2023

**WITH TRACK CHANGES**

Indicating text revisions to Study Session review drafts

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# Division I: Introductory Provisions

**Commented [Revision1]:** Throughout the document, changes to text reviewed at Study Sessions are shown in redline/strikeout or noted as new text. Redline/strikeout text is annotated with comments noting the reason for the edit. If no comment is included, the edit was made for clarification.

**Commented [Revision2]:** Except for the Rules of Measurement in Section 18.02.030, the introductory provisions in Division I have not been reviewed in a Study Session. Revisions to the Rules of Measurement reviewed in the Study Session are shown in track changes.

## Chapter 18.01 Purpose and Effect of the Zoning Code

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### 18.01.010 Title

Title 18 of the Dixon Municipal Code shall be known and cited as the “Dixon Zoning Code”, “Zoning Code of the City of Dixon”, “Zoning Code”, or “Code”.

### 18.01.020 Authority

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

### 18.01.030 Purpose

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

- A. Provide standards for the orderly growth and development of the City, and guide and control the use of land to provide a safe, harmonious, attractive, and sustainable community.
- B. Achieve the arrangement of land uses depicted in the Dixon General Plan, consistent with the goals and policies of the General Plan.
- C. Enhance the appearance of the City and promote high-quality design.
- D. Preserve and enhance the quality of life and character of residential neighborhoods.
- E. Promote economic growth and the creation of jobs.
- F. Facilitate the appropriate location of community facilities, institutions, transportation, and parks and recreational areas.

- G. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.
- H. Define duties and powers of administrative bodies and officers responsible for implementation of the Code.

#### **18.01.040 Relationship to the General Plan**

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

#### **18.01.050 Applicability**

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

between the provisions of the Code and any other City ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.

- E. **Private Agreements.** This Code shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Code shall control. City of Dixon shall not be responsible for monitoring or enforcing private agreements.
- F. **Prior Ordinance.** The provisions of this Code supersede all prior ordinances codified in Title 18 of the Dixon Municipal Code and any amendments. No provisions of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.
- G. **Effect on Previously Approved Projects and Projects in Progress.**
  - 1. **Building Permit.** Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, provided at least one inspection has been requested and posted for the primary structure on the site where the permit is issued and provided construction is diligently pursued. No extensions of time except as provided for in the Building Code shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Planning Division.
  - 2. **Previously Approved Land Use Authorization.** This Zoning Code shall not interfere with, repeal, abrogate, or annul any previously granted land use authorization. All allowances, requirements, and conditions of approval of previous land use authorizations shall apply until the applicable review authority specifically repeals the allowance, requirement, or condition.
  - 3. **Land Use Authorization in Process.** An application for a discretionary land use authorization that has been submitted or accepted by the Planning Division as complete for processing prior to the adoption of this Code or any applicable amendment shall be processed according to the requirements of this Zoning Code or the prior Code upon written request from the project applicant.
- H. **Application During Local Emergency.** The City Council may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the Dixon Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

#### **18.01.060 Responsibility for Administration**

The Zoning Code shall be administered by the Dixon City Council, Planning Commission, and Community Development Director as established in Chapter 18.20, Planning Authorities.

#### **18.01.070 Severability**

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

#### **18.01.080 Fees**

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

## Chapter 18.02 Interpretation of the Zoning Code

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### 18.02.010 Purpose

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

### 18.02.020 Rules of Interpretation

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

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

7. The singular number includes the plural, and the plural, the singular.
  8. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Dixon, unless otherwise indicated.
  9. All references to public officials are to those of the City of Dixon, and include designated deputies of such officials, unless otherwise indicated.
- B. **Calendar Days.** All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period (5:00PM).
- C. **Definitions.** The Director shall make the interpretation for any definition not expressly identified in this Code.

#### 18.02.030 Rules of Measurement

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

- A. **Fractions.** Whenever this Code requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:
1. **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
  2. **Exception for State Affordable Housing Density Bonus.** The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute and Chapter 18.12, Affordable Housing Density Bonus, any fractional number of units shall be rounded up to the next whole number.
- B. **Measuring Distances.**
1. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

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

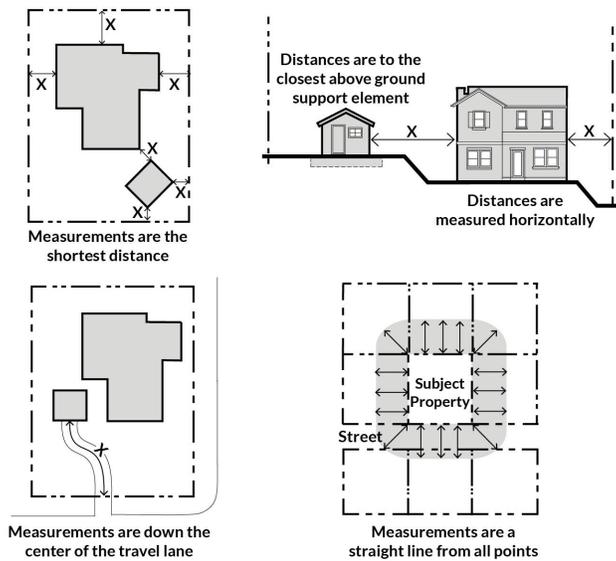


FIGURE 18.02.030.B: MEASURING DISTANCES

- C. **Measuring Height.** The height of a structure shall be measured vertically from the average elevation of the surface of the ground covered by the structure to the highest point of the structure ~~or to the coping of a flat roof, to the deck line of a mansard roof or the mean height between eaves and ridges for a hip, gable or gambrel roof, except as provided below.~~

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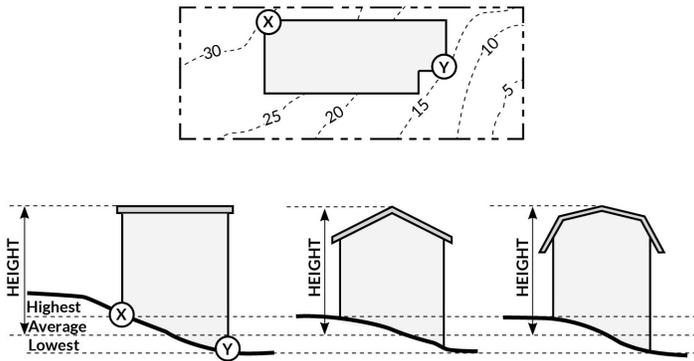


FIGURE 18.02.030.C: MEASURING BUILDING HEIGHT

- 1. **Measuring Height of Fences or Walls.** The height of a fence or wall is measured as the vertical distance from the lowest ground level immediately adjacent to the fence or wall to the highest point of such fence or wall, except as provided below.
  - a. All fences and walls located within three feet of each other, including fences and walls on adjoining lots, shall be considered a single fence or wall.

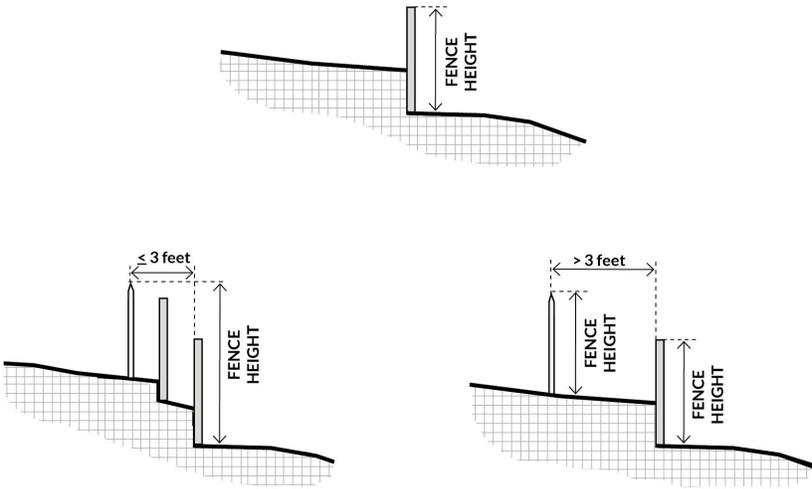


FIGURE 18.02.030.C.1: MEASURING HEIGHT OF FENCES OR WALLS

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

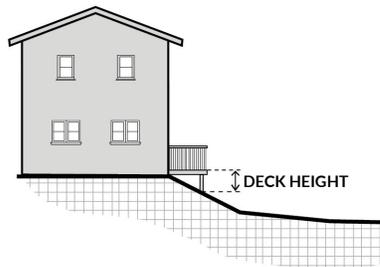


FIGURE 18.02.030.C.2: MEASURING HEIGHT OF DECKS

D. **Measuring Lot Width and Depth.**

1. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

- 2. **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

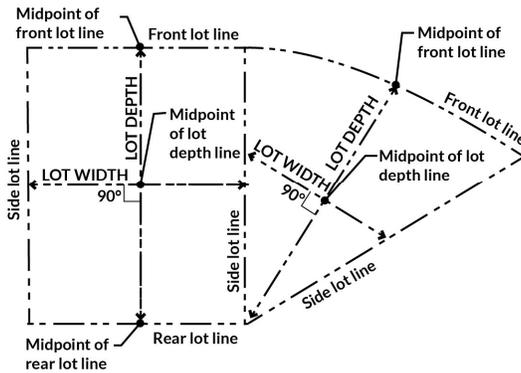


FIGURE 18.02.030.D: MEASURING LOT WIDTH AND DEPTH

- E. **Determining Floor Area.** The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls.
  - 1. **Included in Floor Area.** Floor area includes, but is not limited to, all habitable space (as defined in the Building Code) that is below the roof and within the outer surface of the main walls of primary or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.
  - 2. **Excluded from Floor Area.** Floor area does not include the following:
    - a. Mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's total floor area;
    - b. Bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater;
    - c. Areas that qualify as usable open space;

- d. Covered porticoes, paseos, corridors, and courtyards designed for use by and accessible to the general public; and
- e. In non-residential and mixed-use buildings, areas used for off-street parking spaces or loading spaces, driveways, and maneuvering aisles.

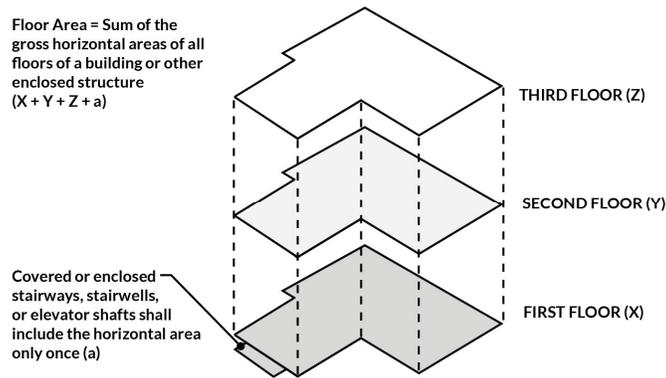


FIGURE 18.02.030.E: DETERMINING FLOOR AREA

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

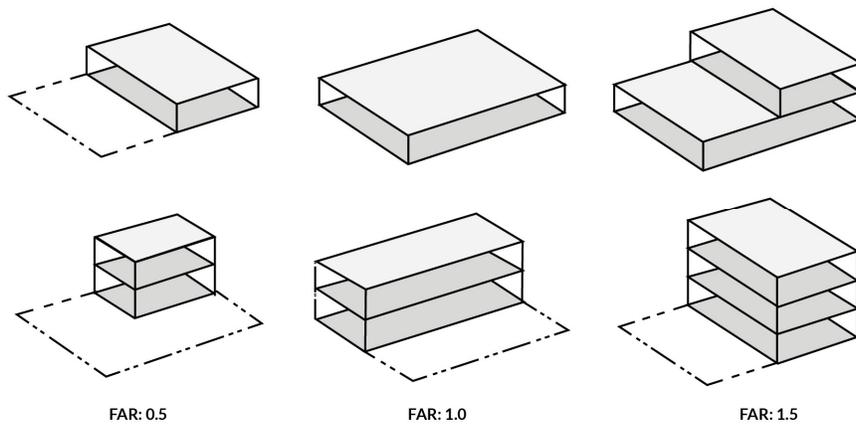


FIGURE 18.02.030.F: DETERMINING FLOOR AREA RATIO

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

1. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than four feet in height;
2. Eaves and roof overhangs projecting up to two feet from a wall;
3. Trellises and similar structures that have roofs that are at least 50 percent open to the sky through with uniformly distributed openings;
4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and
5. One ~~small~~, non-habitable accessory structure under 120 square feet. Structures above quantity of one, more than 120 square feet in size, and/or habitable shall be included in lot coverage.

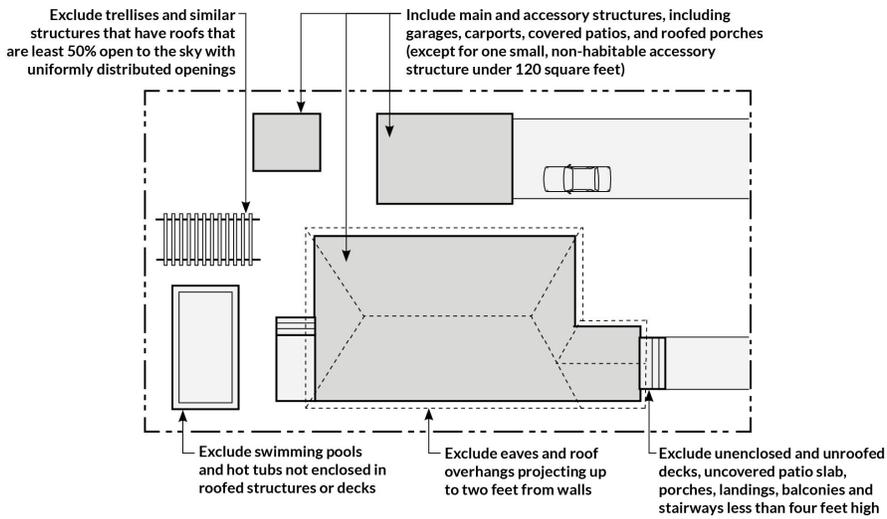


FIGURE 18.02.030.G: DETERMINING LOT COVERAGE

H. **Determining Lot Frontage.**

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

I. **Determining Setbacks.** Setbacks are measured parallel to and at the specified distance from the corresponding front, side, or rear property line or other identified reference.

1. **Official Plan Lines.** Where official plan lines exist, setbacks shall be measured from such official plan line. If a proposed new sidewalk or right-of-way differs from that existing, then the required yard shall be measured from the property line.

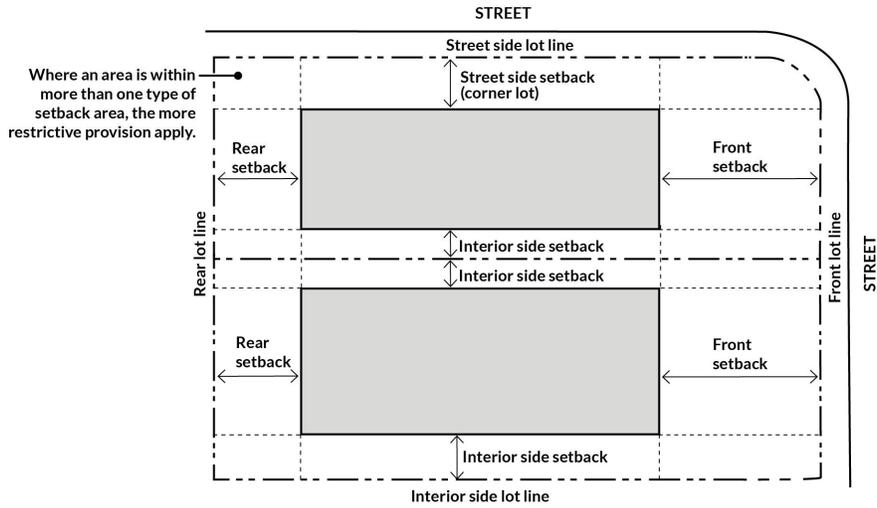


FIGURE 18.02.030.I: DETERMINING SETBACKS

J. **Determining Yards.** Yards shall be determined by extending perpendicular lines from each point of the nearest property line to the nearest wall of the first main building on the lot. Where there is no wall of a main building on the lot which intercepts said perpendicular lines, said yard will terminate at a point determined by extending a line parallel to the property line from the corner of the front elevation of the main building to the nearest property line. The front elevation of a building is any elevation that faces the property line.

2-1. **Rounded Corners.** If the corner of the front elevation is rounded (i.e., a tower), the corner of the elevation shall be established by drawing the smallest square or rectangle that will enclose the round element and extend the line from the corner of the superimposed square or rectangle that is closest to the property line.

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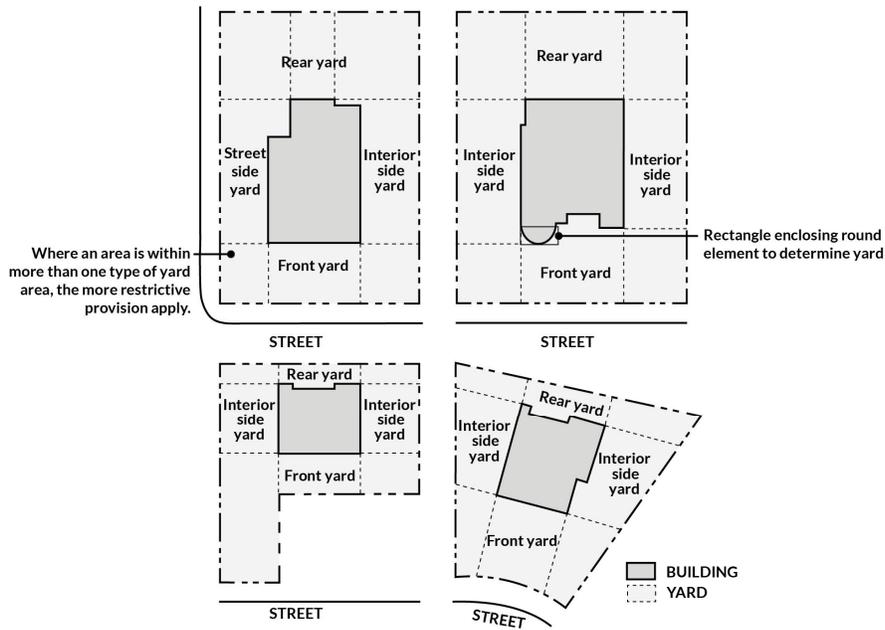


FIGURE 18.02.030.J: DETERMINING YARDS

**18.02.030.K Measuring Signs.** The calculations of measurements related to signs are described in Chapter 18.18, Signs.

## Chapter 18.03 Zoning Districts and Zoning Map

### 18.03.010 Establishment of Zoning Districts

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

- A. **Base Zoning Districts.** The City is divided into base zoning districts which are established as shown in Table 18.03.010, Base and Overlay Zoning Districts.
- B. **Overlay Districts.** Overlay districts, one or more of which may be combined with a base zoning district, are established as shown in Table 18.03.010, Base and Overlay Districts.

TABLE 18.03.010: BASE AND OVERLAY DISTRICTS	
Zone Symbol	District Name
<b>Base Zoning Districts</b>	
Residential Districts	
RL	Residential Low Density
RM	Residential Medium Density
Commercial and Mixed Use Districts	
DMX	Downtown Mixed Use
CMX	Corridor Mixed Use
CAMX	Campus Mixed Use
CN	Neighborhood Commercial
CR	Regional Commercial
CS	Service Commercial
Industrial Districts	
IL	Light Industrial
IG	General Industrial
Public and Semi-Public Districts	
PF	Public Facilities
PR	Parks and Recreation
<b>Overlay Districts</b>	
-GW	Groundwater Well Overlay District
-PD	Planned Development Overlay District
-SP	Specific Plan Overlay District

### 18.03.020 Official Zoning Map and District Boundaries

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

- A. **Uncertainty of Boundaries.** If an uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
  - 1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams, or railroads shall be construed to follow such centerlines.
  - 2. Boundaries indicated as approximately following lot lines, city or county limits, or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries.
- B. **Parcels Containing Two or More Zoning Districts.**
  - 1. For parcels containing two or more zoning districts, the location of the zoning district boundary shall be determined by the Director.
  - 2. For parcels containing two or more zoning districts, the applicable regulations for each district shall apply.

# Division II: District Regulations

## Chapter 18.04 Residential Districts

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### 18.04.010 Purpose

The purpose of Residential Districts is to:

- A. Provide for a full range of housing types to meet the diverse economic and social needs of residents;
- B. Preserve, protect, and enhance the character of the City's neighborhoods;
- C. Enhance the quality of life of residents;
- D. Ensure that the scale and design of new development and alterations to existing development are compatible with surrounding uses and appropriate to the physical and aesthetic characteristics of the proposed location; and
- E. Provide sites for public and semi-public uses such as parks, schools, and other community uses that serve residents and complement surrounding residential development.

Additional purposes of each Residential District:

**Residential Low Density (RL).** The RL District is intended to provide for residential development and other compatible uses in a low density residential neighborhood setting at densities up to nine dwelling units per acre. Housing types in this District are primarily single-unit detached units, but other types are allowed subject to density limitations. The RL District implements the Low Density Residential General Plan Land Use Designation.

**Residential Medium Density (RM).** The RM District is intended to provide for a variety of housing types at densities from 10 to 22 dwelling units per acre. Housing types in this District include single-unit detached units, townhomes, garden homes, zero lot line homes, apartments and condominiums. Other compatible uses appropriate in a medium density residential environment are allowed. The RM District implements the Medium Residential Density General Plan Land Use Designation.

### 18.04.020 Land Use Regulations

Table 18.04.020: Land Use Regulations – Residential Districts, sets the land use regulations for the Residential Districts. Land uses are defined in Chapter 18.34, Use Classifications. Land uses not listed in the table and not substantially similar to the uses listed are prohibited. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. The decision of the Director in such instances may be appealed under Section 18.21.120, Appeals. The Director may refer any request for determination of use classification that is unclear, may generate substantial public controversy, or involve significant land use policy decisions to the Planning Commission for decision.

<b>TABLE 18.04.020: LAND USE REGULATIONS - RESIDENTIAL DISTRICTS</b>			
<i>"P" = Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "-" = use not allowed</i>			
<i>Land Use Classification</i>	<i>RL</i>	<i>RM</i>	<i>Additional Regulations</i>
<b>Residential Uses</b>			
Residential Dwelling Units	See subclassifications below		
<i>Single-Unit Dwelling, Detached</i>	P	P	Subject to density limitations of the applicable Zoning District
<i>Single-Unit Dwelling, Attached</i>	P	P	
<i>Multi-Unit Dwelling</i>	P	P	
Accessory Dwelling Unit	See Section 18.19.040, Accessory Dwelling Units		
Employee Housing	See Section 18.19.090, Employee Housing (for farmworkers)		
Family Day Care	Small and large family day cares are permitted in all districts where residential uses are allowed and are considered residential uses of a property.		
Group Residential	-	C	
Mobile Home Park	P	P	
Residential Care Facilities	See subclassifications below		
<i>Small</i>	Small residential care facilities constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.		
<i>Large</i>	-	A	
Residential Facility, Assisted Living	C	P	
Supportive Housing	See §18.19.140, Supportive and Transitional Housing		
Transitional Housing	See §18.19.140, Supportive and Transitional Housing		
<b>Public/Semi-Public Uses</b>			
Community Assembly	C	C	
Community Garden	P	P	See §18.19.070, Community and Market Gardens

<b>TABLE 18.04.020: LAND USE REGULATIONS - RESIDENTIAL DISTRICTS</b>			
<i>“P” =Permitted Use; “A” = Administrative Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed</i>			
<i>Land Use Classification</i>	<i>RL</i>	<i>RM</i>	<i>Additional Regulations</i>
Cultural Institutions	C	C	
Day Care Centers	-	C	
Hospitals and Clinics	See subclassifications below		
<i>Skilled Nursing Facility</i>	-	C	
Low Barrier Navigation Center	P	P	Must be consistent with Government Code Section 65660 et seq
Park and Recreation Facilities	P	P	
Public Safety Facilities	P	P	
Schools, Private	C	C	
<b>Commercial Uses</b>			
Commercial Entertainment and Recreation	See subclassifications below		
<i>Outdoor Recreation</i>	C(1)	-	
Market Garden, less than 1 acre in size	A	A	See §18.19.070, Community and Market Gardens
Market Garden, 1 acre or more in size	C	C	See §18.19.070, Community and Market Gardens
<b>Transportation, Communication, and Utility Uses</b>			
Telecommunication Facilities	See Section 18.19.150, Telecommunication Facilities		
<b>Other Uses</b>			
Accessory Uses, Activities, and Structures	See Section 18.19.030, Accessory Uses and Activities and Section 18.11.020, Accessory Structures		
<i>Animal Keeping</i>	The keeping of animals, including bees, dogs, cats, poultry, rabbits, and other animals are subject to the provisions of DMC Title 7, Animals		
<i>Home Occupations</i>	See Section 18.19.120, Home Occupations		
Nonconforming Uses	See Chapter 18.15, Nonconforming Uses, Structures, and Lots		
Temporary Uses	See Section 18.19.160, Temporary Uses		
<b>Specific Limitations:</b>			
1. Limited to equestrian facilities and golf courses.			

### 18.04.030 Development Standards

Table 18.04.030: Development Standards – Residential Districts, prescribes the development regulations for the Residential Districts. Section numbers in the Additional Regulations column refer to other sections of this Code.

**TABLE 18.04.030: DEVELOPMENT STANDARDS - RESIDENTIAL DISTRICTS**

Standard	RL	RM	Additional Regulations
Site Area per Dwelling Unit (sq ft)			
<i>Minimum</i>	4,890	1,980	In the RL District, two dwelling units are allowed per lot pursuant to §18.04.040.B, SB9 Two Unit Development, RL District, regardless of site area
<i>Maximum</i>	n/a	4,356	
Minimum Street Frontage	50	40	
Minimum Lot Size (sq ft)	7,000	8,000	In the RL District, smaller lots are allowed pursuant to §18.04.040.B, SB9 Urban Lot Splits, RL District
Minimum Lot Width (ft)	65	60	
Minimum Lot Depth (ft)	100; 130 if adjoining a railroad, freeway, or principal arterial	100; 130 if adjoining a railroad, freeway, or principal arterial	
Maximum Height (ft)	30	38	See §18.02.030.C, Measuring Height, and §18.11.070, Height Limitation Exceptions
Minimum Setbacks (ft)			
<i>Front</i>	20, except as provided below for garages	20	See §18.02.030.I, Determining Setbacks and §18.11.050, Encroachments into Required Setbacks
<i>Garages with entries parallel to the front property line</i>	22		
<i>Garages with entries perpendicular to the front property line with curved driveways</i>	15		
<i>Side</i>	12 on one side; 5 on the other side, except as provided below for narrow lots and corner lots. For new units, the 12 foot setback shall be located on the side nearest the driveway	10, except as provided below for narrow lots and corner lots	
<i>Lots less than 50 feet wide</i>	5	5	
<i>Corner lots</i>	Street side: 15 Interior side: 5	Street side: 15 Interior side: 10	

TABLE 18.04.030: DEVELOPMENT STANDARDS - RESIDENTIAL DISTRICTS			
Standard	RL	RM	Additional Regulations
Rear	Lots less than 75 feet deep: 15 Lots 75 to 125 feet deep: 20% of lot depth Lots 125 or more feet deep: 25	Lots less than 75 feet deep: 15 Lots 75 to 125 feet deep: 20% of lot depth Lots 125 or more feet deep: 25	
Maximum Lot Coverage (% of lot)	45	60	See §18.02.030.G, Determining Lot Coverage
<u>Minimum Open Space (sf per residential unit)</u>	<u>200</u>	<u>200</u>	<u>See §18.11.040.H, Open Space</u>

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**18.04.040 Supplemental Regulations**

A. RL District Limitation on Curb Cuts. In the RL District, no more than 40 percent of a property's frontage shall be used for curb cuts for driveways.

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A-B. SB9 Two Unit Development, RL District. In the RL District, two dwelling units are allowed per lot if the following standards are met:

1. The proposed development shall not be located in any of the following areas:
  - a. Prime farmland or farmland of statewide importance
  - b. Wetlands
  - c. High or very high fire hazard severity zone
  - d. Hazardous waste site
  - e. Within a delineated earthquake fault zone
  - f. Within a special flood hazard area / subject to a Letter of Map Revision
  - g. Within regulatory floodway
  - h. Lands identified for conservation in an adopted natural community conservation plan
  - i. Habitat for protected species
  - j. Lands under conservation easement

- k. Within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
2. The proposed development shall not require demolition or alteration of any of the following types of housing:
    - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
    - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
    - c. Housing that has been occupied by a tenant in the last three years.
  3. The proposed development shall not be located on a lot on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
  4. The proposed development shall not involve the demolition of more than 25 percent of the existing exterior structural walls.
  5. Each unit constructed pursuant to this subsection shall comply with all provisions of the base, overlay, or specific plan district, except as modified by this Section.
    - a. *Maximum Height.* Units constructed pursuant to this subsection shall not exceed 16 feet in height.
    - b. *Interior Side and Rear Setbacks.* A minimum four-foot interior side and rear setback is required; however no setback is required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
    - c. *Parking.* A minimum of one space per unit shall be provided unless:
      - i. The lot is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
      - ii. There is a car share vehicle located within one block of the lot.

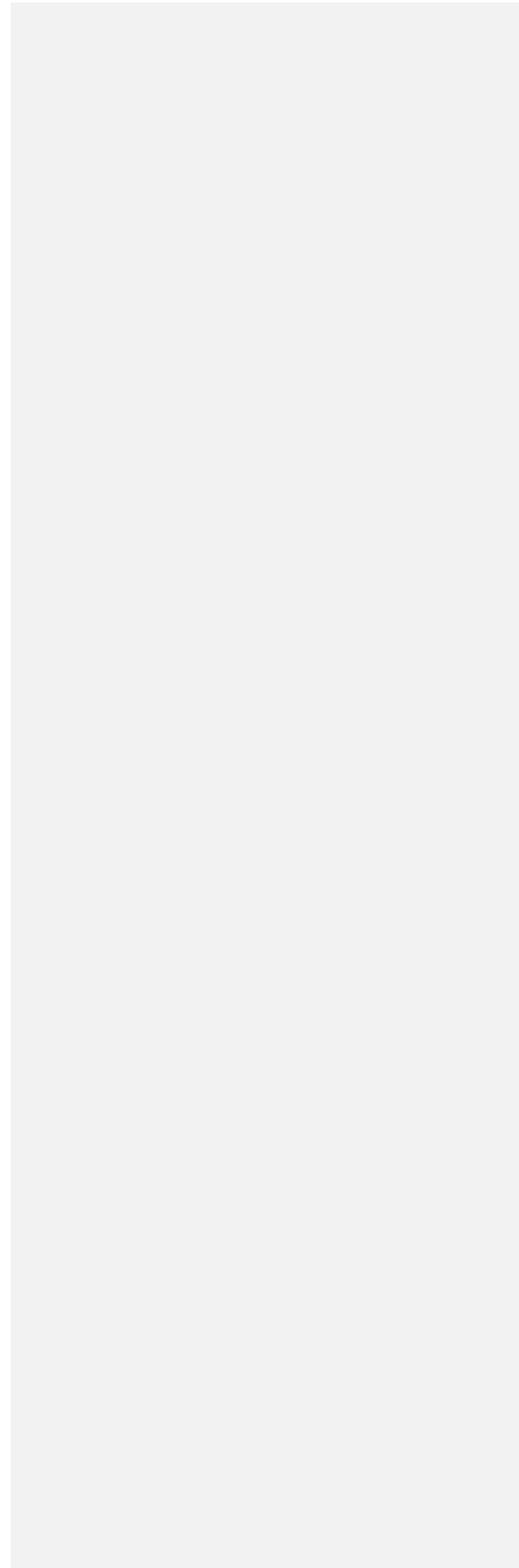
d. *Rental Limitations.* Rental terms shall be a minimum of 30 consecutive days.

~~B.C.~~ **SB9 Urban Lot Splits, RL District.** In the RL District, urban lot splits consistent with California Government Code Section 66411.7 and Title 17, Subdivision Regulations, of the Dixon Municipal Code are allowed consistent with the following:

1. No more than two ~~lots~~ new lots shall be created.
2. Each new lot shall be at least 1,200 square feet in size and at least 40 percent of the area of the original lot.
3. The urban lot split shall not involve a lot that has been established through prior exercise of an urban lot split.
4. Neither the owner of the lot being subdivided nor any person acting in concert with the owner may have previously subdivided an adjacent parcel using an urban lot split.
5. The urban lot split shall not be located in any of the following areas:
  - a. Prime farmland or farmland of statewide importance
  - b. Wetlands
  - c. High or very high fire hazard severity zone
  - d. Hazardous waste site
  - e. Within a delineated earthquake fault zone
  - f. Within a special flood hazard area / subject to a Letter of Map Revision
  - g. Within regulatory floodway
  - h. Lands identified for conservation in an adopted natural community conservation plan
  - i. Habitat for protected species
  - j. Lands under conservation easement
  - k. Within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
6. The urban lot split shall not require demolition or alteration of any of the following types of housing:

- a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
  - c. A lot on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 [of the California Government Code](#) to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
  - d. Housing that has been occupied by a tenant in the last three years.
7. **Applicant Occupancy Required.** The applicant for an urban lot split shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approved urban lot split.
- a. *Exception.* This requirement does not apply to an applicant that is a community land trust or qualified nonprofit corporation.
8. **Maximum Number of Units.** A maximum of two residential units are allowed per lot, inclusive of accessory dwelling units and junior accessory dwelling units.
9. **Development Standards.** Development on lots created by urban lots splits shall comply with all provisions of the base, overlay, or specific plan district in which it is located, except as modified by this Section.
- a. *Interior Side and Rear Setbacks.* A minimum four-foot interior side and rear setback is required; however no setback is required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
  - b. *Parking.* A minimum of one space per unit shall be required unless:
    - i. The lot is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
    - ii. There is a car share vehicle located within one block of the lot.
  - c. *Rental Limitations.* Rental terms shall be a minimum of 30 consecutive days.

10. **Review Procedures.** A parcel map for an urban lot split consistent with California Government Code Section 66411.7 and Title 17, Subdivision Regulations, of the Dixon Municipal Code shall be ministerially approved.



## Chapter 18.05 Commercial and Mixed Use Districts

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### 18.05.010 Purpose

The purpose of the Commercial and Mixed Use Zoning Districts is to:

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

Additional purposes of each Commercial and Mixed Use District:

**Downtown Mixed Use (DMX).** The DMX District is intended to promote Downtown Dixon as an attractive destination for residents and visitors to the community. A range of retail, employment, residential, entertainment, cultural, civic, and personal service uses are allowed in single- or mixed-use development configurations. However, active uses are required on the ground floor along primary corridors. Residential densities up to 30 units per acre are allowed. The DMX District implements the Downtown Mixed Use General Plan Land Use Designation.

**Corridor Mixed Use (CMX).** The CMX District is intended to provide areas for a mix of retail and commercial uses, supported by housing, along the City's major corridors. Mixed use can be vertical and/ or horizontal, and the allowable range of uses includes large format retail, shopping centers, offices, hotels and housing. Residential densities from 12 to 28 dwelling units per acre are allowed. On larger sites, more than one use is required. On smaller sites, a single use may be permitted. The CMX District implements the Corridor Mixed Use General Plan Land Use Designation.

**Campus Mixed Use (CAMX).** The CAMX District is intended to foster new mixed-use employment districts with a range of employment generating development as the primary use, with easy access to the regional transportation network. Residential development shall be permitted as a secondary use. The CAMX District would promote clusters of light industrial, manufacturing, office, research and development, retail, hotel,

and services as primary uses on parcels near or adjacent to I-80 and SR-113 at gateways to the City. Industrial and commercial developments without housing are permitted. Mixed use development can be integrated vertically or horizontally within a development plan. Housing shall consist of apartments, townhomes, or condominiums, be integrated with nearby non-residential uses, and encompass no more than 40 percent of the project site or 40 percent of the total project FAR. The minimum required residential density shall be 15 dwelling units per acre and the maximum residential density is 30 dwelling units per acre. The CAMX District implements the Campus Mixed Use General Plan Land Use Designation.

**Neighborhood Commercial (CN).** The CN District is intended to provide for shopping centers with off-street parking or a cluster of street-front stores that serve the immediate neighborhood. The CN District implements the Neighborhood Commercial General Plan Land Use Designation.

**Regional Commercial (CR).** The CR District is intended to provide for a full range of commercial land uses that cater to traffic passing through Dixon on I-80 as well as to local residents. The CR District implements the Regional Commercial General Plan Land Use Designation.

**Service Commercial (CS).** The CS District is intended to provide for retail and service uses not typically located in shopping centers, including auto repair, storage facilities, equipment rental, wholesale businesses, nurseries, and contractors’ facilities. The CS District implements the Service Commercial General Plan Land Use Designation.

**18.05.020 Land Use Regulations**

Table 18.05.020: Land Use Regulations – Commercial and Mixed-Use Districts, sets the land use regulations for the Commercial and Mixed-Use Zoning Districts ~~except for the CAMX District, the land use regulations for which shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development. In the CMX District, a minimum of one Residential Use and a minimum of one Commercial Use is required~~ addition to the permit requirements established in Table TBD: Land Use Regulations – Commercial and Mixed-Use Districts, a Conditional Use Permit is required to allow a solely residential or a solely nonresidential development on any development site 2.5 acres or more in size (See Section 18.05.020. A, CMX Zoning District, Additional Use Regulations).

Land uses are defined in Chapter 18.34, Use Classifications. Land uses not listed in the table and not substantially similar to the uses listed are prohibited. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. The decision of the Director in such instances may be appealed under Section 18.21.120, Appeals. The Director may refer any request for determination of use classification that is unclear, may generate substantial public controversy, or involve significant land use policy decisions to the Planning Commission for decision.

**Commented [Revision7]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

**Commented [Revision8]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

**Commented [Revision9]:** Option to waive the mixed-use requirement with a CUP removed per Study Session discussion and City Atty input.

**TABLE 18.05.020: LAND USE REGULATIONS - COMMERCIAL AND MIXED-USE DISTRICTS**

“P” = Permitted Use; “A” = Administrative Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed  
 \*In the CMX District, a Conditional Use Permit is required to allow a solely residential or a solely nonresidential development minimum of one Residential Use and a minimum of one Commercial Use is required on any development site 2.5 acres or more in size (See Section 18.05.020.A, CMX Zoning District, Additional Use Regulations).  
In the CAMX District, the land use regulations shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development.

Land Use Classification	DMX	CMX*	CN	CR	CS	Additional Regulations
<b>Residential Uses</b>						
Residential Dwelling Units	See subclassifications below					
Single-Unit Dwelling, Detached	P(1)	<del>C(5)*</del>	-	-	-	
Single-Unit Dwelling, Attached	P(2)	P*	-	-	-	
Multi-Unit Dwelling	P(2)	P*	-	-	-	
Accessory Dwelling Unit	See Section 18.19.040, Accessory Dwelling Units					
Employee Housing	See Section 18.19.090, Employee Housing (for farmworkers)					
Family Day Care	Small and large family day cares are permitted in all districts where residential uses are allowed and are considered residential uses of a property.					
Group Residential	P(2)	P*	-	-	-	
Residential Care Facilities, Small	Small residential care facilities constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.					
Residential Facility, Assisted Living	-	P*	-	-	-	
Single Room Occupancy	P(2)	P*	-	-	-	
Supportive Housing	See Section 18.19.140, Supportive and Transitional Housing					
Transitional Housing	See Section 18.19.140, Supportive and Transitional Housing					
<b>Public/Semi-Public Uses</b>						
Colleges and Trade Schools	-	P*	P	-	P	
Community Assembly, 5,000 square feet or less of floor area	<del>C(2)</del>	P*	P	-	A	
Community Assembly, more than 5,000 square feet of floor area	-	P(3)*	P(3)	-	A(3)	
Cultural Institutions	P	P*	P	-	C	

**Commented [Revision10]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

**Commented [Revision11]:** Removed per Study Session discussion, GP consistency, and City Atty input.

**Commented [Revision12]:** Edit to support active ground floor uses along primary corridors

**TABLE 18.05.020: LAND USE REGULATIONS - COMMERCIAL AND MIXED-USE DISTRICTS**

“P” =Permitted Use; “A” = Administrative Use Permit required; “C” = Conditional Use Permit required; “-“ = use not allowed  
 \*In the CMX District, a Conditional Use Permit is required to allow a solely residential or a solely nonresidential development minimum of one Residential Use and a minimum of one Commercial Use is required on any development site 2.5 acres or more in size (See Section 18.05.020.A, CMX Zoning District, Additional Use Regulations).  
In the CAMX District, the land use regulations shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development.

Land Use Classification	DMX	CMX*	CN	CR	CS	Additional Regulations
Day Care Centers	A	P*	P	P	C	
Government Offices	P	P*	P	P	P	
Hospitals and Clinics	See subclassifications below					
Clinic	P	P*	P	P	-	
Hospital	-	C*	C	C	-	
Skilled Nursing Facility	-	C*	-	-	-	
Instructional Services	P	P*	P	P	A	
Low Barrier Navigation Center	P	P*	-	-	-	Must be consistent with Government Code Section 65660 et seq
Parking Lots and Structures	P	P*	-	-	-	
Park and Recreation Facilities	P	P*	P	A	A	
Public Safety Facilities	P	P*	P	P	P	
Recreational Vehicle Parks and Campgrounds.	-	-	-	C	-	
Schools, Private	-	A*	A	A	A	
Social Service Facilities	A	A*	A	A	A	
<b>Commercial Uses</b>						
Animal Services	See subclassifications below					
Animal Shelter and Boarding	-	-	-	-	P	
Pet Day Care	A	P*	P	P	P	
Veterinary Services	A	P*	P	P	P	
Automobile/Vehicle Sales and Services	See subclassifications below					
Automobile/Vehicle Rental	-	PC*	P	P	P	

**Commented [Revision10]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

**Commented [Revision13]:** Edit to support active uses in CMX

**Commented [Revision14]:** Study Session discussion topic : auto uses in CMX

<b>TABLE 18.05.020: LAND USE REGULATIONS - COMMERCIAL AND MIXED-USE DISTRICTS</b>						
<p>"P" = Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "-" = use not allowed</p> <p>*In the CMX District, a Conditional Use Permit is required to allow a solely residential or a solely nonresidential development minimum of one Residential Use and a minimum of one Commercial Use is required on any development site 2.5 acres or more in size (See Section 18.05.020.A, CMX Zoning District, Additional Use Regulations).</p> <p>In the CAMX District, the land use regulations shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development.</p>						
Land Use Classification	DMX	CMX*	CN	CR	CS	Additional Regulations
Automobile/Vehicle Sales and Leasing	-	PC*	-	P	P	
Automobile/Vehicle Service and Repair, Minor	-	PA*	C	P	P	
Automobile/Vehicle Repair, Major	-	-	-	P	P	
Large Vehicle and Equipment Sales, Service, and Rental	P	-	-	P	P	
Service Stations	-	CA*	C	P	P	See §18.19.060, Alcoholic Beverage Sales (Off-Sale)
Towing and Impound	-	-	-	-	A	
Washing	-	A*	-	P	P	
Banks and Financial Institutions	P	P*	P	P	P	
Business Services	P	P*	P	P	P	
Cannabis Business	-	C(4)*	-	C(4)	C(4)	See DMC Chapter 6.12 Cannabis Business Pilot Program
Commercial Entertainment and Recreation	See subclassifications below					
Cinema/Theater	P	P*	P	P	A	
Indoor Entertainment and Recreation	P	P*	P	P	A	
Outdoor Entertainment	-	C*	-	C	C	
Outdoor Recreation	-	P*	-	C	P	
Convention Facility	-	C*	-	C	-	
Drive-Through Facility	-	A*	A	P	P	

**Commented [Revision10]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

**TABLE 18.05.020: LAND USE REGULATIONS - COMMERCIAL AND MIXED-USE DISTRICTS**

“P” = Permitted Use; “A” = Administrative Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed  
 \*In the CMX District, a Conditional Use Permit is required to allow a solely residential or a solely nonresidential development minimum of one Residential Use and a minimum of one Commercial Use is required on any development site 2.5 acres or more in size (See Section 18.05.020.A, CMX Zoning District, Additional Use Regulations).  
In the CAMX District, the land use regulations shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development.

Land Use Classification	DMX	CMX*	CN	CR	CS	Additional Regulations
Eating and Drinking Establishments	See subclassifications below					
Bars/Nightclubs/Lounges	C	C*	C	C	C	
Restaurant	P	P*	P	P	P	
Farmer's Markets	P	P*	P	-	-	See §18.19.100, Farmer's Markets
Food Preparation	P	P*	P	P	P	
Funeral Parlors and Interment Services	-	P*	P	-	P	
Hotels	P	P*	P	P	P	
Offices	P	P*	P	P	P	
<del>Parcel-Delivery Terminal</del>	<del>A</del>	<del>P*</del>	<del>P</del>	<del>-</del>	<del>-</del>	
Personal Services	See subclassifications below					
General Personal Services	P	P*	P	P	P	
Massage Establishments	C	-	C	C	-	See DMC Chapter 6.11, Massage Establishments
Tattoo or Body Modification Studio	C	-	-	C	-	
Repair and Maintenance Services	P	P*	P	P	P	
Retail Sales	See subclassifications below					
Building Materials Stores	-	P*	-	P	P	
Food and Beverage Sales	P	P*	P	P	P	
Liquor Stores	C	C*	C	A	C	See §18.19.060, Alcoholic Beverage Sales (Off-Sale)
General Retail	P	P*	P	P	P	

**Commented [Revision10]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

**Commented [Revision15]:** Delete duplicative use

**TABLE 18.05.020: LAND USE REGULATIONS - COMMERCIAL AND MIXED-USE DISTRICTS**

"P" = Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "-" = use not allowed

\*In the CMX District, a Conditional Use Permit is required to allow a solely residential or a solely nonresidential development minimum of one Residential Use and a minimum of one Commercial Use is required on any development site 2.5 acres or more in size (See Section 18.05.020.A, CMX Zoning District, Additional Use Regulations).

In the CAMX District, the land use regulations shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development.

Land Use Classification	DMX	CMX*	CN	CR	CS	Additional Regulations
Nurseries	-	P*	P	-	P	
Tobacco Retailers	C	C*	C	A	C	
Smoking Lounge	C	C*	C	C	C	
<b>Industrial Uses</b>						
Construction and Material Yards	-	-	-	-	P	
Contractor Shops	-	P*	-	-	P	
Custom Manufacturing	P	P*	P	-	P	
Food and Beverage Manufacturing	See subclassifications below					
Small Scale	-	P*	P	-	P	
Large Scale	-	C*	-	-	P	
Light Industrial	-	C*	-	-	P	
Research and Development	-	P*	-	-	P	
Storage, Warehousing and Wholesaling	See subclassifications below					
Indoor, less than 50,000 square feet in size	-	<del>C(6)*</del>	-	-	P	
Personal Storage	-	C*	-	-	P	
Vehicle Storage	-	-	-	-	A	
<b>Transportation, Communication, and Utility Uses</b>						
Broadcasting Studio	P	P*	P	P	A	
Distribution Facilities and Freight/Trucking Terminals and Distribution Facilities, less than 15050,000 square feet in size	-	C(6)*	-	-	C-A	See §18.19.110, Freight/Trucking Terminals and Distribution Facilities

**Commented [Revision10]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

**Commented [Revision16]:** Edits to limit large warehouses in Commercial and Mixed-Use Districts

**Commented [Revision17]:** Study Session discussion topic – duplicative use

**Commented [Revision18]:** Follow-up edits on warehousing and distributions facilities

**TABLE 18.05.020: LAND USE REGULATIONS - COMMERCIAL AND MIXED-USE DISTRICTS**

“P” = Permitted Use; “A” = Administrative Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed  
 \*In the CMX District, a Conditional Use Permit is required to allow a solely residential or a solely nonresidential development minimum of one Residential Use and a minimum of one Commercial Use is required on any development site 2.5 acres or more in size (See Section 18.05.020.A, CMX Zoning District, Additional Use Regulations).  
In the CAMX District, the land use regulations shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development.

Land Use Classification	DMX	CMX*	CN	CR	CS	Additional Regulations
Freight/Trucking Terminals and Distribution Facilities, 150,000 square feet or more in size	-	-	-	-	C	See §18.19.140, Freight/Trucking Terminals and Distribution Facilities
Light Fleet Based Services	-	-	-	P	-	
Public Works and Utilities	-	C*	-	C	P	
Recycling Facility	See subclassifications below					
Reverse Vending Machine	-	P*	P	P	P	
Transit Stations and Terminals	P	-	-	-	P	
Telecommunication Facilities	See Section 18.19.150, Telecommunication Facilities					
<b>Other Uses</b>						
Accessory Uses, Activities, and Structures	See Section 18.19.030, Accessory Uses and Activities and Section 18.11.020, Accessory Structures					
Animal Keeping	The keeping of animals, including bees, dogs, cats, poultry, rabbits, and other animals are subject to the provisions of DMC Title 7, Animals					
Home Occupations	See Section 18.19.120, Home Occupations					
Alcoholic Beverage Sales (Off-Sale)	See Section 18.19.060, Alcoholic Beverage Sales (Off-Sale)					
Nonconforming Uses	See Chapter 18.15, Nonconforming Uses, Structures, and Lots					
Outdoor Dining and Seating	See Section 18.19.130, Outdoor Dining and Seating					
Temporary Uses	See Section 18.19.160, Temporary Uses					

**Notes:**

1. Permitted if existing. New units must be located on an upper story or behind a nonresidential use.
2. Prohibited on the ground floor along the North Jackson Street, East A Street, West A Street, North 1<sup>st</sup> Street, and South 1<sup>st</sup> Street frontages.
3. Allowed only on parcels one acre or more in size and located on a collector or arterial as defined in the General Plan.

**Commented [Revision10]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

**Commented [Revision19]:** Edit for consistency with General Plan policy LCC-4.4

**TABLE 18.05.020: LAND USE REGULATIONS - COMMERCIAL AND MIXED-USE DISTRICTS**

"P" = Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "-" = use not allowed  
 \*In the CMX District, a Conditional Use Permit is required to allow a solely residential or a solely nonresidential development minimum of one Residential Use and a minimum of one Commercial Use is required on any development site 2.5 acres or more in size (See Section 18.05.020.A, CMX Zoning District, Additional Use Regulations).  
 In the CAMX District, the land use regulations shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development.

Land Use Classification	DMX	CMX*	CN	CR	CS	Additional Regulations
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4. Must be located a minimum of 600 feet from a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, as those terms are defined in Chapter 6.12 DMC, and a minimum of 300 feet from any residential use.

~~5. Residential dwelling units shall be attached through common walls to a minimum of one other dwelling unit. This requirement may be waived through Conditional Use Permit approval.~~

~~6. Freight/Trucking Terminals and Distribution Facilities and Storage, Warehousing and Wholesaling shall also be subject to a development agreement establishing a financial mechanism to provide for ongoing revenue generation to the City from those uses and environmental review, which may include additional mitigation measures, to ensure there are no new or substantially more severe impacts than identified in the 2040 General Plan EIR.~~

**Additional Use Regulations**

**A. CMX Zoning District, Additional Use Regulations.**

**1. Development sites less than 2.5 acres in size:**

a. *Allowed Uses.* Allowed uses and permit requirements are as established in Table 18.05.020: Land Use Regulations – Commercial and Mixed-Use Districts.

b. *Required Active Frontage.* Commercial uses or common areas of a residential development shall occupy the ground floor of buildings for a minimum of 40 feet or 25 percent of the development site frontage, whichever is greater a minimum of 40 feet of the ground floor building frontage. The minimum depth of these areas shall be 40 feet and minimum floor to ceiling height shall be 14 feet. This requirement may be waived through Conditional Use Permit approval for small and constrained sites where the Planning Commission finds that the project is designed and used in such a way as to create visual interest and an engaging presence at the street frontage.

**Commented [Revision10]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

**Commented [Revision20]:** Notes no longer applicable

**Commented [Revision21]:** Edits for consistency with other standards and edits

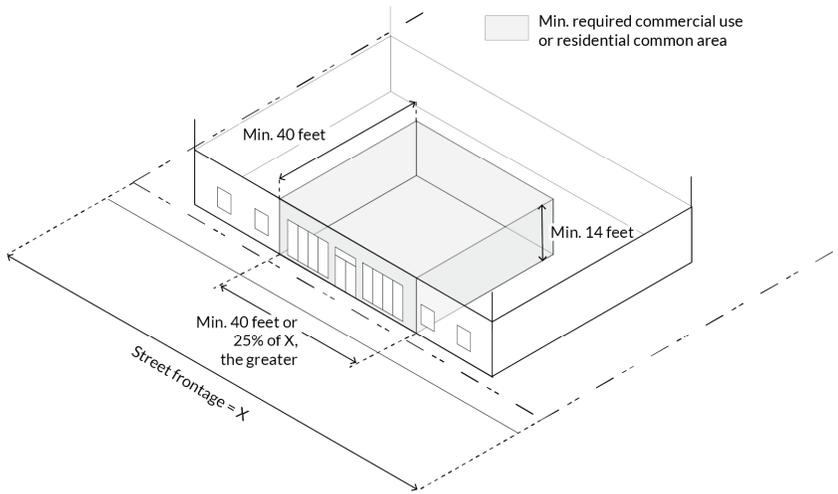


FIGURE 18.05.020.A: REQUIRED ACTIVE FRONTAGE, SITES LESS THAN 2.5 ACRES

2. **Development sites 2.5 acres or more in size:**

a. *Mixed-Use Development Required.* Allowed uses and permit requirements are as established in Table 18.05.020: Land Use Regulations – Commercial and Mixed-Use Districts. A minimum of one Residential Use and a minimum of one Commercial Use is required per site.

- i. A certificate of occupancy shall not be issued for a use or structure on the site until both the residential use and the commercial use are ready to be issued concurrently. This requirement may be waived by the review authority upon finding that mechanisms are in place to ensure both uses will be in place and available for public use in a timely manner. through Conditional Use Permit approval where the Planning Commission makes the following findings:
- ii. The proposed development and existing land uses located within a half-mile of the project site provide an appropriate mix of retail, commercial, and residential uses, consistent with the General Plan; and

Commented [Revision22]: Study Session discussion topic

~~iii. The configuration of the development site and/or the character of the surrounding area is such that mixed-use development on the site is not appropriate.~~

b. **Required Active Frontage.** Commercial uses shall occupy the ground floor of buildings for a minimum of 40 feet or 25 percent of the development site frontage, whichever is greater. The minimum depth of these areas shall be 40 feet and minimum floor to ceiling height shall be 14 feet. ~~This requirement may be waived through Conditional Use Permit approval where the Planning Commission finds that the project is designed and used in such a way as to create visual interest and an engaging presence at the street frontage.~~

**Commented [Revision23]:** Edits for consistency with other edits

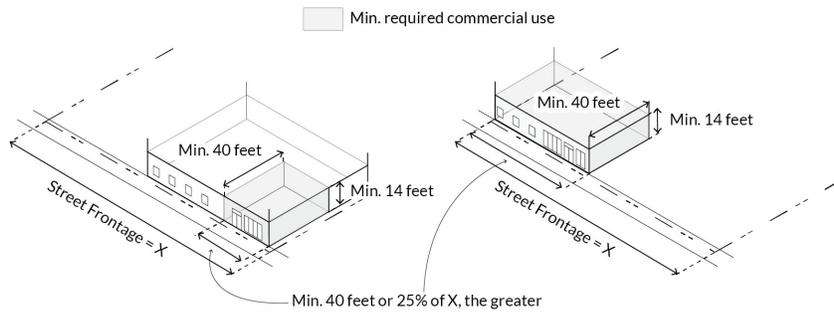


FIGURE 18.05.020.B: REQUIRED ACTIVE FRONTAGE, SITES 2.5 ACRES OR MORE IN SIZE

### 18.05.030 Development Standards

Table 18.05.030: Development Standards – Commercial and Mixed-Use Districts, prescribes the development regulations for the Commercial and Mixed-Use Districts ~~except for the CAMX District, the development standards for which shall be as identified in the approved PD or equivalent mechanism adopted for a specific development.~~ Section numbers in the Additional Regulations column refer to other sections of this Code.

**Commented [Revision24]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

TABLE 18.05.030: DEVELOPMENT STANDARDS - COMMERCIAL AND MIXED-USE DISTRICTS						
Standard*	DMX	CMX	CN	CR	CS	Additional Regulations
<i>*In the CAMX District, development standards shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development</i>						
Floor Area Ratio (FAR)						

**TABLE 18.05.030: DEVELOPMENT STANDARDS - COMMERCIAL AND MIXED-USE DISTRICTS**

Standard*	DMX	CMX	CN	CR	CS	Additional Regulations
<i>*In the CAMX District, development standards shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development</i>						
Minimum	n/a	Single use: 0.50 Multi-use: 0.80	n/a	n/a	n/a	<a href="#">FAR limitations and requirements apply to all development on site, including residential and nonresidential development.</a> See §18.02.030.F, Determining Floor Area Ratio
Maximum	3.0	Single use: 2.0 Multi-use: 2.40	0.6	0.8	0.4	
Site Area per Dwelling Unit (sq ft)						
Minimum	1,452	1,556	n/a	n/a	n/a	
Maximum	n/a	3,630	n/a	n/a	n/a	
Minimum Lot Size (Sq ft)	n/a	20,000	20,000	10,000	7,000	
Maximum Height (ft)	50	40	30	40	40	See §18.02.030.C, Measuring Height and §18.11.070, Height Limitation Exceptions  In the CMX, CN, CR, and CS Districts, an additional 10 feet in height may be allowed in areas located more than 50 feet from a Residential District through approval of a Conditional Use Permit
Minimum Setbacks (ft)						
Front	0, except as provided below for garages	10, except as provided below for garages	10	20	0	See §18.02.030.I, Determining Setbacks and §18.11.050, Encroachments into Required Setbacks
Garages with entries parallel to the front property line	22	22	n/a	n/a	n/a	
Garages with entries perpendicular to the front property line with curved driveways	15	15	n/a	n/a	n/a	
Interior Side	Adjacent to an R District:	Adjacent to an R District: 20	Adjacent to an R District:	Adjacent to an R District: 20	Adjacent to an R District: 20 Other areas: 0	

**TABLE 18.05.030: DEVELOPMENT STANDARDS - COMMERCIAL AND MIXED-USE DISTRICTS**

Standard*	DMX	CMX	CN	CR	CS	Additional Regulations
<i>*In the CAMX District, development standards shall be as identified in the approved PD or equivalent mechanism, adopted for a specific development</i>						
	20 Other areas: 0	Other areas: 0	20 Other areas: 0	Other areas: 0		
Street Side	0	10	10	20	0	
Rear	Adjacent to an R District: 20 Other areas: 0	Adjacent to an R District: 20 Other areas: 0	Adjacent to an R District: 20 Other areas: 0	Adjacent to an R District: 20 Other areas: 0	Adjacent to an R District: 20 Other areas: 0	
<u>Minimum Open Space (sf per residential unit)</u>	<u>100</u>	<u>125</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>See §18.11.040.H, Open Space</u>

**Commented [Revision25]:** Usability edit. Moved from another section

**18.05.040 Supplemental Standards**

A. CAMX District, Planned Development or Equivalent Mechanism Required. No subdivision of land is permitted and no new or expanded use shall be approved within the CAMX District unless it conforms to the provisions of a Planned Development or equivalent mechanism, adopted for a specific development.

**Commented [Revision26]:** Campus Mixed Use District added to map and into Zoning Code consistent with the General Plan

## Chapter 18.06 Industrial Districts

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### 18.06.010 Purpose

The purpose of Industrial Zoning Districts is to:

- A. Provide appropriate areas of the City where industrial uses can locate and operate without significant conflicts with other land uses;
- B. Strengthen the City's economic base and provide employment opportunities for residents of the City; and
- C. Provide areas for a wide range of manufacturing, industrial processing, and service commercial uses and protect areas where such uses now exist.

Additional purposes of each Industrial Zoning District:

**Light Industrial (IL).** The IL District is intended to provide areas for small-scale industrial businesses and operations that do not create adverse visual, noise, or other impacts on adjoining public and residential properties. This district allows for small scale industrial, manufacturing, and service uses. Industries that use or produce substantial amounts of hazardous materials or generate noise, odor, or other pollutants are not permitted. This District implements the Industrial General Plan Land Use Designation.

**General Industrial (IG).** The IG District is intended to provide areas for businesses that have potential to create adverse visual, noise, or other impacts to adjoining public and residential properties. This district allows for large and small scale industrial, manufacturing, heavy commercial uses such as food processing, fabricating, motor vehicle service and repair, truck yards and terminals, warehousing, distribution and storage uses without a tax revenue generating component, wholesale uses, construction supplies, building material facilities, offices, contractors' yards and the like. This District implements the Industrial General Plan Land Use Designation.

### 18.06.020 Land Use Regulations

Table 18.06.020: Land Use Regulations – Industrial Districts, sets the land use regulations for the Industrial Districts. Land uses are defined in Chapter 18.34, Use Classifications. Land uses not listed in the table and not substantially similar to the uses listed are prohibited. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. The decision of the Director in such instances may be appealed under Section 18.21.120, Appeals. The Director may refer any request for determination of use classification that is unclear, may generate substantial public controversy, or involve significant land use policy decisions to the Planning Commission for decision.

**TABLE 18.06.020: LAND USE REGULATIONS - INDUSTRIAL DISTRICTS**

"P" = Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "-" = use not allowed

Land Use Classification	IL	IG	Additional Regulations
<b>Residential Uses</b>			
Caretaker Unit	P	P	
<b>Public/Semi-Public Uses</b>			
Colleges and Trade Schools	P	P	
Emergency Shelters	P	-	See §18.19.080, Emergency Shelters
Government Offices	P	P	
Public Safety Facilities	P	P	
<b>Commercial Uses</b>			
Adult-Oriented Businesses	-	P	See §18.19.050, Adult Oriented Businesses and DMC Chapter 11.02 Adult-Oriented Businesses
Automobile/Vehicle Sales and Services	See subclassifications below		
<i>Automobile/Vehide Service and Repair, Minor</i>	P	P	
<i>Automobile/Vehide Repair, Major</i>	P	P	
<i>Large Vehicle and Equipment Sales, Service, and Rental</i>	P	P	
<i>Towing and Impound</i>	P	P	
<i>Washing</i>	P	P	
Business Services	P	P	
Cannabis Business	C(1)	C(1)	See DMC Chapter 6.12 Cannabis Business Pilot Program
Commercial Entertainment and Recreation	See subclassifications below		
<i>Outdoor Recreation</i>	-	C	
Eating and Drinking Establishments	See subclassifications below		
<i>Restaurant</i>	P	P	
Food Preparation	P	P	
Offices	P	P	
Repair and Maintenance Services	P	P	
Retail Sales	See subclassifications below		
<i>Building Materials Stores</i>	P	P	
<i>Food and Beverage Sales</i>	P	P	
<i>General Retail</i>	P	P	

**TABLE 18.06.020: LAND USE REGULATIONS - INDUSTRIAL DISTRICTS**

“P” = Permitted Use; “A” = Administrative Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed

Land Use Classification	IL	IG	Additional Regulations
Nurseries	P	P	
<b>Industrial Uses</b>			
Construction and Material Yards	P	P	
Contractor Shops	P	P	
Custom Manufacturing	P	P	
Food and Beverage Manufacturing	See subclassifications below		
Small Scale	P	P	
Large Scale	A	A	
General Industrial	-	A	
Light Industrial	P	P	
Research and Development	P	P	
Salvage and Wrecking	-	C	
Storage, Warehousing, and Wholesaling	See subclassifications below		
Indoor	P	P	See §18.19.110, Warehouse, Storage, Freight/Trucking Terminals, and Distribution Facilities
Outdoor	-	C	
Personal Storage	A	A	
Vehicle Storage	A	A	
<b>Transportation, Communication, and Utility Uses</b>			
Airports and Heliports	-	C	
Broadcasting Studio	P	P	
Distribution Facilities and Freight/Trucking Terminals and Distribution Facilities, less than 150,000 square feet in size	P	P	See §18.19.110, Warehouse, Storage, Freight/Trucking Terminals, and Distribution Facilities
Distribution Facilities and Freight/Trucking Terminals and Distribution Facilities, 150,000 square feet or more in size	C	C	See §18.19.110, Warehouse, Storage, Freight/Trucking Terminals, and Distribution Facilities
Light Fleet Based Services	P	P	
Public Works and Utilities	A	A	
Recycling Facility	See subclassifications below		
Recycling Collection Facility, Small	-	C	

**Commented [Revision27]:** Follow-up edits on warehousing and distributions facilities

**Commented [Revision28]:** Study Session discussion topic – duplicative use

**Commented [Revision29]:** Follow-up edits on warehousing and distributions facilities

**Commented [Revision30]:** Follow-up edits on warehousing and distributions facilities

**TABLE 18.06.020: LAND USE REGULATIONS - INDUSTRIAL DISTRICTS**

“P” = Permitted Use; “A” = Administrative Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed

Land Use Classification	IL	IG	Additional Regulations
Recycling Collection Facility, Large	-	C	
Recycling Processing Facility	-	C	
Transit Stations and Terminals	P	P	
Telecommunication Facilities	See Section 18.19.150, Telecommunication Facilities		
<b>Other Uses</b>			
Accessory Uses, Activities, and Structures	See Section 18.19.030, Accessory Uses and Activities and Section 18.11.020, Accessory Structures		
Alcoholic Beverage Sales (Off-Sale)	See Section 18.19.060, Alcoholic Beverage Sales (Off-Sale)		
Nonconforming Uses	See Chapter 18.15, Nonconforming Uses, Structures, and Lots		
Outdoor Dining and Seating	See Section 18.19.130, Outdoor Dining and Seating		
Temporary Uses	See Section 18.19.160, Temporary Uses		

**Notes:**

1. Must be located a minimum of 600 feet from a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, as those terms are defined in Chapter 6.12 DMC, and a minimum of 300 feet from any residential use.

**18.06.030 Development Standards**

Table 18.06.030: Development Standards – Industrial Districts, prescribes the development regulations for the Industrial Districts. Section numbers in the Additional Regulations column refer to other sections of this Code.

**TABLE 18.06.030: LAND USE REGULATIONS - INDUSTRIAL DISTRICTS**

Standard	IL	IG	Additional Regulations
Maximum Floor Area Ratio (FAR)	0.6	0.6	See §18.02.030.F, Determining Floor Area Ratio
Minimum Lot Size (sq ft)	20,000	40,000	
Maximum Height (ft)	40	40 within 200 feet of an R District, otherwise 75	See §18.02.030.C, Measuring Height and §18.11.070, Height Limitation Exceptions
Minimum Setbacks (ft)			
Front	10	10	
Interior Side	Adjacent to an R District: 50 Other areas: 0	Adjacent to an R District: 50 Other areas: 0	See §18.02.030.I, Determining Setbacks and §18.11.050, Encroachments into Required Setbacks
Street Side	10	10	

<b>TABLE 18.06.030: LAND USE REGULATIONS - INDUSTRIAL DISTRICTS</b>			
<i>Standard</i>	<i>IL</i>	<i>IG</i>	<i>Additional Regulations</i>
<i>Rear</i>	Adjacent to an R District: 50 Other areas: 10	Adjacent to an R District: 50 Other areas: 10	
Maximum Lot Coverage (% of site)	60	60	See §18.02.030.G, Determining Lot Coverage

## Chapter 18.07 Public and Semi-Public Districts

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### 18.07.010 Purpose

The purpose of the Public and Semi-Public Zoning Districts is to:

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

Additional purposes of each Public and Semi-Public District:

**Public Facilities (PF).** The PF District is intended to provide for a broad range of government, institutional, educational, and assembly uses, typically on large sites. The PF District implements the Public Facilities General Plan Land Use Designation.

**Park and Recreation (PR).** The PR District is intended to maintain areas for active and passive park and recreation areas, including outdoor and indoor recreation such as playing fields, playgrounds, community centers, trails and other recreational uses. The PR District implements the Parks General Plan Land Use Designations.

### 18.07.020 Land Use Regulations

Table 18.07.020: Land Use Regulations – Public and Semi-Public Districts, sets the land use regulations for the Public and Semi-Public Districts. Land uses are defined in Chapter 18.34, Use Classifications. Land uses not listed in the table and not substantially similar to the uses listed are prohibited. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. The decision of the Director in such instances may be appealed under Section 18.21.120, Appeals. The Director may refer any request for determination of use classification that is unclear, may generate substantial public controversy, or involve significant land use policy decisions to the Planning Commission for decision.

<b>TABLE 18.07.020: LAND USE REGULATIONS - PUBLIC AND SEMI-PUBLIC DISTRICTS</b>			
<i>"P" = Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "-" = use not allowed</i>			
<i>Land Use Classification</i>	<i>PF</i>	<i>PR</i>	<i>Additional Regulations</i>
<b>Public/Semi-Public Uses</b>			
Cemeteries and Columbariums	P/C(1)	-	
Colleges and Trade Schools	P	-	
Community Assembly	P	P	
Community Garden	P	P	See §18.19.070, Community and Market Gardens
Cultural Institutions	P	P	
Day Care Centers	P	-	
Government Offices	P	-	
Hospitals and Clinics	See Subclassifications below		
<i>Clinic</i>	P	-	
<i>Hospital</i>	C	-	
<i>Skilled Nursing Facility</i>	P	-	
Instructional Services	P	P	
Park and Recreation Facilities	P	P	
Parking Lots and Structures	P	-	
Public Safety Facilities	P	-	
Schools, Private	P	-	
Social Service Facilities	P	-	
<b>Commercial Uses</b>			
Animal Services	See Subclassifications below		
<i>Animal Shelter and Boarding</i>	P	-	
Commercial Entertainment and Recreation	See Subclassifications below		
<i>Indoor Entertainment and Recreation</i>	P	P	
<i>Outdoor Entertainment</i>	P	A	
<i>Outdoor Recreation</i>	P	P	
Convention Facility	P	-	
Farmer's Markets	P	A	See §18.19.100, Farmer's Markets
Market Garden, less than 1 acre in size	A	A	See §18.19.070, Community and Market Gardens

**TABLE 18.07.020: LAND USE REGULATIONS - PUBLIC AND SEMI-PUBLIC DISTRICTS**

*“P” = Permitted Use; “A” = Administrative Use Permit required; “C” = Conditional Use Permit required; “-” = use not allowed*

Land Use Classification	PF	PR	Additional Regulations
Market Garden, 1 acre or more in size	C	C	See §18.19.070, Community and Market Gardens
<b>Transportation, Communication, and Utility Uses</b>			
Airports and Heliports	C	-	
Public Works and Utilities	A	-	
Recycling Facility	See Subclassifications below		
Reverse Vending Machine	P	-	
Recycling Collection Facility, Small	P	-	
Recycling Collection Facility, Large	A	-	
Recycling Processing Facility	C	-	
Transit Stations and Terminals	P	-	
Telecommunication Facilities	See Section 18.19.150, Telecommunication Facilities		
<b>Other Uses</b>			
Accessory Uses, Activities, and Structures	See Section 18.19.030, Accessory Uses and Activities, and Section 18.11.020, Accessory Structures		
Nonconforming Uses	See Chapter 18.15, Nonconforming Uses, Structures, and Lots		
Outdoor Dining and Seating	See Section 18.19.130, Outdoor Dining and Seating		
Temporary Uses	See Section 18.19.160, Temporary Uses		

**Notes:**

1. Conditional Use Permit required if located within 100 feet of a Residential District.

**18.07.030 Development Standards**

Table 18.07.030: Development Standards – Public and Semi-Public Districts, prescribes the development regulations for the Public and Semi-Public Districts. Section numbers in the Additional Regulations column refer to other sections of this Code.

**TABLE 18.07.030: DEVELOPMENT STANDARDS - PUBLIC AND SEMI-PUBLIC DISTRICTS**

Standard	PF	PR	Additional Regulations
Maximum Floor Area Ratio (FAR)	1.0	n/a	See §18.02.030.E, Determining Floor Area Ratio

<b>TABLE 18.07.030: DEVELOPMENT STANDARDS - PUBLIC AND SEMI-PUBLIC DISTRICTS</b>			
<i>Standard</i>	<i>PF</i>	<i>PR</i>	<i>Additional Regulations</i>
Maximum Height (ft)	Subject to the most restrictive height limits of surrounding districts		See §18.02.030.C, Measuring Height and §18.11.070, Height Limitation Exceptions
Minimum Setbacks (ft)	Subject to the most restrictive setback requirements of surrounding districts		See §18.02.030.I, Determining Setbacks and §18.11.050, Encroachments into Required Setbacks

## Chapter 18.08 Groundwater Well (GW) Overlay District

**Commented [Revision31]:** The Study Session draft noted this chapter as under review. After review and consultation with other departments, the existing overlay is carried forward.

### 18.08.010 Purpose

The purpose of the Groundwater Well (GW) Overlay District is to regulate the installation of groundwater extraction wells on specific parcels within 250 feet of the plume of impacted shallow groundwater at the Municipal Service Center, 285 East Chestnut Street.

### 18.08.020 Applicability

- A. The requirements of this Chapter apply to the following parcels.
1. 341, 351, 360, 370, and 390 South Third Street, Assessor's Parcel Numbers 0116-053-100, 0116-053-110, 0116-053-040, 0116-053-140, 0116-053-0150, respectively;
  2. 215, 225, 235, and 245 East Walnut Street, Assessor's Parcel Numbers 0116-053-120, 0116-053-130, 0116-053-140, 0116-053-200, respectively;
  3. 240, 245, 250, 255, 260, 265, 270, and 275 East Chestnut Street, Assessor's Parcel Numbers 0116-054-050, 0116-054-060, 0116-054-070, 0116-054-080, 0116-053-080, 0116-053-160, 0116-053-170, 0116-053-180, 0116-053-190, 0116-040, respectively;
  4. 285 East Chestnut Street and the adjacent portion of Hall Park Drive, a portion of Assessor's Parcel Number 0116-040-020; and
  5. A portion of 655 South First Street, Assessor's Parcel Number 0116-040-010.
- B. Applicability of the requirements in this Chapter can only be modified or removed with written approval by the Solano County Department of Resource Management or the Central Valley Regional Water Quality Control Board.

### 18.08.030 Groundwater Extraction Wells

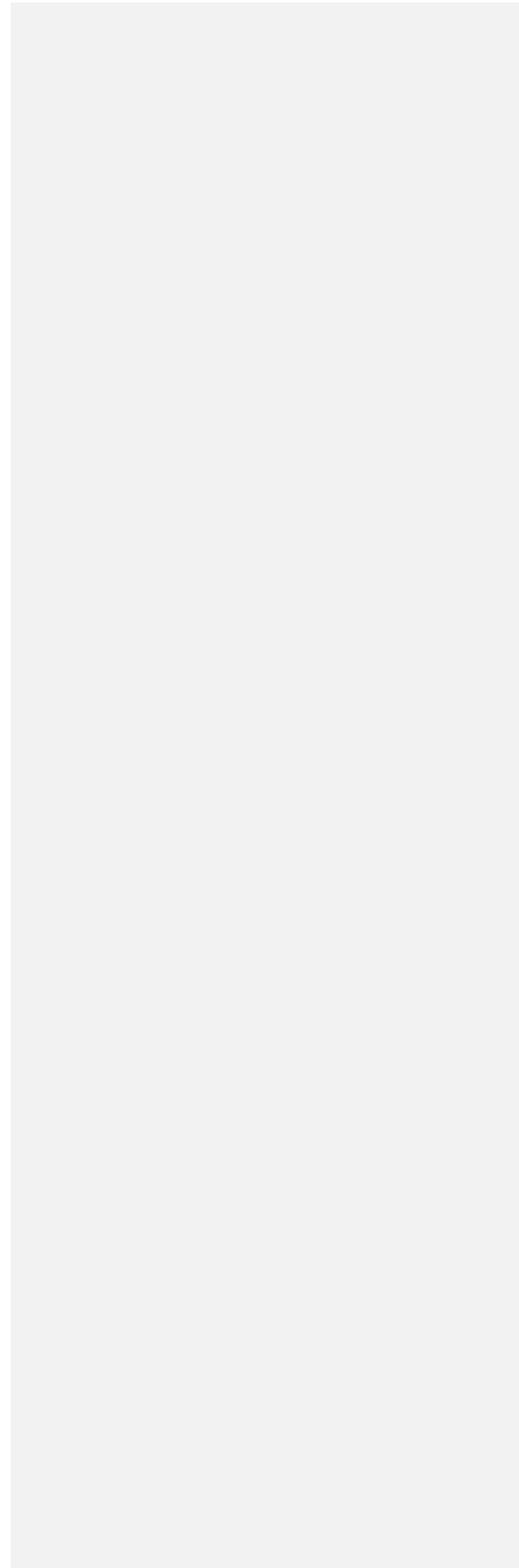
The installation of groundwater extraction wells is prohibited unless said well has a minimum sanitary seal of 50 feet from the ground surface to the top of the initial screen interval.

### 18.08.040 Conditional Use Permit Required

Conditional Use Permit approval pursuant to Chapter 18.24, Use Permits, is required for the drilling of any groundwater well in the Groundwater Well (GW) Overlay District. Any Conditional Use Permit granted in connection with this Chapter shall include a condition setting forth provisions for the City to reimburse the

*City of Dixon*

permittee for the incremental cost of installing the sanitary seal required under Section 18.18.030, Groundwater Extraction Wells.



## Chapter 18.09 Planned Development (PD) Overlay District

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### 18.09.010 Purpose

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

- A. Promote cohesive and aesthetically pleasing development;
- B. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of district regulations; and
- C. Promote innovation and creativity in building design and development concepts.

### 18.09.020 Zoning Map Designation

A Planned Development (PD) Overlay District shall be noted on the Zoning Map by adding the designation “-PD” and ordinance number to the base zoning district.

### 18.09.030 Land Use Regulations

No use other than an existing use is permitted in a PD Overlay District except in compliance with a valid PD Plan.

- A. Any permitted or conditional use authorized by this Code may be included in an approved PD Plan consistent with the General Plan land use designation for the property.

### 18.09.040 Development Standards

- A. **Minimum Area.** The minimum area of a PD Overlay District shall be five acres; however, the City Council may approve a smaller area if it finds that a PD would provide greater benefits to the general welfare of the City residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use.
- B. **Residential Unit Density.** Except where a density bonus is granted in compliance with Chapter 18.12, Affordable Housing Density Bonus, the total number of dwelling units in a PD Overlay District shall not exceed the maximum number permitted by the General Plan density for the total area of the planned development.

- ~~C.~~ **Floor Area Ratio (FAR).** The FAR based on the total floor area in a PD Overlay District shall not exceed the maximum FAR permitted by the General Plan for the total area of the planned development.
- ~~C.D.~~ **Performance Standards.** The Performance Standards prescribed by Chapter 18.17, Performance Standards, apply.
- ~~D.E.~~ **Other Development Standards.** Other development standards shall be as prescribed by the PD Overlay District. Where the PD Overlay District is silent regarding particular development standards, the development standards of the applicable base zoning district shall apply.

### 18.09.050 Procedures

The establishment of, and development within, a -PD Overlay District shall be subject to the provisions of Chapter 18.32, Planned Development.

- ~~A.~~ **Decision Making Body.** A PD Overlay District must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review; and the Planning Commission shall make a recommendation to the City Council.
- ~~B.~~ **Review Procedures.**
  - ~~1.~~ **Zoning Amendment.** An application for a PD Overlay District shall be processed as a Zoning Amendment, according to the procedures of Chapter TBD, Amendments, and shall include a PD Plan.
  - ~~2.~~ **PD Plan.** The PD Plan shall be accepted and processed concurrently with the application for the PD, in the same manner as a Conditional Use Permit application, pursuant to Chapter TBD, Use Permits.
  - ~~3.~~ **Tentative Subdivision Map.** When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- ~~C.~~ **Initiation.** An application for a PD Overlay District may be initiated by any qualified applicant identified in Section TBD, Application Forms and Fees, or a motion of the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.
- ~~D.~~ **Application Content.** A qualified applicant shall submit an application for a PD Overlay District on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

**Commented [Revision32]:** Procedures for the establishment of and development within a -PD Overlay District were included in Division IV, Administration and Permits

**18.09.060 Required Findings**

A. PD Overlay District and PD Plan shall only be approved if all of the following findings are made:

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

**18.09.070 Conditions**

In approving a PD Overlay District and PD Plan, the City Council may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
- B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings listed above; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

**18.09.080 Expiration and Renewal**

- A. **Expiration.** A PD Plan shall be effective on the same date as the ordinance creating the PD Overlay District for which it was approved and shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued, except as provided below.

- ~~1. **PD Plan Approval.** The approval of a specific PD Plan may specify an effective period or development phasing program exceeding two years. A PD Plan with a phasing program shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase~~
- ~~2. **Tentative Map.** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.~~
- ~~3. **Development Agreement.** Where a PD Plan has been approved in conjunction with a Development Agreement, the PD Plan shall be effective and expire pursuant to the terms of the Development Agreement.~~

~~B. **Renewal.** An approved PD Plan that has not been inaugurated may be renewed for a single, maximum two year period approved by the City Council after a duly noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a PD Plan if it finds the renewal consistent with the purposes of this Chapter.~~

#### **18.09.090 – Amendments of Approved Plans**

- ~~A. **Changed Plans.** Amendments to a PD Overlay District or PD Plan may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.~~
- ~~B. **Major Amendments.** Major Amendments to an approved PD Overlay District or PD Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:
  - ~~1. A change in the boundary of the PD Overlay District;~~
  - ~~2. An increase or decrease in the number of dwelling units for the PD Overlay District that is greater than the maximum or less than the minimum stated in the PD Plan;~~
  - ~~3. An increase or decrease in the floor area for any non-residential land use that results in the floor area less than the minimum or exceeding the maximum stated in the PD Plan;~~
  - ~~4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director or Director of Engineering, as appropriate;~~
  - ~~5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD Overlay District or to the overall major street system, as determined by the Public Works Director or Director of Engineering, as appropriate; or~~~~

~~6. Any other proposed change to the PD Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.~~

~~C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Director.~~

~~**18.09.100 Project Review**~~

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

## Chapter 18.10 Specific Plan (SP) Overlay Districts

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### 18.10.010 Purpose

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

### 18.10.020 Applicability

The provisions of this Chapter apply to all areas within plan boundaries of Specific Plans adopted by the City.

- A. **Adopted Specific Plans.** Once adopted, a Specific Plan shall govern the use and development of properties within the bounds of that Specific Plan.
1. Where a Specific Plan is silent regarding development standards, the provisions of this Code shall govern. The Community Development Director shall have the authority to determine which provisions of this Code apply where a Specific Plan is silent.
  2. When a use is not specifically listed as permitted in the Specific Plan, the Director shall assign the land use or activity to a classification that is substantially similar in character. The decision of the Director in such instances may be appealed under Section 18.21.120, Appeals. The Director may refer any request for determination of use classification that is unclear, may generate substantial public controversy, or involve significant land use policy decisions to the Planning Commission for decision. Land uses not listed in the Specific Plan as permitted or not found to be substantially like a permitted use are prohibited.
  3. No discretionary entitlement applications or other permits may be approved, adopted, or amended within an area covered by a Specific Plan, unless found to be consistent with the adopted Specific Plan.

### 18.10.030 Adopted Specific Plans

The following is a list of the City's adopted Specific Plans.

- A. **Northeast Quadrant Specific Plan.** See the Northeast Quadrant Specific Plan on file with the City.
- B. **Southwest Dixon Specific Plan.** See the Southwest Dixon Specific Plan on file with the City.

# Division III: Citywide Regulations

## Chapter 18.11 General Site Regulations

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### 18.11.010 Purpose and Applicability

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

### 18.11.020 Accessory Structures

#### A. Applicability.

1. **Detached Structures.** The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios which are detached from and accessory to a main building on the site. These provisions also apply to ~~open, unroofed structures such as play equipment, decks and trellises,~~ that are over 30 inches in height and are detached from and accessory to a main building on the site.
2. **Attached Structures.** The provisions of this Section do not apply to accessory structures attached to a main building, which shall comply in all respects with the requirements of this Code applicable to the main building.
  - a. ~~Structures with a common wall or roof with the main building four feet in length or more shall be considered attached and part of the main building.~~
3. **Accessory Dwelling Units.** Accessory Dwelling Units, attached or detached, are subject to the standards of Section 18.19.040, Accessory Dwelling Units.

- #### B. Relation to Existing Structures.
- A detached accessory structure may only be constructed on a lot on which there is a permitted main building to which the accessory structure is related.

**Commented [Revision33]:** Study Session discussion topic and clarification edits

- C. **Development Standards.** Accessory structures shall meet the development standards of the district in which it is located except as follows:
1. **Front and Street-Side Yard Location Limitation.** Accessory structures located in the front yard or street-side yard shall be limited to decorative objects up to eight feet in height that are open on all sides, such as gazebos and trellises, unless specifically allowed through the approval of a Modification [pursuant to Chapter 18.26, Modifications](#).
  2. **Side and Rear Setbacks.**
    - a. *Within Required Interior Side and Rear Setback Areas.*
      - i. Accessory structures up to 10 feet in height may be located up to three feet from the [interior](#) side or rear property lines.
      - ii. Accessory structures up to 14 feet in height may be located up to five feet from the [interior side or rear](#) ~~or side~~ property lines provided structures cover no more than 30 percent of the required rear setback area or 400 square feet, whichever is less.
    - b. *Reversed Corner Lots.* On a reversed corner lot, an accessory structure shall be located no closer to the rear property line than the required side setback on the adjoining key lot and no closer to the side property line adjoining the street than the required front setback on the adjoining key lot.
    - c. *Garages on Alleys.* Where an alley abuts a property's rear ~~lot property~~ [line](#), accessory structures which provide covered parking for automobiles may be located up to five feet from the rear ~~lot property~~ [line](#) if access to the covered parking is from the alley. Covered parking accessed from an alley may cover 30 percent of the area of the required rear setback area or 400 square feet, whichever is less.

#### 18.11.030 Conservation Regulations

- A. **Purpose.** The purpose of these provisions is to implement General Plan policies related to air quality and energy conservation by encouraging the conservation of nonrenewable energy resources, to facilitate the utilization of alternative, renewable energy resources, including wind and solar energy, and reduce vehicle miles traveled.
- B. **Circulation and Transportation.**
1. Subdivisions, planned unit developments, and large scale commercial developments shall be designed to encourage energy conserving transportation practices while discouraging

unnecessary automobile use. Applications for these developments shall include pedestrian and bicycle circulation systems which are orderly, well-maintained, and convenient to use.

2. Nonresidential developments which include more than 100 employee parking spaces should include ancillary employee services, such as cafeterias or other food sources, banking facilities, or child care, to reduce the number of midday vehicle trips generated by the development.

C. **Efficient Use of Solar Energy.**

1. Subdivision and residential planned developments shall be designed to the maximum extent possible so that dwelling units are oriented to the south to permit maximum exposure to the winter sun for solar heating. Minimum setback requirements may be waived through approval of a Conditional Use Permit where the Planning Commission finds it necessary in order to achieve a southerly orientation for individual dwelling units.
2. Buildings, landscaping, vegetation, fences, and other solar screens should be located and sited to the minimum extent possible so that they do not preclude or discourage the use of solar energy in adjacent properties and buildings. Where necessary, the Planning Director may require submission of a map showing shadows cast by solar screens, including landscaping and vegetation at maturity, for 12:00 noon (solar time) on December 21st.
3. Exterior clothes drying facilities shall not be prohibited in subdivisions and shall be provided in apartment house and condominium developments.
4. Exterior active and passive solar energy collectors and ancillary equipment shall not be prohibited in subdivisions, apartment houses, and condominiums.

**18.11.040 Building Design Standards - Residential and Mixed-Use Districts**

A. **Applicability.** All development within the RL, RM, CMX, and DMX Districts shall meet the design standards of this Section, except as provided below.

1. **Exceptions.** The standards of this Section do not apply to detached single-unit development.

B. **Required Building Location.** The following building location requirements apply in the DMX and CMX Districts.

1. **Build-to Line.** In the DMX and CMX Districts, any property developed with ground floor nonresidential uses, buildings shall be located within five feet of ~~the required front and street-facing property line~~ side setback line for at least the amount of the linear street frontage listed below.

- a. *DMX District.*
  - i. Properties with Less Than 75 feet of Linear Street Frontage: 80 percent.
  - ii. Properties with 75 or More Feet of Linear Street Frontage: 60 percent.

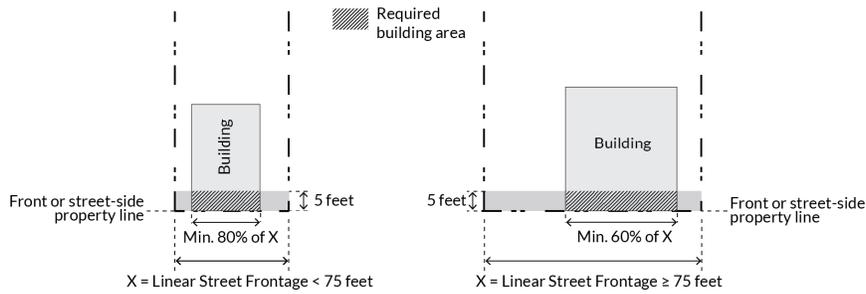


FIGURE 18.11.040.B.1.A: REQUIRED BUILDING LOCATION, DMX DISTRICT

- b. *CMX District.*
  - i. Properties with Less Than 160 feet of Linear Street Frontage: 40 feet.
  - ii. Properties with 160 or More Feet of Linear Street Frontage: 25 percent.

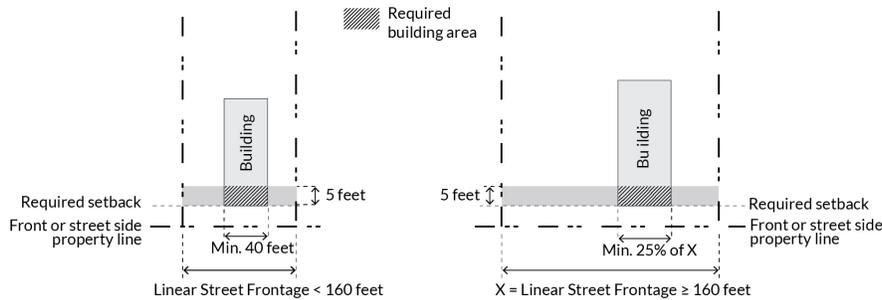
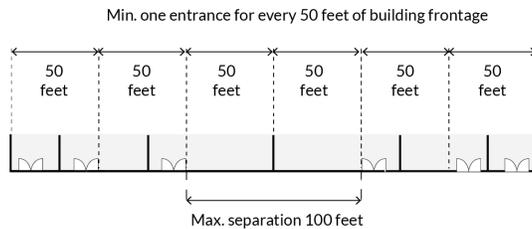


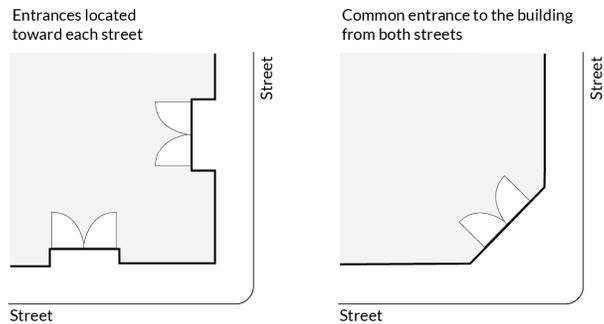
FIGURE 18.11.040.B.1.A: REQUIRED BUILDING LOCATION, CMX DISTRICT

2. **Modifications.** Should the applicant elect not to meet the above objective standards, the applicant may request a Modification pursuant to Chapter 18.26, Modifications. A Modification to the building location requirements may approved upon finding that:
  - a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the courtyard, plaza, or dining area; or
  - b. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.
- C. **Building Orientation.** Unless located behind another building, buildings shall be oriented toward the adjacent front or street side lot line with the building frontages parallel to the fronting adjacent lot line.
- D. **Entrances.**
  1. **Ground Floor Nonresidential Uses.**
    - a. There shall be a minimum of one entrance for every 50 feet of building frontage, with a maximum separation of 100 feet between entrances.



**FIGURE 18.11.040.D.1.A: MINIMUM NUMBER AND REQUIRED LOCATION OF ENTRANCES, NONRESIDENTIAL USES**

- b. At least one building entrance shall face a public walkway.
- c. Buildings located on corners shall provide an entrance toward each street or have a common entrance to the building from both streets.



**FIGURE 18.11.040.D.1.C: CORNER BUILDING ENTRANCES, NONRESIDENTIAL USES**

- d. **Modifications.** Should the applicant elect not to meet the above objective standards, the applicant may request a Modification pursuant to Chapter 18.26, Modifications. A Modification to the entrance requirements for nonresidential uses may approved upon finding that:
  - i. The proposed use has certain operational characteristics with which providing the required entrances is incompatible; and
  - ii. Street-facing building walls exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest and an engaging presence at the pedestrian level.
- 2. **Residential Uses.** All residential units shall provide a minimum of one principal entrance in accordance with the following standards.
  - a. **Principal Entrance Orientation.** All units located along a sidewalk must have a principal entrance facing and accessed via a walkway or stairway from the sidewalk.
    - i. The principal entrance may be an individual entrance to a single unit or a shared entrance that provides access to more than one unit.
  - b. **Principal Entrance Design.** The principal entry shall be emphasized utilizing at least one of the following methods:
    - i. A projection (e.g., overhang) with a minimum depth of three feet and a minimum horizontal area of 24 square feet.

- ii. A recessed entry with a minimum depth of three feet and a minimum horizontal area of 24 square feet.
- iii. An uncovered landing, deck, or stoop with a minimum six foot by eight foot useable area.

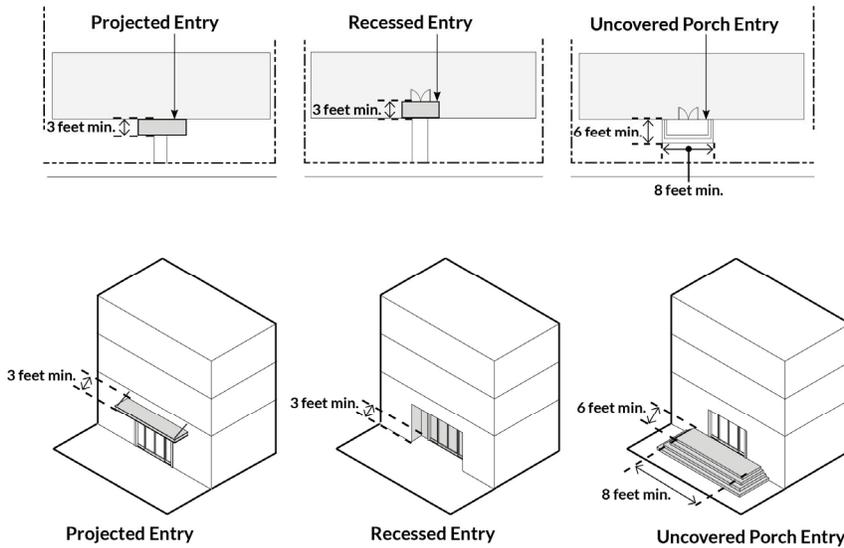


FIGURE 18.11.040.D.2.B: PRINCIPAL ENTRANCE DESIGN, RESIDENTIAL USES

- c. *Modifications.* Should the applicant elect not to meet the above objective standards, the applicant may request a Modification pursuant to Chapter 18.26, Modifications. A Modification to the entrance requirements for residential uses may be approved upon finding that the alternative design creates a welcoming entry feature facing the street, such as a trellis, landscaped courtyard entry, enhanced walkway, columns or other architectural features or treatments.

E. **Building Articulation.** Buildings shall include the following design features to create visual variety and avoid a large-scale and bulky appearance.

- 1. **Maximum Building Dimension.** The maximum dimension of any single building shall not exceed 200 feet.

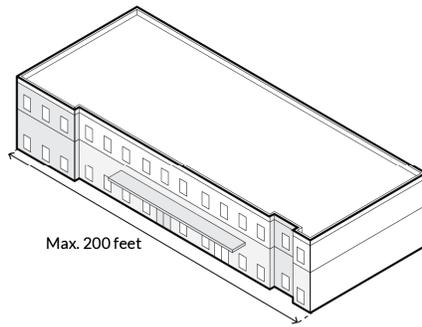


FIGURE 18.11.040.E.1: MAXIMUM BUILDING DIMENSION

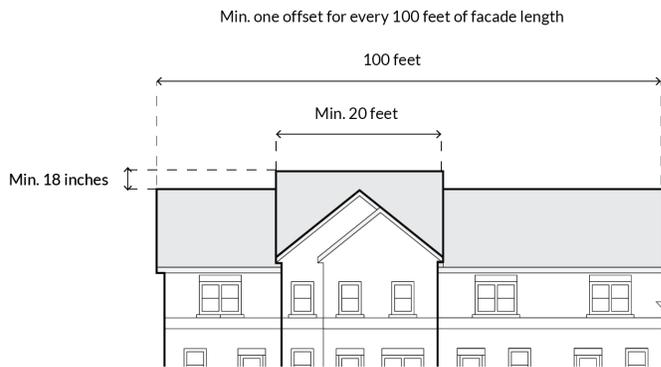
- a. In the DMX District along A and 1<sup>st</sup> Streets, any building over 75 feet wide shall be broken down to read as a series of buildings no wider than 75 feet each through architectural treatments such as changes in colors, materials, and off sets or change in wall plane.



FIGURE 18.11.040.E.1.A: BUILDING ARTICULATION, A AND 1<sup>ST</sup> STREETS, DMX DISTRICT

- 2. **Roof Line, Buildings with Three or More Stories.** Roof lines of buildings with three or more stories shall be varied and designed to minimize the bulk of a building, screen roof-mounted equipment, and enhance the building's architectural design through the following methods:

- a. A minimum of one roof line offset of at least 18 inches in height and 20 feet in length shall be provided for every 100 feet of façade length.



**FIGURE18.11.040.E.2.A: ROOF LINE OFFSET**

- b. Where parapets are provided, the minimum 18-inch offset in height required above may be substituted by an offset of at least 18 inches in depth. All parapets shall provide returns of at least six feet in depth at the end of the parapet face to avoid a false front appearance.

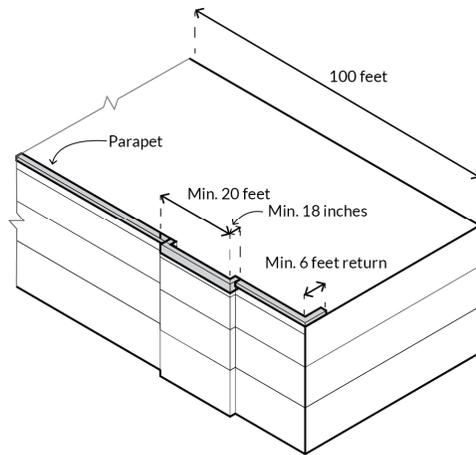
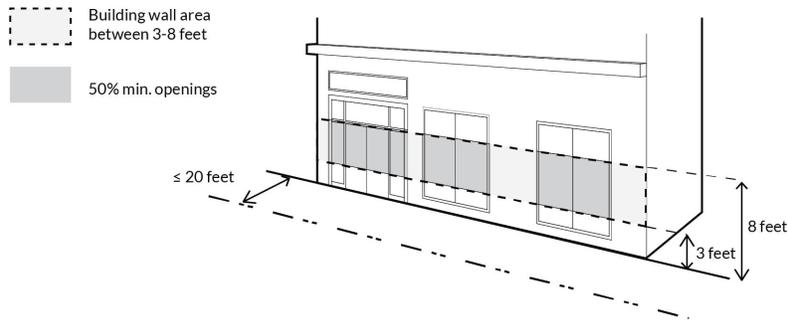


FIGURE 18.11.040.E.2.B: ROOFLINE OFFSET, PARAPETS AND PARAPET SUBSTITUTION

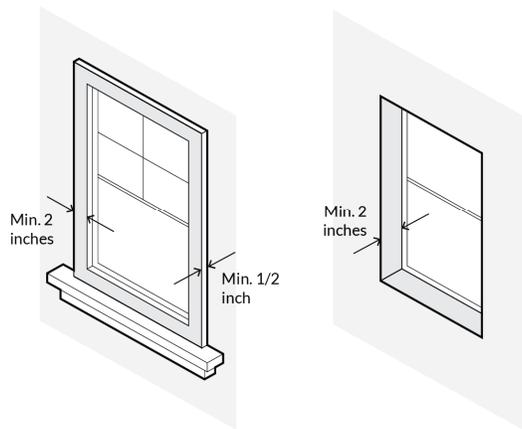
F. **Windows and Openings.**

1. **Minimum Windows.** No façade facing a public right-of-way shall run in a continuous plane of more than 20 feet without at least one window.
2. **Groundfloor Transparency.** Exterior walls of nonresidential uses and residential common areas facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings for at least 50 percent of the building wall area located between three and eight feet above the level of the sidewalk.
  - a. **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.



**FIGURE 18.11.040.F.2: GROUND FLOOR TRANSPARENCY, NONRESIDENTIAL USES AND RESIDENTIAL COMMON AREAS**

- b. **Modifications.** Should the applicant elect not to meet the above objective standards, the applicant may request a Modification pursuant to Chapter 18.26, Modifications. A Modification to the groundfloor transparency requirements may be approved upon finding that:
  - i. The proposed use has certain operational characteristics with which providing the required windows and openings is incompatible; and
  - ii. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
3. **Residential Uses; Window Trim or Recess.** Windows for residential uses shall have trim at least two inches wide and at least one-half inch in depth or must be recessed at least two inches from the plane of the surrounding exterior wall.



**FIGURE 18.11.040.F.3: WINDOW TRIM OR RECESS, RESIDENTIAL USES**

- a. *Modifications.* Should the applicant elect not to meet the above objective standard, the applicant may request a Modification pursuant to Chapter 18.26, Modifications. A Modification to the window trim requirements for residential uses may be approved to accommodate alternative window design complementary to the architectural style of the structure.

- G. **Façade Design.** No façade facing a public right-of-way shall run in a continuous plane of more than 50 feet without incorporating one or more of the following:
  1. A vertical wall shift at least two feet deep and a minimum of one story in height.
  2. A change in material. The material change shall be a minimum of three feet wide and a minimum of one story in height.
  3. A building entrance.
  4. A projection such as a stoop, bay, or overhang.
  5. A massing break with a minimum width of 10 feet and minimum depth of two feet.

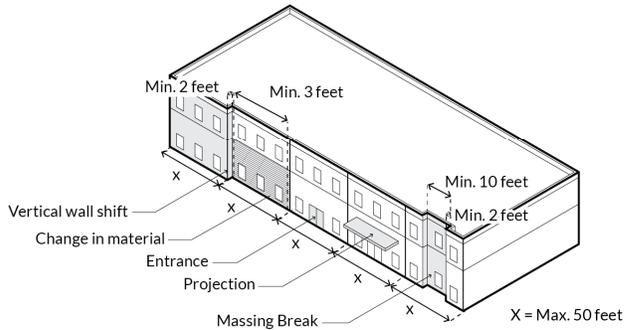


FIGURE 18.11.040.G: FAÇADE DESIGN

6. **Modifications.** Should the applicant elect not to meet the above objective standards, the applicant may request a Modification pursuant to Chapter 18.26, Modifications. A Modification to the façade design requirements may be approved upon finding that adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.

H. **Open Space.** Open space, unoccupied by main or accessory structures, parking areas, driveways, and loading areas and open and unobstructed to the sky, shall be provided in accordance with the following standards.

1. **Minimum Amount of Open Space.**

- a. *Residential Districts.* A minimum of 200 square feet of open space shall be provided per residential unit, ~~of which~~ a minimum of ~~which~~ 50 square feet per unit shall be private open space. The balance of the required open space may be provided as private or common open space.
- b. *DMX District.* A minimum of 100 square feet of open space shall be provided per residential unit, ~~of which~~ a minimum of which 50 square feet per unit shall be private open space. The balance of the required open space may be provided as private or common open space.
- c. *CMX District.* A minimum of 125 square feet of open space shall be provided per residential unit, ~~of which~~ a minimum of which 50 square feet per unit shall be private

open space. The balance of the required open space may be provided as private or common open space.

2. **Configuration.**

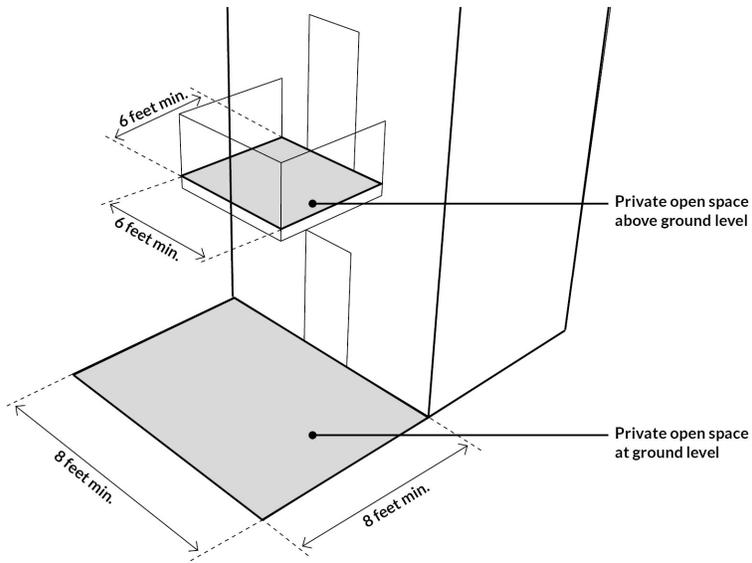
- a. Private open space typically consists of balconies, decks, patios, fenced yards, and other similar areas outside the residential unit that are exclusively used by occupants of the specific unit and their guests.
- b. Common open space typically consists of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development and may be used by all occupants of the development.

3. **Minimum Dimensions.**

a. **Private Open Space.**

i. **Ground Level.** Private open space located on the ground level (e.g., yards, decks, patios) shall be a minimum of eight feet in length and eight feet in width.

ii. **Above Ground Level.** Private open space located above ground level (e.g., balconies) shall be a minimum of six feet in length and six feet in width.



**FIGURE 18.11.040.H.3.A: MINIMUM DIMENSIONS, PRIVATE OPEN SPACE**

- b. *Common Open Space.* Common open space areas shall be a minimum of 15 feet in length and 15 feet in width.

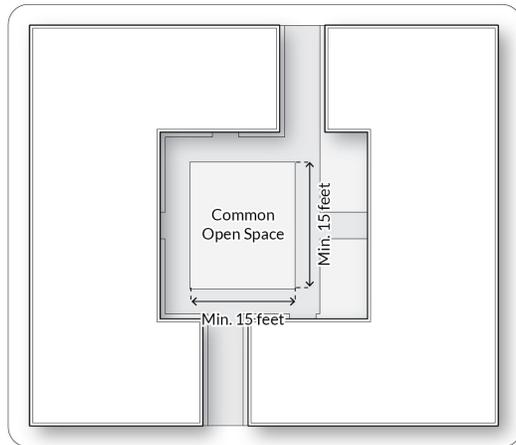


FIGURE 18.11.040.H.3.B: MINIMUM DIMENSIONS, COMMON OPEN SPACE

4. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.
  5. **Accessibility.**
    - a. *Private Open Space.* The space shall be accessible to only the individual residential unit it serves and shall be accessible by a doorway to a habitable room or hallway.
    - b. *Common Open Space.* The space shall be accessible to all living units on the lot.
  6. **Modifications.** Should the applicant elect not to meet the above objective standards, the applicant may request a Modification pursuant to Chapter 18.26, Modifications. A Modification to the open space standards may approved upon finding that usable open space designed for the use and enjoyment of the residents will be provided.
- I. **Parking Area Design.**
    1. **Curb Cuts.** Curb cuts shall be minimized and located on side streets wherever possible.
    2. **Maximum Parking Frontage.** On lots 50 feet or wider, the total width of on-site parking areas visible from the street, including open parking, carports, and garages, shall not exceed 40 percent of any public street frontage.

- a. *Modifications.* Should the applicant elect not to meet the above objective standard, the applicant may request a Modification pursuant to Chapter 18.26, Modifications. A Modification to the maximum parking frontage requirement may be approved upon finding that:
  - i. The lot is constrained such that limiting the visibility of parking to 40 percent of the public street frontage is infeasible; and
  - ii. Landscaping and other treatments have been incorporated to minimize the visibility of above ground parking from the public street frontage.

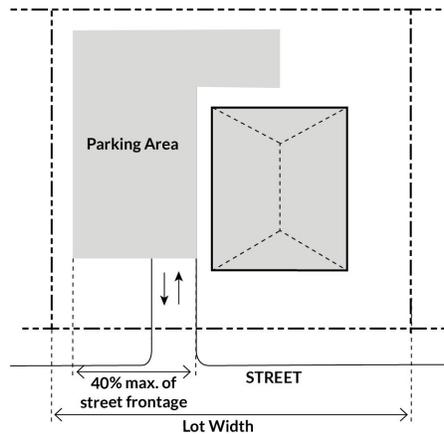


FIGURE 18.11.040.I.2: MAXIMUM PARKING FRONTAGE

3. *Location.* Parking areas in the RM, CMX, and DMX Districts shall be located a minimum of 40 feet from the primary street facing property line.
  - a. *Modifications.* Should the applicant elect not to meet the above objective standard, the applicant may request a Modification pursuant to Chapter 18.26, Modifications. A Modification to the parking location requirement may be approved upon finding that:
    - i. The design incorporates conditioned, usable space or active open space close to the public sidewalk to the maximum extent feasible; and
    - ii. The site is physically constrained such that parking located more than 40 feet from the primary street frontage is not feasible.

**18.11.050 Encroachments into Required Setbacks**

Where setbacks are required in this Code, they shall be not less in depth or width than the minimum dimension specified, shall be open at every point, and shall not be obstructed with non-movable features from the ground upward, except as provided below, or as specifically identified in another section of this Code. Encroachments are also subject to Section 18.11.110, Visibility at Intersections and Driveways.

TABLE 18.11.050: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS			
Encroachment	Front and Street Side Setbacks	Interior Side Setback	Rear Setback
All encroachments	No encroachment may extend <del>closer than three feet to an interior lot line or any distance</del> into a public utility easement. Where any allowance of this Code conflicts with applicable building codes, the more restrictive shall apply.		
Architectural features including sills, chimneys, cornices and eaves	2 ft	2 ft	2 ft
Open, unenclosed, uncovered <del>balconies, decks,</del> porches, platforms, stairways and landing places <del>no part of which is more</del> <u>less than three feet</u> <del>30 inches</del> above the surface of the ground	<u>May encroach provided the encroachment does not extend into a public utility easement or conflicts with any other applicable code</u> <del>4 ft</del>		
Open, unenclosed, uncovered metal fire escapes	3 ft	3 ft	3 ft
Rain barrels and cisterns with a maximum capacity of 1,000 gallons, or other similar storm water management equipment	Shall not encroach		No closer than 3 feet from the lot line
Mechanical and other equipment, detached or attached, such as water heaters, air conditioners, electric meters, electric transformers, <u>pool equipment</u> , cable television or phone utility boxes	Shall not encroach		No closer than 3 feet from the lot line
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see Chapter 18.27, Reasonable Accommodation		

**18.11.060 Fences, Walls, and Hedges**

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

A. **Maximum Height.** Fences, walls, dense hedges, and similar structures are limited to a maximum height as ~~follows provided below.~~ Dense hedges are not subject to a height limit provided they are located outside the required front and street side setback areas.

1. **Residential Districts.**

a. *Within Required Front Setback Areas.* Four feet, provided any portion of the fence over three feet shall be a minimum of 50 percent transparent.

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- b. *Within 10 feet of Any Other Street-facing Property Line.* Four feet, provided any portion of the fence over three feet shall be a minimum of 50 percent transparent. Additional height may be allowed within a this required street side setback as follows:
    - i. Fences up to seven feet in height may be allowed within a the required street side setback subject to approval of a Modification pursuant to Chapter 18.26, Modifications, and the following:
      - (1) The area between the property line or back of sidewalk and the fence shall be landscaped and maintained free of weeds.
      - (2) The fence shall not extend beyond the nearest front corner of the main structure.
  - c. *Other Areas.* In all areas of a site outside the required front setback and more than 10 feet of any other street-facing property line, the maximum fence height is seven feet.
2. **Nonresidential Districts.**
- a. *Within 10 feet of Any Street-facing Property Line.* Four feet, provided any portion of the fence over three feet shall be a minimum of 50 percent transparent. Additional height may be allowed as follows:
    - i. Fences up to seven feet in height may be allowed within 10 feet of a street-facing property subject to approval of a Modification pursuant to Chapter 18.26, Modifications, and the following:
      - (1) Any portion of the fence over three feet shall be a minimum of 50 percent transparent.
      - (2) The area between the property line or back of sidewalk and the fence shall be landscaped and maintained free of weeds.
      - (3) The fence shall be constructed of durable, corrosion-resistant material, such as wrought iron.
  - b. *Other Areas.* In all areas of a site more than 10 feet of any street-facing property line, the maximum fence height is seven feet unless a higher fence is approved pursuant to a Modification.
3. **Recreational Fencing.** Fencing located around sport courts and similar areas may be allowed to exceed the maximum height listed above pursuant to approval of a Modification pursuant to Chapter 18.26, Modifications, provided that all parts of the fence over seven feet are made of open-wire construction or other corrosion-resistant materials.

4. **Public Safety Facilities.** Fencing height standards of this Section shall not be applicable to any public safety facility.
5. **Decorative Features.** One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side setback of each lot, provided that the maximum height or width of the structure does not exceed eight feet and the maximum depth does not exceed five feet.
6. **Intersection and Driveway Visibility.** Notwithstanding other provisions of this Section, fences, walls, and related structures shall comply with Section 18.11.110, Visibility at Intersections and Driveways.

**B. Materials.**

1. **Prohibition on Hazardous Fencing Materials.** The use of barbed wire, razor wire, ultra-barrier, electrified, and other hazardous fencing is not permitted unless such fencing is required by any law or regulation of the City, the State of California, Federal Government, or other public agency.
  - a. **Exception.** The Director may approve an exception to this standard for sites in Industrial Districts, provided the hazardous fencing materials are located at the top portion of a fence which is at least six feet in height and the Director finds such fencing is necessary for security purposes.
2. **Limitation on Chain-Link Fencing.**
  - a. In Residential Districts, chain-link fencing shall not be visible from the street.
  - b. In Nonresidential Districts, chain-link fencing visible from the street shall be vinyl coated, slatted, or landscaped with climbing vines.
3. **Limitation on Concrete Block.** Plain, concrete block is not permitted as a fencing material. Concrete block must be finished with stucco (or decorative split-faced block) and capped with a decorative cap.

**18.11.070 Height Limitation Exceptions**

Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, radio and television aerials and antennas, fire towers and similar structures and necessary mechanical appurtenances covering not more than 10 percent of the ground area covered by the main structure may be erected to a height not more than 25 feet above the limit prescribed by the regulations for the district in which they are located.

- A. **Design Review Required.** Design Review, pursuant to Chapter 18.23, Design Review, is required for any projection over the height limit except flag poles.

#### 18.11.080 Lighting and Illumination

- A. **Applicability.** The standards of this Section apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems, except as provided below.
  - 1. **Exemptions.** The following lighting is exempt from the provisions of this Section.
    - a. *Public and Private Street Lighting.*
    - b. *Athletic Field Lights.* Athletic field lights within a City recreation area.
    - c. *Public Facility Safety and Security Lighting.* Safety and security lighting for public facilities.
    - d. *Construction and Emergency Lighting.* Construction or emergency lighting fixtures, provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.
    - e. *Seasonal Lighting.* Seasonal lighting displays related to cultural or religious celebrations.
- B. **Prohibitions.** Unless otherwise permitted by a specific provision of this Code, the following types of exterior lighting are prohibited.
  - 1. **Searchlights.** The operation of searchlights for advertising purposes.
  - 2. **Mercury Vapor.** Mercury vapor lights.
  - 3. **Other Light Types.** Laser lights or any other lighting that flashes, blinks, alternates, or moves.
- C. **General Requirements.**
  - 1. **Fixture Types.** All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for "Cut Off" or "Full Cut Off" luminaries.
  - 2. **Design of Fixtures.** Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.
  - 3. **Timing Controls.** All outdoor lighting in nonresidential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building are not in use and the lighting is not required for security.

4. **Trespass.** All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at any property line shall not exceed one foot-candle, unless otherwise required by Police Department.

#### 18.11.090 Screening

- A. **Screening of Mechanical and Electrical Equipment.** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from adjacent at-grade public rights-of-way and/or adjacent Residential Districts. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow devices, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Exceptions may be granted by the Director where screening is infeasible due to health and safety, structural limitations, or utility requirements.
- B. **Common Property Lines Where Certain Uses Abut a Residential District.** A solid screening wall seven feet in height shall be provided on the interior lot lines of any lot that contains any use in the Industrial Use Classification or any use in the Transportation, Communication, and Utilities Use Classification (except Telecommunications Facilities) and abuts a Residential District.
  1. **Timing.** The screening wall shall be provided at the time of new construction or expansion of buildings, or changes from one use classification to another nonresidential use classification.
  2. **Location.** Screening walls shall follow the lot line of the lot to be screened, or shall be arranged within the boundaries of the lot so as to substantially hide from adjoining lots the building, facility, or activity required to be screened.
  3. **Materials.** Industrial uses shall provide a solid screening wall of stucco, decorative block, or concrete panel. Screening walls for other uses shall be constructed of stucco, decorative block, concrete panel, wood, or other substantially equivalent material.
- C. **Outdoor Storage Areas.** Outdoor storage areas visible from any public street or highway, existing or planned residential area; or publicly accessible open space area are subject to Design Review pursuant to Chapter 18.23, Design Review, and shall be fenced or screened in accordance with Table 18.11.090.C, Outdoor Storage Area Fencing and Screening Requirements.

**TABLE 18.11.090.C: OUTDOOR STORAGE AREA SCREENING AND FENCING REQUIREMENTS**

Maximum Height	Screening walls and fences shall not exceed the maximum allowable fence heights unless allowed pursuant to approval of a Modification pursuant to Chapter 18.26, Modifications.		
Allowable Materials (✓: allowed; X: not allowed )	Solid Wall (stucco, decorative block, or concrete panel)	Solid Fence (wood, vinyl, or similar material)	Slatted Chain Link Fence
Visible from the freeway	✓	X	X
Commercial and Mixed Use Districts, not visible from the freeway	✓	✓	X
Industrial Districts, not visible from the freeway	✓	✓	✓

- D. **Other Outdoor Activity Areas.** Where the Director finds that an outdoor use without screening would have a detrimental effect, the outdoor use shall be screened from view from any public street or freeway; existing or planned residential area; or publicly accessible open space area.
- E. **Maintenance.** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter and advertising. Graffiti shall be removed within two days of notice of its placement. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the required and the maximum allowed height.

**18.11.100 Swimming Pools and Spas**

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

- A. No swimming pool, spa, or any body of water having a depth of more than 18 inches shall be located in a required front or side setback nor less than five feet from a property line, measured to the outside edge of water.
- B. Accessory mechanical equipment and related structures shall not be located ~~in a required front or side setback, less than three feet from a property line, or~~ within 15 feet of a bedroom window on an adjacent lot.

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**18.11.110 Visibility at Intersections and Driveways**

Vegetation and structures located ~~within 10 feet of a driveway intersection with a street or sidewalk in the following areas near intersections and driveways~~ shall be subject to review and approval by the City

Engineer/Director of Utilities: Site distance at intersections shall be in accordance with the City's current Engineering and Design Standards.

~~A. Within 10 feet of the point of intersection of:~~

~~1. A vehicular accessway or driveway and a street; or~~

~~2. A vehicular accessway or driveway and a sidewalk.~~

~~B. Within 20 feet of the point of intersection of two or more vehicular accessway, driveways, or streets.~~

## **Chapter 18.12 Affordable Housing Density Bonus**

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### **18.12.010 Purpose**

The purpose of this Chapter is to implement the State Density Bonus Law, California Government Code Section 65915 et seq.

### **18.12.020 Applicable Zoning Districts**

This Chapter shall be applicable in all zoning districts that allow residential uses.

### **18.12.030 Qualifications**

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

### **18.12.040 Density Bonus, Incentives and Concessions**

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

### **18.12.050 Application**

An application for a density bonus or other incentive under this Chapter for a housing development shall be submitted in writing to the Planning Division to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this Chapter and applicable State law.

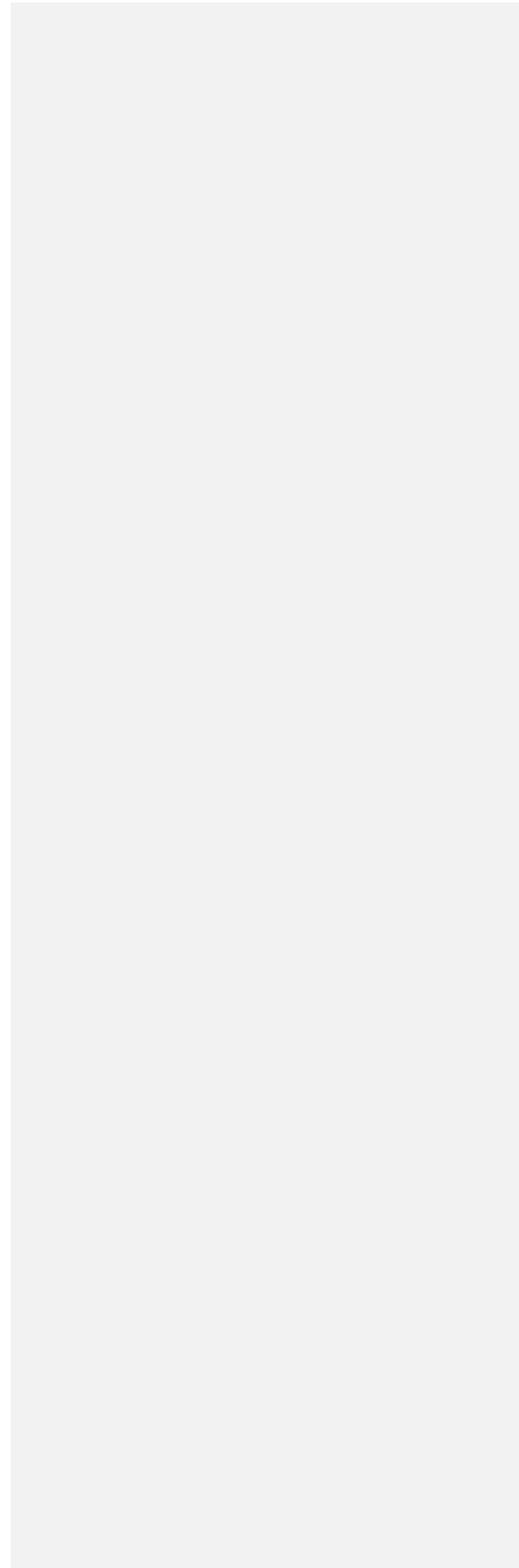
### **18.12.060 Review and Consideration**

The application shall be considered by the Planning Commission or City Council at the same time the project for which the request is being made is considered. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made under this Chapter shall be considered

by the Community Development Director. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.

**18.12.070 Continued Affordability**

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



## Chapter 18.13 Landscaping

### 18.13.010 Purpose

The purposes of the landscaping regulations are to:

- A. Improve the appearance of the community by requiring permanently maintained landscaping;
- B. Enhance the appearance of development and minimize or eliminate conflicts between potentially incompatible uses through landscaping;
- C. Aid in energy conservation by providing shade from the sun and shelter from the wind;
- D. Provide areas on site to absorb rainfall and assist in reducing storm water runoff;
- E. Assist in erosion control;
- F. Promote conservation and efficient use of water; and
- G. Implement the Water Conservation in Landscaping Act.

### 18.13.020 Applicability

The provisions of this Chapter shall apply to the following:

- A. All new development.
- B. Additions to multi-unit and non-residential development that expand existing floor area by 10 percent or more.
- C. All new and rehabilitated landscaping projects that include new irrigated landscaping over 2,500 square feet.
- D. **Exceptions.** The provisions of this Chapter do not apply to the following:
  - 1. Farming, agriculture, and crop production including vegetable gardens, vineyards, and small orchards.
  - 2. Public recreational areas (designated for active play, recreation or public assembly).
  - 3. Registered local, state or federal historical sites.
  - 4. Habitat restoration projects that do not require a permanent irrigation system.
  - 5. Mined-land reclamation projects that do not require a permanent irrigation system.
  - 6. Existing plant collections, as part of botanical gardens and arboretums open to the public.

**Commented [Revision36]:** Study Session discussion topic. Deleted portions related to WELO requirements. Replaced with cross reference to applicability of Department of Water Resources Model Water Efficient Landscape Ordinance and specifically called out the Prescriptive Compliance Option of Appendix D may be used as a compliance option

### 18.13.030 Areas to be Landscaped

In addition to areas required to be landscaped pursuant to other sections of this Code, the following areas shall be landscaped.

- A. **Required ~~Front and Street-Facing Side~~ Setbacks.** All required ~~street-facing~~front and street side setbacks shall be landscaped except for areas used for exit and entry.
- B. **Sloped Areas.** All areas with 3:1 or greater slope.
- C. **Nonresidential Use Abutting or Within Residential Districts.** Whenever a non-residential use is located within or adjacent to a Residential District, a five foot wide landscape buffer shall be provided along all interior property lines.
- D. **Multi-Unit Residential Development Abutting or Within an RL District.** Whenever multi-unit residential development is located within or adjacent to an RL District, a five foot wide landscape buffer shall be provided along all interior property lines.
- E. **Parking Areas.** Parking areas as required by Chapter 18.16, Parking and Loading.
- F. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or hydroseeded.

### 18.13.040 Water Conservation in Landscaping Act Compliance Required

All landscaping shall comply with the Department of Water Resources Model Water Efficient Landscape Ordinance (Title 23 Division 2 Chapter 2.7 of the California Code of Regulations). The Prescriptive Compliance Option of Appendix D (23 CCR Div 2 Chapter 2.7) may be used as a compliance option.

### ~~18.13.040~~18.13.050 Landscape Plan

A landscape plan showing compliance with the standards of this Chapter shall be submitted with the permit application for all projects for which landscaping is required.

- A. **Information Required.** Landscape plans shall be drawn to scale and shall include the following:
  - 1. Proposed plant locations, species, and sizes, ~~and plant factor. Plants with similar water needs shall be grouped together on the landscape plan. The plant factor, established in the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS), shall be identified for all landscaped areas on a site. All water features shall be identified as high water use, and temporarily irrigated areas shall be identified as low water use.~~

2. Location of any existing tree over six inches in diameter or over two inches in diameter for oak trees, as measured at 48 inches above natural grade, and whether each such tree is proposed for retention or removal.
3. Areas to be covered by non-decorative hardscape features (e.g., concrete, asphalt, gravel, driveways, sidewalks, etc.)
4. Areas to be covered by decorative permeable hardscape features (e.g., brick, stone, mulch, water feature, etc.)
5. Walkways, plazas and sitting areas, play areas, street furniture and other existing or proposed permanent outdoor equipment or decorative landscape features, if any.
6. Proposed method and location of irrigation.
7. Interim landscaping for future phases where deemed necessary by the City.

~~7-8.~~ Information demonstrating the Department of Water Resources Model Water Efficient Landscape Ordinance will be complied with.

B. **Alternative Landscape Plan.** A modification to the standards of this Chapter may be approved through a Modification pursuant to Chapter 18.26, Modifications. The applicant shall demonstrate that the intent of the landscape requirements of this Chapter will be achieved through an alternative landscape plan, prepared in accordance with the purposes set forth in this Chapter. The alternative landscape plan shall clearly detail the modifications being requested from the provisions of this Chapter and the alternative landscape plan reflects the evaluation criteria listed below.

1. Innovative use of plant materials and design techniques in response to unique characteristics of the site or the proposed use.
2. Preservation or incorporation of existing native vegetation.
3. Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials (trees, large shrubs) in a manner consistent with existing native vegetation.
4. Integration of landscaping and pedestrian facilities in a manner that improves access or incorporates pedestrian-friendly design.
5. Use of additional shade trees to create a greater canopy effect.
6. A greater degree of compatibility with surrounding uses than a standard landscape plan would offer.

~~18.13.05~~**18.13.060** **General Requirements**

A. **Materials.**

1. **General.**

- a. Required landscaped areas shall be planted with a combination of ground covers, shrubs, vines, and trees.
- b. Landscaping may include paved and graveled walkways and the use of decorative materials such as brick, bark, sand, wood, decorative rock, structural features, or other decorative features, provided they do not cover more than 30 percent of the area required to be landscaped.
- c. Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.

~~2. **Required Water Efficient Plants.** One of the following options of types of plants shall be chosen to ensure that the landscape project meets water efficiency requirements.~~

~~a. **Option A: Primarily Low Water Plants.** Exclusive of garden areas, at least 75 percent of the landscape area shall contain low or very low water use plants (average California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS) plant factor of 0.3).~~

~~b. **Option B: Water Use Calculation.** The estimated total water use (ETWU) of the landscaping shall not exceed the maximum applied water allowance (MAWA), calculated pursuant to the State Model Water Efficient Landscape Ordinance (MWELO).~~

~~i. Department of Water Resources Model Water Efficient Landscape Ordinance Compliance Required. Where Option B: Water Use Calculation is selected, all requirements of the Department of Water Resources Model Water Efficient Landscape Ordinance shall apply.~~

~~3. **Size and Spacing.** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light), and maintenance needs. Plants shall be of the following size and spacing at the time of installation:~~

- a. **Ground Covers.** Ground cover plants other than grasses shall be at least four-inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of 50 percent of the plant's maximum width at maturity.

- b. *Shrubs.* Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.
- c. *Trees.*
  - i. Required Trees.
    - (1) RL District. A minimum of one street tree is required for every 50 feet of street frontage, or fraction thereof.
    - (2) RM District. A minimum of two street trees are required for every 50 feet of street frontage, or fraction thereof.
    - (3) Commercial and Mixed-Use Districts. A minimum of two street trees are required for every 50 feet of street frontage, or fraction thereof.
    - (4) Industrial Districts. A minimum of one street tree is required for every 50 feet of street frontage, or fraction thereof.
  - ii. Minimum Size. Trees shall be a minimum 15-gallon size having a minimum height of six feet and a one-inch caliper at planting unless the Director approves an equivalent quality of tree based on tree species and quality of stock.
  - iii. Tree Selection. Trees shall be selected and planted in compliance with the adopted City of Dixon Tree Selection for Street Trees and Front Yard Trees, and any other applicable list or guide the City adopts for tree selection. Tree selection should consider the Sacramento Tree Foundation's Air Quality Beneficial Volatile Organic Compound List, or comparable. When all other factors are equal, trees with the highest rating for air quality benefits should be selected.

~~4. **Natural Turf.** Natural turf is subject to the following limitations:~~

- ~~a. No more than 25 percent of the landscaped area may be natural turf.~~
- ~~b. The installation of natural turf on slopes greater than 25 percent is prohibited.~~
- ~~c. Natural turf is prohibited in locations that are less than 10 feet wide.~~

~~5. **Mulch.** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.~~

~~6. **Compost.** Compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test) shall be incorporated.~~

~~B. **Water Features.** Recirculating water shall be used for all decorative water features.~~

~~C.B. **Dimension of Landscaped Areas.** No landscaped area smaller than four feet in any horizontal dimension shall count toward required landscaping.~~

~~D.C. **Prescribed Heights.** The prescribed heights of landscaping shall indicate the height to be attained within three years after planting unless otherwise noted.~~

~~E.D. **Intersection Visibility.** All landscaping shall comply with Section 18.11.110, Visibility at Intersections and Driveways.~~

~~F.E. **Maintenance.** All planting and other landscape elements shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Inert matter, such as gravel, decorative stone, or other acceptable materials not consisting of live vegetation shall be kept neat, well-ordered, and clear of the public right-of-way. Wherever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.~~

### ~~18.13.060 Irrigation Specifications~~

~~All landscaped areas shall be provided with an automatic irrigation system capable of complete coverage of the landscaped areas.~~

#### ~~A. **General Requirements.**~~

- ~~1. All irrigation equipment must meet American National Standards Institute (ANSI), American Society of Agricultural and Biological Engineers/ International Code Council (ASABE/ICC) 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard".~~
- ~~2. The following areas shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.~~
  - ~~a. Slopes exceeding 25 percent.~~
  - ~~b. Areas less than 10 feet wide in any direction.~~
- ~~3. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas such as adjacent property or hardscapes.~~
  - ~~a. Irrigation systems shall be designed for zero run-off onto paved surfaces unless that surface drains to another landscape area.~~
  - ~~b. Spray irrigation must be placed two feet away from impervious surfaces unless that surface drains to another landscape area.~~

~~c. Proper irrigation equipment and schedules, including features such as repeated cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.~~

~~d. Slopes greater than 25 percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour, and check valves shall be utilized.~~

~~B. **Sprinkler Heads.** Where used, sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.~~

~~1. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.~~

~~C. **Water Meters.** A dedicated meter for irrigation is required for non-residential projects with landscape areas of 1,000 square feet or more.~~

~~D. **Backflow Prevention Devices.** Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system.~~

~~E. **Pressure Regulating Equipment.** Pressure regulating valves or assemblies shall be installed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.~~

~~F. **Flow Sensors.** Flow sensors are required to detect high flow conditions created by system damage on all non-residential projects and residential projects 5,000 square feet and greater.~~

~~G. **Controllers.** Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.~~

~~1. Automatic irrigation controllers shall utilize either evapotranspiration or soil moisture sensor data, or rain sensing override devices.~~

~~2. Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.~~

~~H. **Check Valves.** Where required on steep slopes, check valves shall be installed to prevent low head drainage.~~

~~I. **Shut-Off Valves.** Shut off valves are required and shall be located as close as possible to the point of connection of the water supply, and placed where needed to minimize water loss in case of an emergency (such as a main line break) or routine repair.~~

### 18.13.070 Installation and Completion

- A. **Consistency with Approved Plans.** All landscaping shall be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth.
- B. **Timing of Installation.** Required landscaping shall be installed prior to the issuance of a certificate of occupancy for the project.
- C. **Exception—Assurance of Landscaping Completion.** The Director may permit the required landscaping to be installed within 120 days after the issuance of a certificate of occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount equal to 150 percent of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within 120 days, must be filed with the City to assure completion of landscaping installation within such time. The surety may take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.
- ~~D. **Certification of Completion.** Where Required Water Efficient Plant Option B: Water Use Calculation, was installed, a licensed landscape architect shall verify and the applicant shall submit a Certificate of Completion pursuant to the Department of Water Resources Model Water Efficient Landscape Ordinance.~~

## Chapter 18.14 Measure B Residential Growth Implementation Plan

**Commented [Revision37]:** Existing Chapter 18.48 carried forward with changes for consistency shown in track changes

### 18.14.010 Findings

The City Council hereby finds and determines as follows:

- A. On April 8, 1986, the resident voters of the City of Dixon approved an initiative ordinance which authorized but did not require the City Council to limit annual residential growth in the City: to a number of new dwelling units equal to three (3%) percent or less of the total number of housing units existing on December 31st of each prior calendar year, said limitation to begin in [1986] the year of the adoption of said measure.

A copy of said initiative ordinance is on file in the office of the City Clerk and is commonly known as and referred to as "Measure B." Except as otherwise provided in this chapter, it is the intent of the City Council to implement the three percent (3%) growth limitation in Measure B.

- B. Measure B states that: the unit [growth] limit is intended to be designated within the limits of the City's General Plan Goals, Objectives and Policies, in order to arrive at an approximate mix of eighty (80%) percent single family housing units (including single family attached duplex units) to twenty (20%) percent multiple dwelling units.
- C. In addition, Measure B is made subject to certain exceptions set forth in Paragraph Nos. 4 and 5 of the "findings," which are included within the adopted text of Measure B.
- D. Paragraph No. 4 of the findings included the following exception to the residential dwelling unit growth limit: In cases where the new number of units to be built in any one year (being a number equal to three (3%) percent of the dwelling units existing in the City during the previous year) is found by the Council to be insufficient for a particular Residential Development Project, when considered with other proposed units to be built during any one year, an exception may be made for a larger number of units in any one year, provided that (a) such exceptions do not occur more than two years in a row, and provided (b) in no case will the total number of units approved exceed the average of three (3%) percent per year over each consecutive five year period, and (c) that exceptions will be made only for the below-listed categories and criteria, as follows:
1. Public Services. Where the costs of public services, utilities, infrastructure or school construction borne by a particular residential project and required by the City, are found by the Council, on the evidence presented to it, to prevent such project from being economically feasible, considering the number of dwelling units allowed to be built together with such public services, et cetera, an exception may be granted by the Council;

2. Regional/Community Housing Needs. Where, on the evidence presented, the Council finds it necessary to increase the number of residential units to be built in any one year above said three (3%) percent to meet regional/community housing needs, an exception may be made by the Council.
- E. Paragraph No. 5 of the findings provides that its residential growth limitations do not apply to "Any Planned Development or Unit thereof that received the approval of the City Council prior to the enactment of this measure." It also exempted "Housing projects in the Central Dixon Redevelopment Area."
- F. On August 11, 1987, the City Council adopted its Resolution No. 8759 which provided the City Council, City staff and prospective residential developers with limited procedures and standards for use in the implementation of Measure B. Subsequent to the adoption of Resolution 8759, the City Council adopted additional resolutions and entered into development agreements, all of which were intended by the City Council to allocate residential development allotments to various residential subdivisions within the City for specified multi-year periods commencing with the enactment of Measure B in 1986 and concluding with the 2000 calendar year.
- G. At a consolidated municipal election held on April 12, 1988, the City's electorate considered Measure "D," an advisory measure relating to the implementation of Measure "B." In deciding Measure "D," the electorate was asked to determine whether a policy which limited the carry-over of unused residential housing allotments by developers from the year in which they were first granted into future years was "Not Restrictive Enough," "Fair" or "Too Restrictive."

The policy considered permitted a developer to carry over into the next calendar year only so many unused allotments as, when totaled with the residential housing allotments issued in that next calendar year, would total one hundred twenty-five percent (125%) of the allotments actually used in the prior year. A plurality of forty-three and seven-tenths percent (43.7%) of the electorate considered the policy to be "Fair." Approximately thirty-seven percent (37%) of the electorate desired a more restrictive view of carry-overs and considered it to be "Not Restrictive Enough." Only nineteen and one-half percent (19.5%) of the electorate sought a more liberal carry-over policy or considered it to be "Too Restrictive."

The City Council has considered the results of this advisory vote on Measure "D" in determining the extent and manner in which the allotment pool provided for in this chapter should operate. The allotments issued by the City will be usable by the developer to whom they are issued only during the calendar year in which they are issued. Only a limited basis for extending the life of the allotment is provided for. However, the allotments which are not used are not completely extinguished. Instead, they remain available for reallocation during the next four (4) calendar years. If not allocated and used after five (5) years, the allotments are usable only for affordable housing.

The City Council considers this procedure to be consistent both with Measure “B” and Measure “D.”

- H. Paragraph 7 of Measure B provided that it would be in effect until the year 1996, when it would again be placed on the ballot for reconsideration by the City electorate. At the general municipal election on November 5, 1996, Measure B was reconsidered by the City electorate and was reaffirmed by more than a majority of the City electorate voting on the ballot measure.
- I. In 1995 and 1996, the City annexed to its territory a total of one thousand three hundred thirty-two (1,332) acres of largely vacant agricultural lands to provide future growth areas for both residential developments and nonresidential developments. Prior to annexing these areas, the City adopted amendments to its 1993 General Plan which provided plans for streets, highways, and public and private land uses within these future growth areas.
- J. One (1) of the future growth areas, consisting of approximately two hundred ten (210) acres, is known as the “Southpark Annexation Area.” It is depicted in the General Plan as providing building sites for approximately six hundred eighty (680) single-family residential dwellings and one hundred thirty (130) multifamily residential dwelling units.

The Southpark Annexation Area is currently undergoing additional environmental review and consideration for amendments to the General Plan and zoning in anticipation of near-term commencement of residential development. As part of this process, the City will strive to meet the Measure B target of twenty percent (20%) multifamily housing and that mechanisms are considered in the entitlement process that ensure the development of multifamily housing concurrently with the development of any adjacent single-family housing.

- K. A second future growth area, consisting of approximately four hundred seventy-seven (477) acres, is known as the “Southwest Annexation Area.” It is depicted in the draft Southwest Dixon specific plan as providing building sites for approximately five hundred ninety (590) low density residential dwelling units and six hundred thirty-one (631) medium density residential dwelling units, or a total of one thousand two hundred twenty-one (1,221) low and medium density dwelling units, in addition to providing commercial and employment uses.
- L. A third future growth area, consisting of six hundred forty-three (643) acres, is known as the “Northeast Annexation Area” and contains no residential land uses and is depicted in the General Plan and the Northeast Quadrant specific plan as being available for development for commercial and industrial uses.
- M. In 1996, the annexation of the Southpark Annexation Area and the Southwest Annexation Area (referred to herein as “the future residential growth areas”) to the City was challenged by a statutory validating proceeding filed in Solano County Superior Court. This litigation was filed by a private party pursuant to Cal. Civ. Proc. Code § 860. It named various parties, including the City,

the Solano Local Agency Formation Commission (“LAFCO”) and private landowners, as defendants, respondents and real parties in interest. In 1998, the litigation was resolved in favor of the City and Solano LAFCO through entry of a judgment by the Solano County Superior Court. That judgment was subsequently affirmed on appeal by the California Court of Appeal (First District).

- N. The City General Plan and its housing element have established a set of goals, objectives and policies (“guidelines”) to guide the City in matters relating to development within the future growth areas including the future residential growth areas of the City. Those guidelines include:

The City shall maintain the ‘small town character’ of Dixon to some extent... The provisions of Measure ‘B’ currently define the upper limits of permissible growth, and while these have general support, voters in the future may act to refine some of their aspects.

The City shall phase development in an orderly, contiguous manner in order to maintain a compact development pattern and to avoid premature investment for the extension of public facilities and services. New urban development shall occur only in areas where municipal services are available and where adequate service capacity exists. In areas where proposed development would require major new facility expansion to ensure the provisions of municipal services, adequate service capacity should be in place prior to the approval of the proposed development.

The City shall manage growth to the extent that the local service networks can support it.

The City shall focus future growth initially in areas already designated as appropriate locations for such growth, in the interest of providing services in the most cost-effective manner.

The City shall encourage new residential development that is compatible with the City’s predominately low density, small town character and scale.

The City shall identify adequate residential development sites which will be made available through appropriate zoning and development standards, with public services and facilities needed to facilitate and encourage the development of a variety of housing for all income levels, including rental housing, factory built housing, emergency shelters and transitional housing in order to meet the community’s housing goals.

The City shall regulate new residential housing development so as to foster a variety of housing types, densities and costs (including low- and moderate-income units) to meet the current and future housing needs of all Dixon residents while preserving the character of the individual neighborhoods.

The City shall work toward the historic balanced mix of housing types and densities, in accordance with the eighty (80%) percent low density, single family distribution defined in Measure ‘B’ as the basis for annual limits for housing construction approvals.

The City shall allow the housing supply to expand at a maximum rate of three (3%) percent per year, based upon the total numbers of units existing in the City as of the last day of the preceding year, in accordance with Measure B.

The City shall permit moderate density residential development, characterized by smaller lot sizes and greater proportion of attached housing units, in those portions of the Planning Area characterized by a transition from single family residential to multiple family or non-residential uses.

- O. In anticipation of future residential and nonresidential growth in the three (3) annexation areas listed above (“the future growth areas”), the City has been engaged in a process of capital improvement planning to ensure the provision of the essential public infrastructure needed for such growth, including, but not limited to, domestic water service facilities, storm drainage water facilities, wastewater collection and treatment facilities, streets, highways, freeway interchanges, railroad grade separations, public parks, public recreational facilities, and public administrative and safety facilities and equipment. The City has also evaluated the estimated costs associated with the financing of such essential public infrastructure and facilities and the financial resources available to the City to finance the costs of constructing such essential public infrastructure and facilities.
- P. The City Council desires to finance such essential public infrastructure in a manner which is fair and just to both the current residents and businesses of the City and to the future residents and businesses whose essential public infrastructure needs, as depicted in the General Plan and its ongoing capital facilities planning, will need to be addressed by the City as development occurs in the future growth areas. The City Council has now adopted, and will routinely update, a “Facilities and Equipment Study” containing the detailed financial information needed to assist the City Council in establishing the various financing mechanisms that will be needed to fund the future construction of certain items of infrastructure and equipment required for the development of the future growth areas.
- Q. At present, the City has only limited storm drainage capacity available to it to service the future growth areas. The City has prepared a storm drainage report which depicts and describes the storm drainage requirements for both its current urbanized areas and the future growth areas. Providing a solution for the storm drainage needs of the City may, at a minimum, require the City to enter into an agreement or agreements with other public agencies which provide for the disposal of such storm waters.
- R. The solution to the storm drainage needs of the City will also require the City to finance and construct storm drainage facilities to transport, detain, and possibly treat storm drainage waters emanating from the future growth areas. The process by which these storm drainage issues are to be resolved has been tentatively determined, but until such matters are finally resolved, necessary agreements reached with other public agencies, and the required storm drainage is constructed, the City will have only limited capacity to serve the future growth areas.

- S. The City operates a wastewater collection and treatment system (the “wastewater system”) under permits issued by the State of California Regional Water Quality Control Board – Central Valley Division (“the RWQCB”). In 1997, the RWQCB issued a cease and desist order requiring the City to comply with the requirements of the permits that it has issued for the operation of the wastewater system. Although the City has made major improvement to the wastewater system since that date in an effort to bring its operations into full compliance with those permits, the staff of the RWQCB has advised the City staff it believes that certain conditions of the RWQCB permits relating to protection of groundwater are not being met by the City.
- T. Extensive tests are now being undertaken by the City to determine if it is complying with these conditions as required by the RWQCB. If the City is not complying with these conditions, further extensive improvements to the wastewater system may need to be made in order to bring the City into compliance with the permit conditions. The present uncertainty relating to these matters suggests that until they are resolved in a manner acceptable to the RWQCB, the City will have only limited capacity in its wastewater system to serve the future growth areas.
- U. The City Council is desirous of ensuring that essential public infrastructure and facilities for urban development in the future growth areas will be available at the time particular developments in the three (3) future growth areas are proposed to the City and that the appropriate financing, necessary for the construction of this infrastructure, is likewise available. The City Council is also concerned that the City has the staff and financial resources available to provide needed public services, such as police protection and fire protection, to the future growth areas when those services will be needed.
- V. The Dixon Unified School District has revised its facility plan for the present and future primary and secondary schools serving the present urbanized areas of the City and the growth areas in which future residential development will occur. School enrollment will increase as urban growth occurs in the future residential growth areas. The district presently has not identified all necessary sources of local funding for its future educational infrastructure needs and consequently its ability to provide service to the future residential growth areas is limited. The City Council desires that development of the future residential growth areas will not unnecessarily impact the educational infrastructure operated by the District.
- W. The City’s fair share of the housing needs determination of the San Francisco Bay region, as adopted by the Association of Bay Area Governments (“ABAG”) for the 1988 to 1997 period, was six hundred ninety-nine (699) units. The City was able to meet that need during that period notwithstanding the residential growth restriction in Measure B.
- X. The City’s fair share of the housing needs determination of the San Francisco Bay region, as adopted by the Association of Bay Area Governments (“ABAG”), for the 1999 to 2006 period is one thousand four hundred sixty-four (1,464) units. The City should, given favorable economic

conditions, be able to meet the allocated housing need assigned to it by ABAG during the 1999 to 2006 period notwithstanding the residential growth restrictions contained in Measure B.

- Y. The City General Plan and its housing element recommend a variety of programs and policies intended to provide housing for very low income households, low income households and moderate income households including, but not limited to, the following:

The City shall assist in the development of adequate housing to meet the needs of low and moderate income households.

The City shall address and assist, to the extent possible, special housing needs, such as those of handicapped [by which the State law means Persons with disabilities], elderly, large households, farm workers, families with female heads of household and families in need of emergency shelter.

The City shall recognize the need for alternative styles and types of housing, and support the development of townhouses, split-lot duplexes, condominiums and apartments in suitable locations, subject to appropriate review considerations.

The City shall encourage the provision of moderately priced housing in all larger scale development, so as to avoid a concentration of such housing in any one area.

Use Measure B to implement the goals and policies of the Housing Element and to achieve quantified objectives for housing units within each income category.

Establish affordable housing objectives consistent with the Regional Fair Share Allocations; Revise Measure B annual allocation procedures to provide incentives for performance.

Establish an annual objective for lower-income housing units as Measure B allocations are determined. Establish a City policy that gives priority for allocations to development projects that include multifamily sites or otherwise fulfill the established lower-income housing objectives.

Utilize the Measure B allocation process to designate a portion of the available allocations for either rental or owner-occupied projects which will provide lower-income units.

Allocate at least twenty (20%) percent of future residential development permits under Measure B to multiple-family housing.

The City shall encourage and assist non-profit housing providers, both public and private, to reduce development costs in order to increase production of below-market-rate housing.

- Z. That notwithstanding the foregoing, the City Council recognizes a continuing need to provide opportunities for affordable housing. Therefore, this chapter provides that a residential development allotment not utilized by developers during the five (5) year life of an allotment shall thereafter remain available for the provision of affordable housing. This provision is in conformance

with the intent of Measure “B” in that the overall rate of residential growth since adoption of Measure “B” would in no event exceed three percent (3%).

- AA. Measure B states that its purpose is as follows: It is the purpose [of Measure B] to augment the policies of this City as stated in its General Plan and Ordinances, regarding the regulation of residential development. To accomplish this purpose, the City needs to control its annual proposed residential development to achieve a balanced housing mix. It is the intent of the people of the City of Dixon to realize a steady, controlled rate of balanced residential growth. This controlled growth is to assure that the services provided by the City and other service agencies will be adequate in the foreseeable future. Services should be provided in such a way as to avoid overextension or scarcity of resources of existing facilities, to bring deficient services or facilities up to full operating standards, and utilize long range planning techniques to minimize the cost of the expansion of facilities to the public.
- BB. It is the intent of the City Council in adopting this Measure B Residential Growth Implementation Plan to implement the purposes of Measure B by providing a process, consistent with the stated intent of Measure B, for the annual allocation and use of residential development allotments for residential development construction in the five (5) year period with the calendar year 2002 being the fifth year in that period and the calendar year 1998 being the first year in that period. The City Council finds that this method of calculating the maximum amount of housing allotments that will be approved by the City Council over any consecutive five (5) year period is consistent with and best implements the stated intent of Measure B that through its implementation a “steady, controlled rate of balanced residential growth be maintained.”
- CC. The public health, safety and welfare interests of the residents of the City promoted by the adoption of this Implementation Plan include:
  - 1. The interests of the City and its residents in ensuring that the essential public infrastructure, facilities and public services provided by the City to the future growth areas are properly and effectively staged and financed in a manner which will, among other factors, not use existing essential public infrastructure and facilities beyond their capacity, and will, to the extent possible, allow the City to bring needed new essential public infrastructure, facilities and services into operation in a cost-efficient and timely manner.
  - 2. The interests of the City and its residents in ensuring that the Dixon Unified School District will have the time and financial resources necessary to properly and effectively finance, build and staff the educational facilities needed to meet the education needs of the residents of the future residential growth areas.

3. The interests of the City and its residents in ensuring that residential growth in the future residential growth areas contain the mix of single-family and multifamily units that is contemplated by Measure B.
  4. The interests of the City and its residents in ensuring that a balance of housing types and values will be provided in the future residential growth areas which will accommodate a variety of households, including very low, low and moderate income households.
- DD. The enactment of this chapter will not reduce or adversely affect the housing opportunities of the region of California within which the City is situated and is compatible with State of California housing goals and regional housing needs because it includes inducements for the development of a variety of housing types, including affordable housing, designed to meet the needs of households of all income levels.
- EE. This chapter represents a reasonable balance and accommodation of the public health, safety and welfare interests advanced by growth management as envisioned by Measure B on one hand and the public health, safety and welfare interests advanced by the continued provision of safe, sanitary and affordable housing on the other hand, because it advances the interests set forth in subsection DD of this section, without adversely impacting the City's regional housing obligations as evidenced in subsections W, X and Y of this section. To the extent this chapter may be determined to reduce the housing opportunities of the region, the findings contained in subsection DD of this section as to the public health, safety and welfare interests promoted by the adoption of this chapter are hereby found by the City Council to justify any such reduction in the housing opportunities of the region.
- FF. It is the purpose of this chapter to augment the policies of the City as set forth in the City General Plan and to all other plans, ordinances and resolutions adopted by the City Council under the authorization granted to it by Measure B for the regulation of residential growth within certain areas of the City.
- GG. In order to accomplish the above findings and determinations, and to fulfill the intent of Measure B as approved by the City electorate in 1986 and in 1996, the City must be able to effectively and reasonably control the annual rate and residential mix of proposed residential development, on a year-to-year basis over five (5) year cycles.

#### **18.14.020 Definitions**

Whenever the following terms are used in this chapter, they shall have the meaning established by this section unless from the context it is apparent that another meaning is intended:

"Affordable housing" shall mean single-family or multiple-family residential housing consisting of very low income household dwelling units, low income household dwelling units and/or moderate income

household dwelling units in such proportions to each other as may be determined on a project-by-project basis by the City Council.

“Allotment pool” shall mean the total number of residential development allotments available for allocation at a given time, including those allocations available in a given calendar year and any of those which were available in the prior four (4) calendar years but which were not allocated or which were allocated and either relinquished or terminated.

“Approved secondary living units” shall mean living units which are added to existing dwelling units and defined as “secondary living units” under the zoning ordinance of Dixon which have been approved by the City as provided in said ordinance.

“Building Official” shall mean the appointed Building Official of the City of Dixon or his or her designated representative.

“Building permit” shall mean the final City approval before construction may begin. This is usually the permit issued by the Community Development Department with the approval of the Building Official. In the case of mobile home parks requiring a conditional use permit for the construction of the park, it shall mean the conditional use permit issued for the mobile home park if the construction of the mobile home park requires no building permit from the City.

“Dedicated as very low income housing (or low income housing or moderate income housing) under a recognized program” shall mean a residential development project or portion thereof qualifying for a residential development allotment under this chapter that has entered into a contractual agreement with the City providing legally enforceable assurances to the City that the residential development project or portion thereof for which said residential development allotment was granted will remain as very low income, low income or moderate income housing, as the case may be, for a period of not less than ten (10) years, but which period will typically be for between twenty (20) and fifty (50) years.

“Developer” shall mean a natural person, firm, corporation, partnership, limited partnership, limited liability company, or any other association or entity, who proposes to engage in residential development on an eligible parcel and who is the owner of that eligible parcel.

The term “developer” shall also include any other person who is the owner of a lot or parcel, other than an eligible parcel, to which a residential development allotment has been granted under the provisions of this chapter. The term shall not apply to any person who is the owner of a lot or parcel to which a residential development allotment has been allocated after that allotment has been used and a residential dwelling unit has been erected upon the lot or parcel and a certificate of occupancy for that dwelling unit has been issued by the Building Official.

“Development” shall mean the use to which the land is put, including, but not limited to, subdivision pursuant to the Subdivision Map Act (Cal. Gov’t Code § 66410 et seq.) and by any other division of land,

except by a public agency, the buildings to be constructed upon land, and all alterations of the land and construction incident thereto.

“Development agreement” shall mean an agreement, executed and signed by both the City and a developer under the provisions of Section 65864 et seq. of the Planning and Zoning Law and which has taken effect. A development agreement shall not be effective until it has been approved by an ordinance of the City Council and that ordinance has become operative in the manner required by law.

“Director” shall mean the Community Development Director of the City of Dixon or his or her designated representative.

“Eligible parcel” means a parcel which is eligible for a residential development allotment by being either: (1) a legal parcel or lot of record within the territorial boundaries of the City which is zoned for residential uses of the exact nature for which the residential development allotment is granted at the time of the granting of a residential development allotment to it and is divided by a final map, parcel map or lot line adjustment into the exact configuration upon which the residential development project will occur under the residential development allotment at the time of the granting of a residential development allotment to it; (2) a separate lot or parcel which, at the time of the granting of the residential development allotment, is depicted upon an approved tentative subdivision map or an approved final parcel map and for which all required public infrastructure for its development is either constructed or the construction of such infrastructure is provided for with reasonable certainty; or (3) the whole of a piece of real property not previously subdivided but proposed for residential development in such a manner that does not require subdivision under the terms of the Subdivision Map Act and for which all required public infrastructure for its development is either constructed or the construction of such infrastructure is provided for with reasonable certainty.

“Exempt parcel” shall mean any of the following: (1) any planned development or parcel or lot contained or located in a planned development approved prior to the adoption of Measure B; (2) dwellings containing occupancies on which a transient occupancy tax is paid and not more than one (1) dwelling unit is used as a resident manager’s unit for each hotel or motel or other occupancy for which a transient occupancy tax is paid; and (3) not more than one (1) dwelling unit used as a resident manager’s unit for each commercial or industrial facility.

“Infill parcel” for purposes of this chapter shall include all eligible parcels of record on the effective date of this chapter within the City with exception of those lots or parcels in future growth areas.

“Low income dwelling unit” shall mean a separate housing unit for rent or sale with a rental rate or consumer purchase cost which enables persons with a gross household income that is more than fifty percent (50%), but does not exceed eighty percent (80%) of the Solano County area median income (as adjusted for family size), to rent or purchase that unit, and which is formally dedicated as low income housing, under a locally recognized program and which is funded or subsidized pursuant to the provisions

of applicable Federal, State of California, or local laws or programs, and which also includes affordability guarantees for a period of not less than ten (10) years, but which period will typically be for between twenty (20) and fifty (50) years.

“Moderate income dwelling unit” shall mean a separate housing unit for rent or sale with a rental rate or consumer purchase cost which enables persons with a gross household income that is more than eighty percent (80%), but does not exceed one hundred twenty percent (120%) of the Solano County area median income (as adjusted for family size), to rent or purchase that unit, and which is formally dedicated as moderate income housing, under a locally recognized program which may be funded or subsidized pursuant to the provisions of applicable Federal, State of California, or local laws or programs, and which locally recognized program also includes affordability guarantees for a period of not less than ten (10) years, but which period will typically be for between twenty (20) and fifty (50) years.

“Person” shall mean a natural person, a firm, a corporation, a partnership, a limited partnership, a limited liability company, or other association or entity.

“Reasonable certainty” shall mean either: (1) that funds are on deposit with the City, or financial securities such as performance bonds, irrevocable letters of credit or assigned certificates of deposit delivered to the City, all of which are for the benefit of the City, and that they are adequate, as determined by the City Manager, to pay the costs of providing the necessary municipal infrastructure services for a lot or parcel, and that a program and schedule to provide the necessary municipal infrastructure services for that lot or parcel have been developed by either the City or the applicant, or both, which can be practically complied with as determined by the City Manager after consideration of the accepted practices in the relevant fields of municipal infrastructure service delivery and construction; or (2) that construction or provision of the necessary municipal infrastructure services for a lot or parcel has been included in the City’s adopted Capitol Improvement Program (“CIP”) and that the City Manager has determined that funds will be provided by the City in accordance with that CIP in an amount and time so as to make provision of such services reasonably certain.

“Residential development allotment” or “allotment” shall mean the City approval which must be obtained by a developer before a building permit can be issued for a residential development project. This is an entitlement issued by the City Council pursuant to the provisions of this chapter. A residential development allotment may be subject to such terms and conditions as are: (1) provided for in this chapter; or (2) provided for in a development agreement.

“Residential development project” shall mean the whole of any development project containing residential uses not expressly exempted by Measure B or this chapter. Exempted development shall not be considered a residential development project except as otherwise may be provided for under this chapter. The construction of two (2) or more residential dwellings at the same time by a single merchant production builder within an area approved as a single subdivision shall be considered one (1) residential development project, whether or not separate building permits are to be issued for each structure. The independent

construction of one (1) or more single residential dwellings or duplexes by separate custom builders which are coincidentally within the same subdivision shall be considered separate residential development projects.

“Very low income dwelling unit” shall mean a separate housing unit for rent or sale with a rental rate or consumer purchase cost which enables persons with a gross household income that does not exceed fifty percent (50%) of the Solano County area median income (as adjusted for family size) to rent or purchase that unit, and which is formally dedicated as very low income housing, under a locally recognized program which is funded or subsidized pursuant to the provisions of applicable Federal, State of California, or local laws or programs, and which also includes affordability guarantees for a period of not less than ten (10) years, but which period shall typically be for between twenty (20) years and fifty (50) years.

#### 18.14.030 Application of Chapter and Exemptions

Unless suspended by resolution of the City Council, the ~~The~~ provisions of this chapter providing for the allocation and use of residential development allotments shall apply to all residential development projects within the City and all lands, lots or parcels within the City except to the following:

- A. Residential development projects and lands, lots or parcels holding valid allocation of a residential development allotment prior to the effective date of this chapter.
- B. Residential development projects and lands, lots or parcels which were otherwise specifically exempted from Measure B by the provisions of Paragraph 5 of its findings.
- C. Rehabilitation or remodeling of existing residential dwellings as long as no additional dwelling units, other than approved secondary living units, are created.
- D. Construction of approved secondary living units.
- E. “Model homes” not used as residences, but used as an advertisement for housing sales, limited to ten (10) such dwelling units for each developer in each separate residential subdivision as approved by the Director under the provisions of the City zoning ordinance. The Community Development Director shall determine what is a separate residential subdivision for purposes of this exemption when lots in a subdivision have been divided in phases as provided in an approved tentative map. Model homes that have been constructed on a lot or parcel that has been temporarily exempted from the requirements of this chapter may be converted and occupied as a residence only when a residential development allotment has been granted for that lot or parcel as provided in this chapter and a certificate of occupancy has been issued for the model home by the Building Official. The Director shall issue his or her decision in writing and it shall be subject to being appealed by the developer or any interested persons as provided in DMC ~~18.48.250~~ 18.14.250, Appeals.

- F. Rest homes, convalescent hospitals or facilities, assisted living facilities, and congregate care facilities.
- G. Any unit for which transient occupancy taxes are paid pursuant to the transient occupancy tax ordinance of the City (Chapter 4.06 DMC), including but not limited to hotels, motels, and bed and breakfast facilities.
- H. Dwelling units reserved for senior citizens, not less than fifty-five (55) years of age, when the household income is either very low, low, or moderate income as herein defined and where said dwelling unit(s) are restricted to occupancy by senior citizens as memorialized in a covenant, development agreement or other legal mechanism approved by the City Council. This exemption is limited to the first one hundred fifty (150) dwelling unit(s) so approved by the City Council.

#### **18.14.040 Need for Residential Development Allotments and Penalties for Violations**

No building permit shall be issued by any officer or employee of the City for any residential development project within the City which is not exempt from the provisions of this chapter or Measure B until the developer of the residential development project secures a residential development allotment for said residential development project as provided in this chapter.

It shall be unlawful and a misdemeanor for any person to commence the construction of a residential development project which is not exempt from the provisions of this chapter or Measure B until that person has obtained from the City a residential development allotment for such residential development project as provided in this chapter.

It shall be unlawful and a misdemeanor for any person to occupy a model home described in DMC 18.48.14.030(FE) as a temporary or permanent residence, or to authorize or permit any person to occupy such a model home as a temporary or permanent residence, until a residential development allotment has been granted by the City under the provisions of this chapter for the lot or parcel upon which said model home is located.

Any act which may constitute a misdemeanor under this section is also found and determined by the City Council to constitute a public nuisance, and it may be abated as such by the City Attorney in the manner provided by the general laws of the State of California.

#### **18.14.050 Establishment of Five (5) Year Residential Development Allotment Pool**

The City Council, based upon adequate and credible evidence presented to it, determines that the intent of Measure B can be best implemented by a residential development allotment procedure which is primarily based upon consecutive five (5) year periods commencing with the calendar year 2002 and including each of the previous four (4) calendar years. The City Council finds and determines that using

consecutive five (5) year periods which include the current calendar year and the four (4) preceding calendar years for the purpose of the future allocation of residential development allotments provides a procedure which can be readily understood and effectively monitored by the City in the future to ensure that the intent of Measure B is being achieved.

In any given year, the number of allotments available for allocation shall be the total number of allotments available in the allotment pool. Allotments shall remain in the allotment pool and available for allocation for five (5) years from when they were first made available, after which they shall no longer be available for allocation except as affordable housing in accordance with DMC 18.4814.200, Allocation of Residential Development Allotments for Affordable Housing Projects.

Residential development allotments shall be considered to be used at the time a building permit is issued. The oldest valid allotment extant when a building permit is issued shall be considered to be the allotment which is used. For example, where forty-five (45) 1998 allotments are in the 1998 to 2002 allotment pool, the first forty-five (45) building permits issued in 2002 shall be considered to have utilized the 1998 allotments rather than any other allotments from 1999 to 2002.

#### **18.14.060 Procedures for Allocations of Residential Development Allotments for Calendar Year 2001**

Repealed during 2013 recodification.

#### **18.14.070 Procedures for Allocation of Residential Development Allotments Commencing in Calendar Year 2002**

Except as otherwise may be provided in a development agreement for a specific residential development project, commencing with the calendar year 2002, residential development allotments shall be subject to being granted by the City Council to developers as follows:

- A. All allocations of available residential development allotments shall be made on a calendar year basis.
- B. On or before November 15th of each year, the Director shall issue and make public a nonbinding estimate of the number of residential development allotments in the allotment pool for the coming calendar year.
- C. If the applications for residential development allotments do not exceed the number of residential development allotments available for allocation, the City Council may either: (1) extend the date for the submission of applications, or (2) solicit new applications at a later date during the year determined by the City Council.

- D. A separate application for a residential development allotment must be filed for each residential development project.
- E. All applications must be filed on forms provided by the Director and shall contain such information determined necessary by the Director to assist the Director and the City Council in properly administering this chapter. Applications for any given calendar year shall be filed by not later than December 30th of the prior year.
- F. Each application must be accompanied by a processing fee in such amount as may be fixed by resolution of the City Council from time to time.
- G. Each application shall be accompanied by a development schedule outlining the dates by which all other required development entitlement applications for the residential development project were either approved or will be filed with the City and the estimated dates within the applicable calendar year when the building permits for construction of the residential dwellings could be issued should the requested residential development allotment be granted by the City Council.

The application shall also be accompanied by a list of all public infrastructure and facilities which are currently available to serve each lot or parcel for which a residential development allotment is requested and a list of all public infrastructure and facilities which are not currently available to serve such lots or parcels, together with a detailed description of the applicant's plans to provide such infrastructure with reasonable certainty to the satisfaction of the City Manager. The City Manager shall render his or her decision with respect to the reasonable certainty that the infrastructure will be available in writing and it shall be subject to being appealed as provided in DMC 18.4814.250, [Appeals](#).

- H. The date the application shall be deemed filed shall be the date when a complete application is properly submitted to the Director and is accepted as such by the Director. The Director shall notify the applicant in writing when the application is accepted as being complete. In those cases where an application is made early enough, an accepted application may be amended by the submittal of an additional application made in the same manner and subject to the same filing deadlines as the original application. The date when the amended application is deemed filed shall be the date when a complete amended application is properly submitted to the Director and is accepted as such by the Director. The Director shall notify the applicant in writing when the amended application is accepted as being complete.
- I. If the application is not complete, the Director shall return it to the applicant with a written description of the reason why it is not being accepted as complete and shall afford the applicant a period of time, not less than five (5) days, nor greater than ten (10) days, within which to resubmit the corrected application. If the corrected application is complete, it shall be accepted by the Director. If the corrected application is not complete, the application shall be rejected by the

Director and the applicant notified in writing by the Director of the rejection of the application and the reason or reasons why it was rejected. Any decision of the Director to reject an application may be appealed to the City Council as provided in DMC 18.4814.250, Appeals.

- J. The Director shall submit each complete application to the Public Works Director, Community Services Director, Police Chief, Fire Chief and the Manager of the Solano Irrigation District (“the commenting officials”) for review and written comment upon the adequacy of public infrastructure to serve the lots or parcels which are the subject of the application. Upon the receipt of said comments by the Director, he or she shall forward the applications to the City Council for consideration with both the comments of the Director, if any, concerning the applications and the comments of the commenting officials, if any, concerning the adequacy of public infrastructure needed to serve the lots or parcels.
- K. Upon receipt of the applications and above-described comments, the City Council shall conduct a noticed public hearing not later than February 15th on the complete applications. Written notice of the hearing shall be given by the Director to all applicants whose complete applications are under consideration by the City Council by mailing the notice to the applicant’s address as shown in the applicant’s application not later than ten (10) days prior to the hearing date. Notice of the hearing shall be published at least one (1) time in a newspaper of general circulation within the City not later than ten (10) days prior to the hearing date.
- L. Subject to the numerical limitations and housing type mix requirements provided in Measure B and subsequent to the public hearing required by subsection K of this section, on or before March 15th the City Council shall determine and allocate the number of residential development allotments for the applicable calendar year. In making the allocation, the City Council shall consider the purposes and limitations of Measure B, but the decision of the City Council in determining the number of residential development allotments to be allocated in the calendar year and the manner in which they are allocated among competing applicants in accordance with the requirements of this chapter shall be subject to the legislative discretion of the City Council and such determinations shall be final.
- M. Prior to allocating residential development allotments in excess of the three percent (3%) limit provided for in Measure B, the City Council shall make the finding or findings required by Paragraph 4 of the findings contained in Measure B.
- N. Each such allocation shall be subject to the terms of this chapter, the terms of Measure B and any condition or conditions imposed by the City Council at the time of making the allocation.
- O. The City Council shall give preference in the allocation process to those developers who have entered into a development agreement and whose allotments allocated by the development agreement have been reallocated and reduced. Such preference shall be limited to the number of

allotments by which the development agreement allotments have been reduced. Developers who have entered into a development agreement and desiring additional allotments beyond what was allocated by the development agreement must apply for an amendment to the development agreement.

- P. The City Council may give preference in the allocation process to residential development projects that provide for the construction of affordable housing, or which are needed to maintain the appropriate mix of single-family and multifamily dwelling units in the City mandated by the provisions of Measure B.
- Q. Each allocation to a developer shall specifically identify the eligible parcel to which the residential development allotment or residential development allotments for the calendar year are being allocated. In addition, each allocation shall be subject to the terms of this chapter and any condition or conditions imposed by the City Council at the time of making the allocation.
- R. To the extent that all of the available residential development allotments are not allocated by the City Council to developers in the annual process described above, the Council may: (1) choose not to use the unallocated residential development allotment during the calendar year (in which case those four (4) or fewer years old will remain in the allotment pool for the following year), or (2) authorize the granting of residential development allotments to developers by application made to the Director on a first-come, first-served basis as such applications are received by the Director or building permits issued by the Building Official. The allocations of such unused residential development allotments may be made by resolution of the City Council containing such terms and conditions, consistent with the requirements of Measure B, as the City Council deems appropriate. The Director shall render his or her decision in writing and it shall be subject to being appealed by the developer as provided in DMC 18.4814.250, [Appeals](#).
- S. Any allocation of residential development allotments shall indicate the calendar year of the allotments so allocated.

#### **18.14.080 Alternative Dates for Application and Processing of Allotments**

Additional procedures to be followed by the City in receiving, reviewing and allocating residential development allotments for a residential development project may be established from time to time by resolution of the City Council. For the calendar year 2002 and for any subsequent calendar year, the City Council may, by resolution, establish dates other than those set forth above in DMC 18.4814.070, [Procedures for Allocation of Residential Development Allotments Commencing in Calendar Year 2002](#), for the filing of applications for residential development allotments and the processing of said applications by the Director and City Council. In addition, if it appears that no residential development allotments will be

available for allocation in any calendar year, the City Council may, by resolution, determine that no application for such allotments will be accepted or processed for that calendar year.

#### **18.14.090 Application Contents**

Any application filed for a residential development allotment under the provisions of this chapter shall contain the following information:

- A. Name, address and telephone number of the applicant and developer (i.e., owner).
- B. Name, address and telephone number of the agent, if any, of the applicant and developer.
- C. Legal description and assessor's parcel map descriptions of the eligible parcel(s) or other lots or parcels for which a residential development allotment is being sought.
- D. A preliminary title report of such parcel(s) issued not later than thirty (30) days before the date of the application.
- E. General Plan land use designation for such parcel(s).
- F. City zoning map zoning designation for such parcel(s).
- G. Map of the residential development project in which such lots or parcels are located.
- H. Acreage of the residential development project in which such lots or parcels are located and area of such lots or parcels.
- I. Copy of final map(s) or parcel map(s), if any, which include such lots or parcels, together with a copy of any development agreement(s) for such parcel(s).
- J. If such lots or parcels are not included on a final map or parcel map, either a copy of an approved tentative subdivision map for such parcel(s) or an approved development agreement for such parcel(s).
- K. If application signed by other than the developer (i.e., owner) of such parcel, a written document from the developer authorizing the applicant to file the application for the residential development allotment, bearing an acknowledgment of the developer's signature(s) by a notary public.
- L. A preliminary project layout, including a description of the projected size(s) of residential structures which the applicant proposes to construct on such parcel(s).
- M. For a multifamily residential development project, the number of dwelling units which will be built on such parcel(s).
- N. A completed environmental questionnaire and copies of any prior environmental documents, if any, for the proposed residential use or uses which will be located on such lots or parcels.

- O. Each application shall be accompanied by a development schedule outlining the dates by which all other required development entitlement applications for the residential development project were either approved or will be filed with the City and the estimated dates within the calendar year for which allocations are being requested when construction of the residential dwellings could commence should the requested residential development allotment be approved by the City Council.
- P. The application shall also be accompanied by a list of all essential public infrastructure and facilities which are currently available to serve the parcel and a list of all essential public infrastructure and facilities which are not currently available to serve the parcel.
- Q. A detailed description of the applicant's plans, or the plans of others, to provide with reasonable certainty all nonavailable public infrastructure prior to the termination date of the residential development allotment.

#### **18.14.100 Method of Granting of Residential Development Allotments**

- A. All residential development allotments, other than those allocated by the City Council through the use of development agreements, shall be granted by the City Council by the adoption of a resolution. The resolution shall specifically describe the parcel(s) for which the residential development allotment is approved and the calendar year for which it is being allocated. Residential development allotments allocated through development agreements shall be granted through the adoption of said agreements by ordinance as required by law and the ordinances and resolutions of the City.
- B. In any given calendar year, the City Council may, by resolution, authorize up to twenty-five percent (25%) of the available residential development allotments to be allocated by the Director to residential development projects on infill parcels on a first-come, first-served basis. Such allocations shall be made subject to such terms and conditions, consistent with Measure B, as the City Council deems appropriate.
- C. Notwithstanding the provisions of DMC 18.4814.070, 18.4814.080 or 18.4814.090, allocation of residential development allotments in those residential development projects for which a development agreement is approved shall be determined and memorialized in the development agreement for each such residential development project in accordance with DMC 18.4814.180.

#### **18.14.110 Use of Residential Development Allotments to Obtain Building Permits**

All developers securing residential development allotments shall, subject to the terms and conditions of this chapter, have the opportunity to obtain a building permit for the residential development project on the lot or parcel for which the residential development allotment has been approved by applying for such

permits, paying all fees which are collected at the time of the issuance of the building permit, including all mitigation and impact fees and capacity charges which are payable at that time; provided, however, that where another ordinance or policy of the City provides for deferral of payment of such fees or charges to a later time, nothing in this section shall prevent the deferral of payment in accordance with such ordinance or policy.

#### **18.14.120 Termination of Allotment for Failure to Obtain Building Permits**

If a developer who has been issued a residential development allotment through the annual process provided for in DMC 18.4814.070 or 18.4814.080 should fail prior to September 30th of the calendar year for which the residential development allotment was issued to obtain a building permit for the residential development project on each lot or parcel for which the residential development allotment was approved, said residential development allotment shall terminate without further action of the City Council or City for each lot or parcel for which the building permit was not obtained unless, prior to September 30th, the developer has obtained a resolution of the City Council granting an extension of time in which to obtain the building permit, which extension shall not be later than September 30th of the following calendar year.

#### **18.14.130 Termination of Allotment for Failure to Complete Construction**

In the event a developer uses a residential development allotment by obtaining a building permit and thereafter fails to construct the structure for which the permit was issued within the time periods for completion of such construction provided for in the adopted building code and said building permits are revoked by the Building Official as provided in said codes, then the residential development allotments shall automatically terminate upon the revocation of the building permit and no new building permit may be issued for the parcel upon which the construction was to occur until a new residential development allotment is obtained by the developer for that lot or parcel as provided in this chapter.

#### **18.14.140 Voluntary Relinquishment of Residential Development Allotment**

If a developer who has been issued a residential development allotment through the annual process provided for in DMC 18.4814.070 or 18.4814.080 determines that it will be unable to use the allocated allotment during the calendar year for which it was allocated and gives written notice to the Director, not later than August 31st of that calendar year, that it desires to relinquish the allotment, then upon receipt of said notice the Director shall notify the City Council that said allotment is available for reallocation as provided in DMC 18.4814.170. Any developer who voluntarily relinquished an allocated allotment in this manner shall be entitled to such priorities in the allocation of new residential housing allotments as may be provided for in the procedures adopted by the City Council under the provisions of DMC 18.4814.170.

#### **18.14.150 Reapplication by Developer with Terminated Allotment**

Any developer whose residential development allotment has been terminated under the provisions of DMC 18.4814.120 or 18.4814.130, may, in subsequent calendar years, reapply for allocation of residential development allotments for the lots or parcels for which the residential development allotment had been previously approved. The process followed for such applications shall be that provided in DMC 18.4814.170.

#### **18.14.160 For-cause Extension of Allocation Termination Date**

The City Council shall grant an extension of time to a developer if the developer could not timely obtain the building permit from City as a result of litigation filed by a third party which enjoined the City Building Official or other officer, board, or commission of the City from issuing the building permit to the developer or expressly enjoined the developer from obtaining the building permit from City. The developer shall have the burden of demonstrating, by a preponderance of the evidence, an entitlement to an extension pursuant to this section. Where an extension is granted, the developer shall make application for the permit during the calendar year for which it was allocated and pay all fees required for the building permit. Thereafter, when the permit is subsequently issued by the City, for purposes of this chapter it shall be deemed to have been issued in the calendar year when it would have been issued but for the pendency of such litigation.

#### **18.14.170 Reallocation of Relinquished or Terminated Residential Development Allotments**

- A. The City Council may, by resolution, reallocate residential development allotments which were voluntarily relinquished under the provisions of DMC 18.4814.140 or terminated by the City under the provisions of DMC 18.4814.120 or 18.4814.130. Said reallocation may be made during or following the calendar year for which the residential development allotment was originally allocated; provided, that such reallocation is made during the five (5) year life of the allotment. The reallocation shall be made from residential development allotments which are available for reallocation after taking into consideration all allocations of the City Council that have been made under DMC 18.4814.180 in connection with the approval of development agreements. In reallocating the available residential development allotments the City Council shall exercise its legislative discretion in determining the developer to whom said allotment will be reallocated subject to the terms and conditions contained in this section.
- B. The City Council shall provide for the reallocation of the relinquished or terminated residential housing allotments to developers in the following order of priority:
  1. First preference shall be given by the City Council to developers who, in the current calendar year or in prior calendar years, have voluntarily relinquished allocated residential housing allotments for a project. To be eligible for this preference, the developer must give written notice to the Director pursuant to DMC 18.4814.140 of a desire to voluntarily

relinquish the residential development allotment. The notice shall be given on a form provided by the City Clerk and approved as to form by the City Attorney. Priority among the developers who are eligible for such reallocation shall be established based upon the date when the Director received written notice from the developer that the allocated allotment was being voluntarily relinquished.

2. Second preference shall be given by the City Council to the developers who participated in the annual allocation process in the current calendar year or in prior calendar years and whose valid applications for allocation of residential development allotments were denied, or partially denied, by the City Council on the grounds that no additional residential housing allotments were available for allocation in that calendar year. The City Council may exercise its discretion in determining the manner in which the available housing allotments are allocated to the developers who fall into this group and may do so without regard to the date or dates when the developers were previously denied allocation of residential development allotments by the City Council.

#### **18.14.180 Allocations of Residential Development Allotments in Development Agreements**

The City Council may, in its sole discretion, conditionally obligate the City to issue residential development allotments to developers who enter into development agreements with the City when such obligation is provided for in a development agreement that has become effective.

The terms of such development agreement may provide for the issuance of residential development allotments for any period of time not to exceed ten (10) consecutive years. It shall also provide that any residential development allotment approved by the City Council in said process shall be subject to issuance, use, termination and reallocation in the same manner provided for in this chapter unless a different procedure for termination and reallocation is provided for in the development agreement. Residential development allotments provided for in development agreements shall be subject to the limits and exceptions provided for in Measure B.

Requests for multi-year allocations of residential development allotments shall be filed at the same time as the application for a development agreement and shall contain the following additional information and data:

- A. The total number of allotments requested in each calendar year; and
- B. A statement of the reasons why the applicant is requesting a multi-year allocation of residential development allotments in the proposed development agreement; and
- C. A statement of the unique benefits, if any, which the developer believes will inure to the benefit of the City and its residents by reason of the City's willingness to enter into the development agreement; and

- D. Any terms and conditions which the applicant desires to be included in the development agreement; and
- E. An offer to reimburse the City for its reasonable expenses incurred in preparing and processing the development agreement.

The allocation of residential development allotments in the development agreement shall be made as part of the approval of such agreements and in the same manner as is provided for by the provisions of the State Planning and Zoning Law and adopted policies of the City which apply to the City's approval of development agreements.

#### **18.14.190 Reallocation of Terminated Allotments**

Any residential development allotment that is terminated for any reason shall return to the allotment pool and may thereafter be reallocated either in the annual allocation process or by development agreement.

#### **18.14.200 Allocation of Residential Development Allotments for Affordable Housing Projects**

Any residential development allotment which remains unallocated after five (5) years may be used solely for affordable housing. The use of such allotments shall be determined by the City Council on a case-by-case basis and shall not be subject to either the annual or five (5) year allotment limitation.

#### **18.14.210 Residential Development Allotments Run with Land**

All residential development allotments, when approved by the City Council, shall run with the residential development project and the lot or parcel of land for which the residential development allotment was issued. Except as provided in this section, residential development allotments shall not be transferable by a developer except as an incident to the transfer of undivided fee title to such land to another person. Any attempt to transfer a residential development allotment except as an incident to the transfer of fee title to the land for which the residential development allotment was issued shall be null and void and shall, without further action of the City Council, constitute a termination of the residential development allotment which was the subject of the purported transfer. Allocated residential development allotments may only be used for the residential development project for which the residential development allotment was issued.

Notwithstanding the foregoing, the City Council may permit a residential development allotment granted to a developer for a specified lot or parcel to be used for a different residential development project on that same lot or parcel if the new residential development project has been reviewed by the Planning Commission and expressly approved by the City Council.

#### **18.14.220 Guidelines and Procedures**

The City Council may, by resolution, approve procedures and guidelines to be followed by the Director and applicants in the implementing the provisions of this chapter.

#### **18.14.230 Severability**

If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have enacted this chapter and each section, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, sentences, clauses or phrases be declared invalid or unconstitutional.

#### **18.14.240 Conflicting Provisions**

The provisions of this chapter shall prevail over any and all conflicting provisions found in the ordinances, resolutions, plans and policies of the City which have heretofore been adopted by the City Council for purposes of implementing Measure B and shall prevail over any conflicting provisions of Measure B itself.

#### **18.14.250 Appeals**

Actions of a final nature which are taken by the Director or City Manager which are made subject to appeal under the provisions of this chapter shall be subject to appeal as provided in this section.

The developer or any other persons authorized by this chapter to do so may file an appeal if an appeal is authorized by the provisions of this chapter. The amount of fees for the filing of any such appeal shall be fixed by resolution of the Council, which fees shall not exceed the reasonable costs to the City of processing and hearing such an appeal.

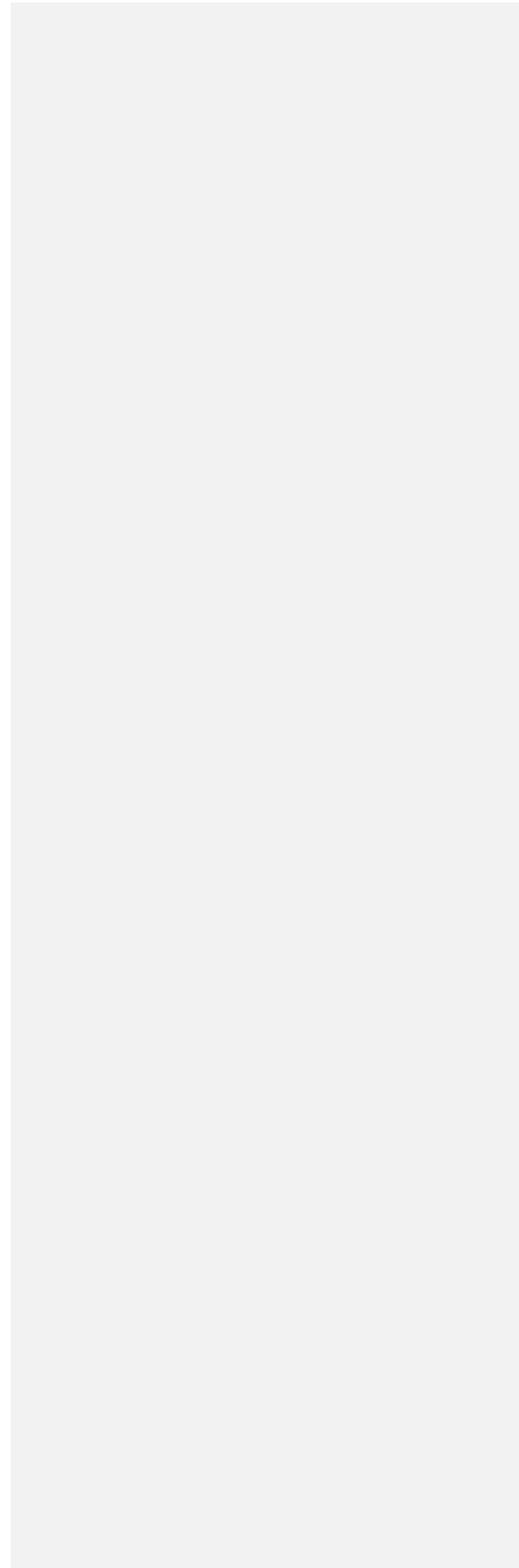
The appeal must be filed with the City Clerk not later than ten (10) calendar days following the date of the action from which the appeal is taken. If this chapter requires that notice of said action be given, then the appeal must be filed with the City Clerk not later than ten (10) calendar days following the date that notice of said action has been given as required by this chapter, or within ninety (90) days following the date of the action, whichever first occurs.

The City Clerk shall prescribe and provide the appellant the form which shall be used by the appellant in filing any such appeal. The City Clerk shall give the appellant written notice of the date of the appeal hearing before the City Council not later than five (5) days from the date of said hearing.

All appeals from an appealable action of the Director or City Manager shall be heard by the Council as soon as practicable, but in no event later than thirty (30) days from the date of the filing of the appeal with the

*City of Dixon*

City Clerk. The City Council shall consider any relevant written and oral evidence presented to it concerning the subject of the appeal and shall render its decision not later than twenty-one (21) days following the date of the conclusion of its hearing on the appeal.



## Chapter 18.15 Nonconforming Uses, Structures, and Lots

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### 18.15.010 Purpose

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

### 18.15.020 Applicability

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

### 18.15.030 General Provisions

- A. **Nonconformities, Generally.** Any lawfully established use, structure, or lot that is in existence on the effective date of this Code or any subsequent amendment but does not comply with all of the standards and requirements of this Code shall be considered nonconforming.
- B. **Right to Continue.** Any use or structure that was lawfully established prior to the effective date of this Code or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure; no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.
  - 1. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership.
  - 2. The right to continue a nonconforming use or structure shall not apply to uses or structures deemed to be a public nuisance because of health or safety conditions.
  - 3. The right to continue a nonconforming use shall not apply if the nonconforming use has been abandoned or vacated for the relevant period of time described in Section 18.15.080, Abandonment of Nonconforming Uses.

#### 18.15.040 Nonconforming Lots

Any lot that is smaller than the minimum lot size required by this Code or does not meet the applicable dimensional requirements shall be considered a lawful nonconforming lot if it is shown on a duly recorded subdivision map or if a certificate of compliance has been issued for the lot.

- A. A nonconforming lot may be used as a building site subject to compliance with all applicable requirements, unless a variance or other waiver, modification, or exception is approved as provided for in this Code.
- B. A nonconforming lot shall not be further reduced in area, width, or depth, unless such reduction is allowed pursuant to a provision of the Municipal Code, required as part of a public improvement, or otherwise specifically allowed pursuant to State law.
- C. Nonconforming contiguous lots held by the same owner shall be involuntarily merged if one or more of the lots does not conform to the minimum lot size in compliance with Government Code Section 66451.11.

#### 18.15.050 Maintenance of and Alterations and Additions to Nonconforming Structures

Lawful nonconforming structures may be continued and maintained in compliance with the requirements of this Section unless deemed by the Building Official to be a public nuisance because of health or safety conditions.

- A. **Maintenance and Repairs.** Structural and nonstructural maintenance, repair, and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge the structure, change the building footprint, or increase building height.
- B. **Alterations and Additions.** Alterations and additions to nonconforming structures are allowed if the alteration or addition complies with all applicable laws and requirements of this Code, the use of the property is conforming, and there is no increase in the discrepancy between existing conditions and the requirements of this Code (i.e. there is no increase in the nonconformity).
- C. **Nonconforming Signs.** Lawfully established signs that do not conform to the requirements of this Code may only be maintained in compliance with the requirements of Chapter 18.18, Signs.

#### 18.15.060 Repair and Replacement of Damaged or Destroyed Nonconforming Structures

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

- A. **Restoration When Damage is 50 Percent or Less of Value.** If the cost of repair or reconstruction is less than or equal to 50 percent of its replacement value immediately prior to such damage, as established by a certified appraiser, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed.
- B. **Restoration When Damage Exceeds 50 Percent of Value.** If the cost of repair or reconstruction exceeds 50 percent of its replacement value immediately prior to such damage, as established by a certified appraiser, the land and building shall be subject to all of the requirements of this Code, except as provided below.
  - 1. **Non-residential Uses and Structures.** Any nonconforming use must permanently cease and the structure shall only be restored and used only in compliance with the requirements of this Code.
  - 2. **Residential Uses and Structures.** Nonconforming residential uses may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed provided the rebuilt development complies with all current design and property development standards.
    - a. **Timing.** Building permits must be obtained within one year of the date of the damage or destruction and construction shall start within 180 days and diligently pursued to completion unless another time period is specified through Conditional Use Permit approval.

#### **18.15.070 Expansions, Changes, and Substitutions of Nonconforming Uses**

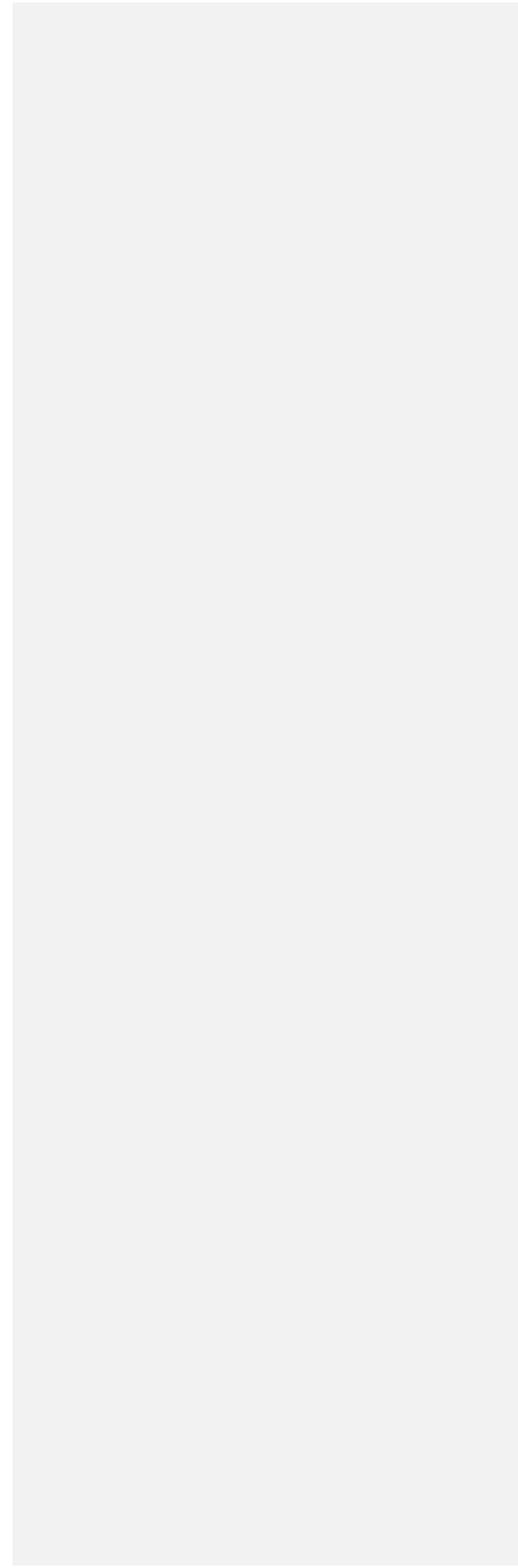
Nonconforming uses shall not be expanded, moved, or changed except as provided below.

- A. **Change in Tenancy, Ownership, or Management.** Any nonconforming use may change ownership, tenancy, or management where the new use is of the same use classification as the previous use, as defined in Chapter 18.34, Use Classifications.
- B. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the zoning district in which it is located and complies with all applicable standards for such use. Once a nonconforming use has been changed, it shall not be reestablished.
- C. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a permit or approval may be changed to a conforming use by obtaining the appropriate permit or approval.

**18.15.080 Abandonment of Nonconforming Uses**

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six months. The six month-period shall commence when the use ceases and any one of the following occurs:

- A. The site is vacated;
- B. The business license lapses;
- C. Utilities are terminated; or
- D. The lease is terminated.



## Chapter 18.16 Parking and Loading

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### 18.16.010 Purpose

The purposes of the parking and loading regulations are to:

- A. Ensure that adequate off-street parking and loading facilities are provided for new land uses and major alterations to existing uses;
- B. Minimize the negative environmental and design impacts that can result from parking and loading areas;
- C. Ensure that adequate bicycle parking facilities are provided;
- D. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots and, where appropriate, create buffers from surrounding land uses; and
- E. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in situations expected to have lower vehicle parking demand.

### 18.16.020 Applicability

The requirements of this Chapter apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this Section.

- A. **New Buildings and Land Uses.** Parking and loading in accordance with this Chapter shall be provided at the time any main building or structure is erected or any new land use is established.
- B. **Existing Buildings and Land Uses.**
  - 1. **Change of Use of Existing Buildings.** When a new use is established in an existing building, parking shall be provided as follows.
    - a. *DMX District.* No additional parking is required for a change of use in the DMX District provided the building square footage on site is not increased by more than 500 square feet.
    - b. *Districts Other Than DMX.* In all districts other than the DMX District, additional on-site parking and loading shall be provided when a change in use creates an increase of 10 percent or more in the number of required on-site parking or loading spaces. Additional on-site parking and loading shall be provided for the change in use and not for the entire building or site.

2. **Additions or Expansions of Existing Buildings.** When an addition or expansion of floor area creates an increase of 10 percent or more in the number of required on-site parking or loading spaces, additional on-site parking and loading shall be provided for the increased square footage and not for the entire building or site.
  3. Existing parking and loading that is not in excess of the required spaces shall be maintained.
  4. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification as defined in Chapter 18.34, Use Classifications, than the former occupant.
  5. Additional parking and loading spaces are not required for the reconstruction of an existing building when there is no increase in floor area.
- C. **When Constructed.** Parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

#### 18.16.030 General Provisions

- A. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided. This provision does not apply to stalls converted to accommodate ADA parking.
- B. **Nonconforming Parking or Loading.** An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of parking and/or loading facilities required by this Chapter, provided that facilities used for parking and/or loading as of the date of adoption of this Code are not reduced in number to less than what this Chapter requires.
- C. **Accessibility.** Parking and loading areas must be accessible for its intended purpose during all hours of operation.

#### 18.16.040 Required Parking Spaces

- A. **Minimum Number of Spaces Required.** Each land use shall be provided at least the number of parking spaces stated in Table 18.16.040, Required Number of Parking Spaces. The parking requirement for any use not listed in Table 18.16.040 shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

<b>TABLE 18.16.040: REQUIRED NUMBER OF PARKING SPACES</b>	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
<b>Residential Uses</b>	As specified for each land use classification below
Residential Dwelling Unit	See requirements below for Residential Dwelling Units in the DMX District and in Districts Other Than DMX
<i>DMX District</i>	<ul style="list-style-type: none"> <li>• Studio and 1 bedroom units: 1 space/unit</li> <li>• 2 or more bedroom units: 1.5 spaces/unit</li> </ul>
<i>Districts Other Than DMX</i>	<ul style="list-style-type: none"> <li>• Studio units: 1 covered space/unit</li> <li>• 1 bedroom units: 1.5 spaces/unit, of which at least 1 space shall be covered</li> <li>• 2 or more bedroom units: 2 covered spaces/unit</li> <li>• Guest spaces: 1 per 5 units</li> </ul>
Accessory Dwelling Unit	See Section 18.19.040, Accessory Dwelling Units
Caretaker Unit	1 per unit
Family Day Care	See requirements below for Small and Large Family Day Care
<i>Small</i>	None beyond what is required for the residential unit type
<i>Large</i>	1 for each nonresident employee plus parking required for the residential use
Group Residential	1 space per bedroom
Mobilehome Park	2 spaces per unit, of which at least 1 space shall be covered
Residential Care Facilities	See requirements below for Small and Large Residential Care Facilities
<i>Small</i>	None beyond what is required for the Residential Housing Type
<i>Large</i>	1 for every 3 beds
Residential Facility, Assisted Living	1 for every 3 beds
Single Room Occupancy	1 space/unit plus 1 guest space per 5 units
Supportive Housing	None beyond what is required for the residential unit type
Transitional Housing	None beyond what is required for the residential unit type
<b>Public/Semi-Public Uses</b>	DMX District: No minimum required Districts Other Than DMX: 1 per 300 square feet of floor area except as specified below
Community Assembly	1 for each 8 permanent seats or 1 for every 84 square feet of assembly area where no seats or where temporary or moveable seats are provided
Community Garden	None
Emergency Shelter	1 for every employee <del>1 for every 3 beds</del>
Hospitals	1 for every 3 beds
Low Barrier Navigation Center	1 for every 3 beds

**Commented [Revision38]:** Edit for consistency with State law

<b>TABLE 18.16.040: REQUIRED NUMBER OF PARKING SPACES</b>	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Skilled Nursing Facility	1 for every 3 beds
Park and Recreation Facilities	As determined by the Director <a href="#">or parking study</a>
Parking Lots and Structures	None
Recreational Vehicle Parks and Campgrounds	1 for each camping or RV site plus one common space for each 5 sites
Schools, Private	1 for every 3 employees
<b>Commercial Uses</b>	<u>DMX District:</u> No minimum required <u>Districts Other Than DMX:</u> 1 per 300 square feet of floor area plus 1 per 2,000 square feet of outdoor display and storage area except as specified below
Commercial Entertainment and Recreation	1 for every 150 square feet plus 2 additional spaces per outdoor athletic court
Convention Facility	1 for each 8 permanent seats or 1 for every 84 square feet of assembly area where no seats or where temporary or moveable seats are provided
Drive-through Facility	Parking for the primary use according to the parking requirements for the specific use plus 8 queuing spaces per service window or as determined by the Planning Commission. Each queue space shall be at least 22 feet in length and shall be located separately from the internal driveways or other driveways serving other parking lots
Eating and Drinking Establishments	1 for every 140 square feet
Farmer's Markets	None
Lodging	1 for each guest unit Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use
Market Garden	None
Smoking Lounge	1 for every 140 square feet
<b>Industrial Uses</b>	<u>DMX District:</u> No minimum required <u>Districts Other Than DMX:</u> 1 per 300 square feet of office floor area plus 1 per 5,000 square feet of other indoor area and any outdoor use area
Personal Storage	As determined by the Director <a href="#">or parking study</a>
<b>Transportation, Communication, and Utility Uses</b>	<u>DMX District:</u> No minimum required <u>Districts Other Than DMX:</u> 1 per 300 square feet of office floor area plus 1 for every fleet vehicle

- B. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:

1. **Floor Area.** Where a parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be total floor area, unless otherwise stated. See Section 18.02.030.E, Determining Floor Area.
  2. **Employees.** Where a parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
  3. **Bedrooms.** Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any room meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.
  4. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 80 inches of bench-type seating at maximum seating capacity is counted as one seat.
- C. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 18.16.050, Parking Reductions.

#### 18.16.050 Parking Reductions

The number of parking spaces required by Section 18.16.040, Required Parking Spaces, may be reduced as follows.

- A. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.
- B. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced with approval of an Administrative Use Permit, if the review authority finds that:
  1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
  2. The proposed number of parking spaces to be provided will be adequate to serve each use; and
  3. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Section 18.16.070.B.1, Allowance for Off-Site Parking.
- C. **Other Parking Reductions.** Required parking for any use may be reduced through approval of an Administrative Use Permit as follows.

1. **Criteria for Approval.** The review authority may only approve an Administrative Use Permit for reduced parking if it finds that:
  - a. Special conditions—including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program—exist that will reduce parking demand at the site; and
  - b. The use will adequately be served by the proposed parking.
2. **Parking Demand Study.** In order to evaluate a proposed project’s compliance with the above criteria, submittal of a parking demand study by a licensed Traffic Engineer that substantiates the basis for granting a reduced number of spaces may be required.

#### **18.16.060 Municipal Parking Assessment District**

Parking requirements of this Chapter may be satisfied within an area heretofore designated under a plan or plans and approved by the City Council by participation in a municipal parking assessment district formed under provisions of California legislation.

#### **18.16.070 Location of Required Parking**

- A. **Front and Street Side Setbacks.** Parking spaces required pursuant to this Chapter shall not be located within a required front or street side setback.
- B. **On-Site Parking Required.** Required parking shall be located on the same lot as the use it serves except as allowed below.
  1. **Allowance for Off-Site Parking.** Required parking may be located off-site provided the off-site parking facility is located within 500 feet of the principal entrance containing the use for which the parking is required, along a pedestrian route, and a written agreement as provided below is provided by the applicant.
    - a. **Parking Agreement.** A written agreement between the owner of the parking facility and the applicant shall be provided in a form acceptable to the City that provides, at a minimum, a guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

### 18.16.080 Front Yard Parking Restrictions in the RL District

- A. Construction equipment, including but not limited to tractors, backhoes, Bobcats, dump trucks and forklifts, and farm equipment shall not be parked in the front yard in an RL District, except for such construction equipment as is necessary as a result of active construction occurring on that property.
- B. All vehicles (including without limitation automobiles, trucks, recreational vehicles, campers, trailers, or motorcycles), boats, or snowmobiles that are parked in the front yard in an RL District shall comply with the following standards:
  - 1. **Access.** Vehicles shall be parked in an area accessed through a curb cut approved and constructed for vehicle access to the subject property.
  - 2. **Visibility at Driveways on Neighboring Property.** Vehicles shall not be parked within five feet of the point of intersection of ~~the front and~~ side property line ~~and the back of~~ sidewalk or back of curb where there is no sidewalk.
  - 3. **Surfacing.** Vehicles shall be parked on a paved surface or on an unpaved surface, such as gravel, which complies with City standards regarding materials, placement and compaction.

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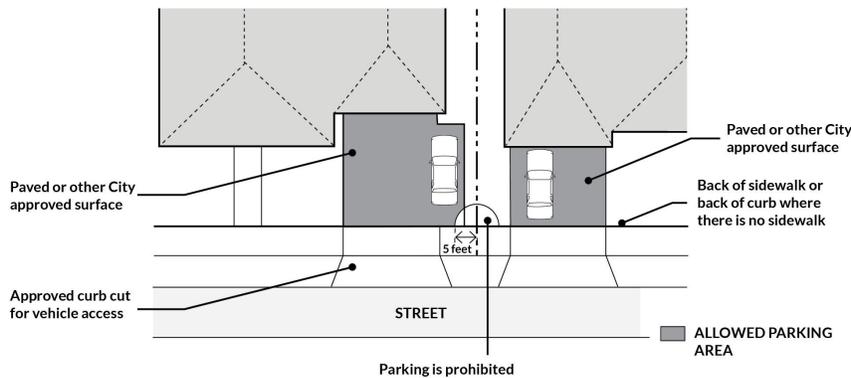


FIGURE 18.16.080: RL DISTRICT PARKING

### 18.16.090 Bicycle Parking

- A. **Short-Term Bicycle Parking.** Short-term bicycle parking intended to serve shoppers, customers, messengers, guests and other visitors to a site who generally stay for a short time, shall be provided as specified below.
1. **Parking Spaces Required.** Every parking lot containing ten or more automobile parking spaces shall provide short-term bicycle parking spaces at a rate of 20 percent of the total number of automobile parking spaces.
  2. **Location.**
    - a. Short-term bicycle parking shall be located within 50 feet of a main entrance to the building it serves.
    - b. Where the bicycle parking area is not visible from the main entrance of the building, signs located at the main entrance of the building shall identify the location of bicycle parking.
  3. **Anchoring and Security.** For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.
  4. **Size and Accessibility.** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, pedestrian ways, and vehicle parking spaces.

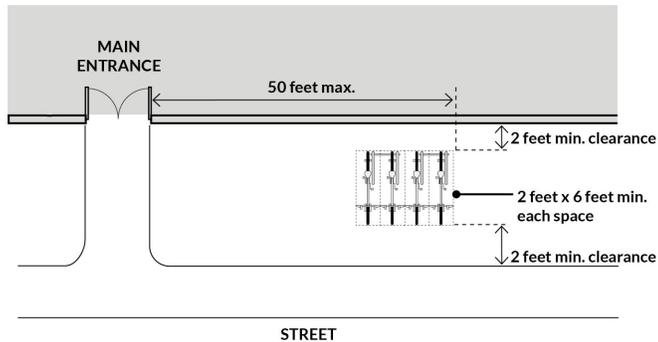


FIGURE 18.16.090.A: SHORT-TERM BICYCLE PARKING

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

1. **Parking Spaces Required.**

- a. *Residential Uses.* A minimum of one long-term bicycle parking space shall be provided for every five units for Multi-Unit Residential and Group Residential development.
- b. *Other Uses.* Any establishment with 25 or more full time equivalent employees shall provide long-term bicycle parking at a minimum ratio of one space per 30 vehicle spaces.

2. **Location.** Long-term bicycle parking must be located on the same lot as the use it serves.

3. **Covered Spaces.** At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

4. **Security.** Long-term bicycle parking must be in:

- a. An enclosed bicycle locker;
- b. A fenced, covered, and locked or guarded bicycle storage area;
- c. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas or within secure/restricted bicycle storage room; or

d. Other secure area approved by the Director.

5. **Size and Accessibility.** Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, pedestrian ways, and vehicle parking spaces.

C. **Bicycle Parking Reductions and Modifications.** A Modification for a reduction in the number of required bicycle parking spaces or to other standards of this Section may be granted pursuant to Chapter 18.26, Modifications, if the review authority finds that:

1. Adequate site space is not available on an existing development to provide bicycle parking; or
2. Reduced bicycle parking is justified by reasonably anticipated demand; or
3. Other criteria based on unusual or specific circumstances of the particular case as deemed appropriate by the review authority.

**18.16.100 Loading**

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

A. **Nonresidential Buildings.** Every new nonresidential building, and every nonresidential building enlarged by more than 10,000 square feet of floor area that is to be occupied by a use requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas as stated in Table 18.16.100, Required Loading Spaces.

TABLE 18.16.100: REQUIRED LOADING SPACES	
Floor Area	Required Loading Spaces
0-9,999	0
10,000-19,999	1
20,000-29,999	2
30,000-49,999	3
50,000-75,000	4
75,001+	4 plus 1 per each additional 25,000 over 75,001

1. **Multi-Tenant Buildings.** The floor area of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant

space is not provided a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.

2. **Reduction in Number of Loading Spaces Required.** The loading space requirement may be waived if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use and/or location, such loading space will not be needed or is not practical.
3. **Additional Loading Spaces Required.** The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.

B. **Design and Development of Loading Areas.** All loading areas shall be designed and developed consistent with adopted City standards and the following standards

1. **Location.** All required loading areas shall be located on the same site as the use served. Loading areas shall not be located within the required front setback.
2. **Screening.** Loading areas shall be screened from public view by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six feet in height.
3. **Minimum Size.** Each on-site loading space required by this Chapter shall not be less than 12 feet wide, 45 feet long, and 14 feet high, exclusive of driveways for ingress and egress and maneuvering areas. The minimum size requirement may be modified if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.
4. **Driveways for Ingress and Egress and Maneuvering Areas.** Each loading berth shall be accessible from a street or alley.
5. **Entrances and Exits.** Entrances and exits shall be provided at locations approved by the Director of Public Works.
6. **Surfacing.** All loading areas shall be paved to provide a durable, dustless surface, and shall be graded and drained to allow disposal of surface water.

#### **18.16.110 Parking Area Design Standards**

All parking areas shall be designed and developed consistent with adopted City standards and the following standards.

- A. **Tandem Parking.** Tandem parking may be permitted to satisfy parking requirements in accordance with the following.
  - 1. No more than two vehicles shall be placed one behind the other.
  - 2. Both spaces shall be assigned to a single dwelling unit or non-residential establishment.
  - 3. Tandem parking to meet required parking for multi-unit residential development shall be located within an enclosed structure.
  - 4. Tandem parking shall not be used to meet the guest parking requirement.
- B. **Parking Access.** Parking access areas shall be designed to ensure vehicular access to parking spaces as determined by the Public Works Director.
  - 1. **Entrance and Exit Location.** Entrances and exits shall be provided at locations approved by City staff.
  - 2. **RL District Limitation on Curb Cuts.** In the RL District, no more than 40 percent of a property’s frontage shall be used for curb cuts for driveways.
- C. **Size and Dimensions of Parking Spaces and Drive Aisles.** Parking spaces located in a garage or carport shall not be less than 10 feet in width and 20 feet in length. All other parking spaces shall have minimum dimensions as indicated in Table 18.16.110.C, Minimum Parking Space and Drive Aisle Dimensions.
  - 1. **Compact Car Parking Spaces.** In any parking lot with over 30 spaces, up to 30 percent of the required number of off-street parking spaces may be compact car size.

TABLE 18.16.110.C: MINIMUM PARKING SPACE AND DRIVE AISLE DIMENSIONS						
Angle of Parking	Stall Width		Stall Length		Aisle Width	
	Regular	Compact	Regular	Compact	One-Way	Two-Way
Parallel	10 ft	8 ft	24 ft	18 ft	12 ft	25 ft
30	10 ft	8 ft	20 ft	16 ft	14 ft	25 ft
45	10 ft	8 ft	20 ft	16 ft	16 ft	25 ft
60	10 ft	8 ft	20 ft	16 ft	18 ft	25 ft
90	10 ft	8 ft	20 ft	16 ft	20 ft	25 ft

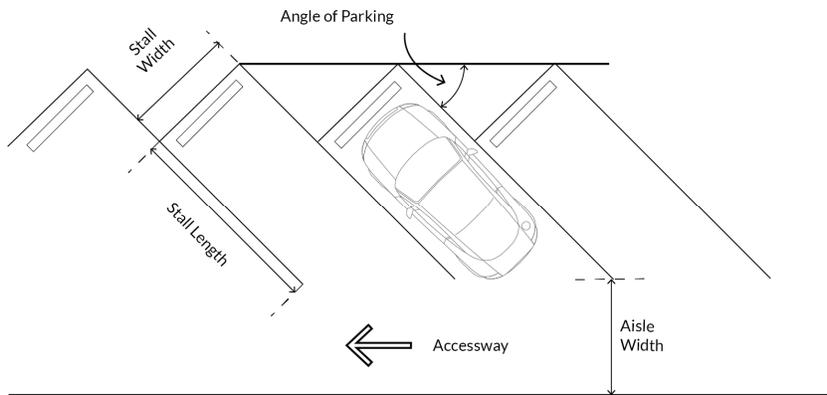


FIGURE 18.16.110.C: PARKING DIMENSIONS

- D. **Carpool, Vanpool, and Alternate Fuel Vehicle Parking.** In nonresidential development which requires more than 100 parking spaces, a minimum of five percent of the total spaces shall be posted as reserved spaces in preferred locations (shortest pedestrian route after accessible parking spaces) for carpools, vanpools, and alternate fuel vehicles to encourage use of these modes of transportation.
- E. **Bumper Rails.** Bumper rails shall be provided where needed for safety or to protect property.
1. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a bumper rail, provided that the overhang does not exceed two feet and will not damage or interfere with plant growth or its irrigation.
  2. A concrete sidewalk may be used as a bumper rail if the vehicle overhang does not exceed two feet and the walkway maintains the minimum width required by ADA or other provision of this Code.
  3. An overhang provided pursuant to E.1. and E.2., above, may count toward the stall length dimension of the parking space.
- F. **Surfacing.** The parking area, aisles, and access drives shall be paved to provide a durable, dustless surface, and shall be graded and drained to allow disposal of surface water.

1. **Landscaping Alternative.** Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.
- G. **Perimeter Curbing.** Parking areas designed to accommodate six or more vehicles shall provide a six-inch wide and six-inch high concrete curb along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
- H. **Shading.** Parking areas designed to accommodate six or more vehicles shall provide shading for a minimum of 40 percent of the parking areas. Shade may be provided by structures (such as solar canopies or carports), trees, or other equivalent mechanism. If shade is provided by trees, sufficient trees shall be planted so that, upon those trees reaching 15 years of age, the stalls and back-up areas are at least 40 percent shaded on June 22nd of each year when the sun is directly overhead.
- I. **Lighting.** Parking lot lighting shall be required for areas designed to accommodate six or more vehicles, providing a minimum of one-half foot-candle and a maximum of three foot-candles of light during the hours of use from one-half hour before dusk until one-half hour after dawn.
  1. The height of lighting fixtures shall not exceed 30 feet.
  2. Light standards shall be mounted on reinforced concrete pedestals or otherwise protected from damage from automobiles.
  3. All lighting used to illuminate an off-street parking or loading area shall be designed to direct light and glare away from any adjoining lots, residential areas, and public streets.
  4. Lighting design shall be coordinated with the landscape plan to ensure that vegetation will not substantially impair the intended illumination.
- J. **Parking Area Landscaping.** Parking areas designed to accommodate six or more vehicles must be landscaped according to the general standards of Chapter 18.13, Landscaping, as well as the standards of this Subsection.
  1. **Landscape Area Required.** A minimum of five percent of uncovered parking lot area (i.e. not under a solar canopy or other cover) shall be landscaped.
  2. **Minimum Planter Dimension.** No landscape ~~planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or area smaller than~~ four feet in any horizontal dimension, excluding curbing, ~~shall count toward required landscaping.~~
  3. **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:

**Commented [Revision40]:** Edits for consistency with other standards

- a. Landscaped planting strips at least four feet wide between rows of parking stalls;
  - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
  - c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
  - d. On-site landscaping at the parking lot perimeter.
4. **Required Landscaped Islands.** A landscaped island at least four feet in all interior dimensions and containing at least one 15-gallon tree shall be provided at each end of each row of uncovered parking stalls and a minimum of one landscaped island every ~~35~~ 40 feet of an uncovered parking stall row.
5. **Landscaped Buffer Adjacent to Right-of-Way.** A landscaped area at least five feet wide shall be provided between any surface parking area and any property line adjacent to a public street.
- a. Where the parking area is located across the street from a Residential District, the landscaped area shall contain shrubs or fencing a minimum of 30 inches high.
6. **Landscaped Buffer Abutting Interior Lot Line.**
- a. *Residential Districts.* In Residential Districts, a landscaped area at least five feet wide shall be provided between any surface parking area containing six or more required parking spaces and any adjacent lot for the length of the parking area.
  - b. *Other Districts.* In all Districts other than Residential Districts, a landscaped area at least three feet wide shall be provided between any surface parking area and any adjacent lot for the length of the parking area except where abutting a Residential District boundary, the landscaped area shall be at least five feet wide for the length of the parking area.
7. **Protection of Vegetation.**
- a. *Clearance from Vehicles.* All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.
  - b. *Planters.* All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

- 8. **Visibility and Clearance.** Parking area landscaping shall comply with Section 18.11.110, Visibility at Driveways and Intersections.
  - a. Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic.

Landscaped buffer - interior property line:  
Adjacent to Residential District: 5 feet min.  
Adjacent to all other districts: 3 feet min.

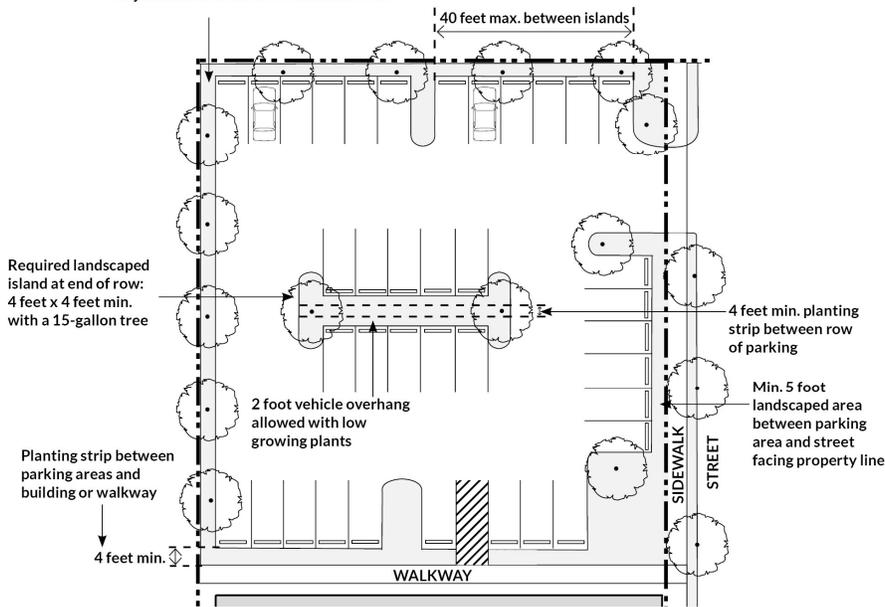


FIGURE 18.16.110.J: PARKING LOT LANDSCAPING

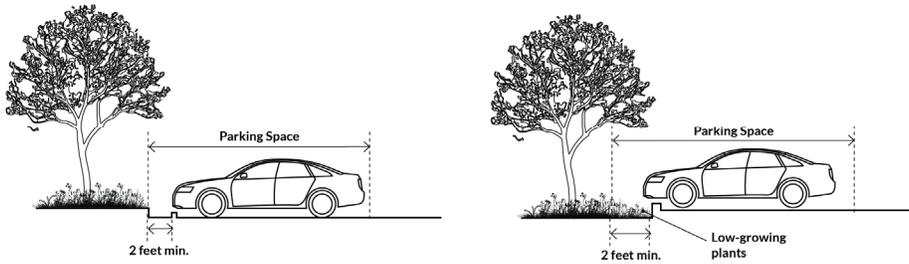


FIGURE 18.16.110.J.7: CLEARANCE FROM VEHICLES

- K. **Alternative Parking Area Designs.** Alternative parking area designs may be approved with a Modification pursuant to Chapter 18.26, Modifications, where the review authority finds that variations in the requirements of this Section are warranted to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED Green Building Rating System or equivalent.
- L. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall always be kept in good repair.

## Chapter 18.17 Performance Standards

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### 18.17.010 Purpose

The purposes of this Chapter are to:

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

### 18.17.020 Applicability

The minimum requirements in this Chapter apply to all land uses in all districts except the following uses and activities are exempt from compliance with the requirements of this Chapter:

- A. Legal nonconforming uses, which have an established right not to comply with the provisions of this Chapter.
- B. Temporary events with approved Temporary Use Permits or other required permits, where such activities otherwise comply with other applicable provisions of this Code and the Dixon Municipal Code.
- C. Any emergency activity on the part of the City or a private party.
- D. Temporary construction activity where such activity is explicitly regulated by and in conformance with other regulations of the Municipal Code.
- E. Other uses and activities as otherwise specified in this Code.

### 18.17.030 General Standard

No land or building in any zoning district shall be occupied or used in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or amount as to adversely affect the surrounding area or adjoining premises; the foregoing are referred to as "dangerous or objectionable elements"; provided, that any use permitted or not expressly prohibited by this Chapter may be undertaken and maintained if it conforms to the regulations of this Chapter limiting dangerous and objectionable elements at the point of the determination of their existence.

#### **18.17.040 Measurement of Impacts**

Unless otherwise stated, measurements necessary for determining compliance with the standards of this Chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

#### **18.17.050 Air Contaminants**

All uses shall comply with the current regulations of the Yolo-Solano Air Quality Management District with respect to odor, smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution.

#### **18.17.060 Radioactivity or Electric Disturbance**

No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

#### **18.17.070 Fire and Explosive Hazards**

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, in which case incineration shall be conducted in accordance with all local, state and federal regulations, and those instances where the Fire Department deems it a practical necessity.

#### **18.17.080 Hazardous and Extremely Hazardous Materials**

The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground .

**18.17.090 Heat, Humidity, Cold, and Glare**

When located in a zoning district specified below, all commercial and industrial uses shall be so operated as not to produce humidity, heat, cold, or glare which is readily detectable without instruments by the average person at the following points of determination:

<b>TABLE 18.17.090: POINT OF DETERMINATION-HEAT, HUMIDITY, COLD, OR GLARE</b>	
<i>Zoning District in Which Uses Are Located</i>	<i>Point of Determination</i>
Industrial District	At or beyond any boundary of the zone.
Any District Other than an Industrial District	At or beyond any lot line of the lot containing the uses.

**18.17.100 Liquid or Solid Waste**

- A. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division) and any other agency as shall have jurisdiction of such activities.
- B. **Containment.** Waste shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. Material, including but not limited to paper products, plastic, dirt, sand, lime, seed, bran, chaff, wood refuse, and other readily transportable compounds, shall be contained in a way it cannot be tracked or carried by wind off-site. Closed containers shall be provided and used for the storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.

**18.17.110 Noise**

- A. **Noise Limits.** Unless excepted pursuant Section 18.17.110.C, Noise Limit Exceptions, no land use shall generate sound exceeding the maximum levels identified in Table 18.17.110.A: Noise Limits or as amended pursuant to the correction factors in Table 18.17.110.B: Noise Limit Correction Factors.

<b>TABLE 18.17.110.A: NOISE LIMITS</b>	
<i>Zoning District</i>	<i>Maximum Sound Pressure Level in Decibels</i>
<b>Residential Districts</b>	
RL	55 dB
RM	60 dB

TABLE 18.17.110.A: NOISE LIMITS	
Zoning District	Maximum Sound Pressure Level in Decibels
Commercial and Mixed Use Districts	70 dB
Industrial Districts	75 dB

B. **Noise Limit Correction Factors.** The following correction factors, shall be applied to the maximum sound pressure levels in Table 18.17.110.A: Noise Limits.

TABLE 18.17.110.B: NOISE LIMIT CORRECTION FACTORS	
Time and Operation of Type of Noise	Correction in Maximum Permitted Decibels
Emission only between 7 a.m. and 10 p.m.	Plus 5
Noise of unusual impulsive character such as hammering or drill pressing	Minus 5
Noise of unusual periodic character such as hammering or screeching	Minus 5

C. **Noise Limit Exceptions.** The following sounds may exceed the maximum sound pressure levels established in Table 18.17.110.A: Noise Limits.

1. Time signals produced by places of employment or worship and school recess signals providing no one sound exceeds five seconds in duration and no one series of sounds exceeds 24 seconds in duration;
- ~~2. Devotional and patriotic music of worship, provided such music is emitted only between the hours of 7:00 a.m. and 10:00 p.m.;~~
- ~~3-2.~~ Sounds from transportation equipment used exclusively in the movement of goods and people to and from a given premises, temporary construction or demolition work; and
- ~~4-3.~~ Sounds made in the interests of public safety.

Commented [Revision41]: Study Session discussion topic

D. **Noise Level Measurement.** The following provisions shall determine means for measuring noise levels. Where these provisions conflict with other provisions of the Dixon Municipal Code, the following shall remain applicable for purposes of this Code.

1. **Setting of Meter.** Any sound or noise level measurement made pursuant to the provisions of this Chapter shall be measured with a sound level meter using an A-weighting and “slow” response pursuant to applicable manufacturer’s instructions, except that for sounds of a

duration of two seconds or less the “fast” response shall be used and the average level during the occurrence of the sound reported.

2. **Calibration of Meter.** The sound level meter shall be appropriately calibrated and adjusted as necessary by means of an acoustical calibrator of the coupler type to assure meter accuracy within the tolerances set forth in American National Standards ANSI-SI.4-1971.
3. **Location of Microphone.** All measurements shall be taken at any lot line of a lot within the applicable zoning district. The measuring microphone shall not be less than four feet above the ground, at least four feet distant from walls or other large reflecting surfaces and shall be protected from the effects of wind noises by the use of appropriate wind screens. In cases when the microphone must be located within 10 feet of walls or similar large reflecting surfaces, the actual measured distances and orientation of sources, microphone and reflecting surfaces shall be noted and recorded. In no case shall a noise measurement be taken within five feet of the noise source.
4. **Measured Sound Levels.** The measurement of sound level limits shall be the average sound level for a period of one hour.

#### **18.17.120 Vibration**

No use shall be operated in a manner which produces vibrations discernible without instruments at any point on the property line of the lot on which the use is located.

## Chapter 18.18 Signs

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### 18.18.010 Purpose

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

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

### 18.18.020 Applicability

The provisions of this Chapter apply to all signs in all districts, constructed or physically altered on or after the effective date of this Code, unless otherwise specified. The provisions of this Chapter apply in addition to any other section of the Municipal Code, including Chapter 6.12, Cannabis Business Pilot Program.

- A. **Message Neutrality.** It is the City's policy and intent to regulate signs in a manner consistent with the U.S. and California constitutions, which is content neutral as to non-commercial speech and does not favor commercial speech over non-commercial speech.
- B. **Public Forum.** The provisions of this Chapter shall not be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings; create a safety hazard by impeding travel on sidewalks, bike lanes, or vehicle lanes; or violate any other reasonable time, place, and manner restrictions adopted by the City.
- C. **Registered Mark.** The provisions of this Chapter shall not require alteration of the display of any registered mark, trademark, service mark, trade name, or corporate name that may be associated

with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.

- D. **Regulatory Interpretations.** All interpretations of this Chapter are to be exercised in light of the message neutrality and message substitution policies.
- E. **Noncommercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter.

#### 18.18.030 Exemptions

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

- A. **Address Signs.** Required address identification signs that are in conformance with the Building Code.
- B. **Commercial Displays on Vehicles.** Displays on vehicles related to the goods or services provided by the vehicle owner or operator and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the City.
- C. **Directional/Informational Signs.** Directional and/or informational signs not more than eight square feet in area or four feet in height for the direction or convenience of the public such as outlining/assisting vehicle and pedestrian circulation within a site, egress, ingress, and any public facilities such as restrooms, telephones, walkways, and other similar features.
- D. **Flags.** Flags that do not display a commercial message.
- E. **Government Signs.** Official notices issued by a court, public body, or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; non-commercial bus stop signs erected by a public transit agency, or other signs required or authorized by law.
- F. **Historic Plaques and Commemorative Signs.** Historic plaques, memorial signs or tablets, or commemorative signs indicating names of buildings and dates of building erection, either attached to or cut into the surfaces of buildings, with a maximum allowable sign area of four square feet per sign.
- G. **Interior Signs.** Signs that are in the interior areas of a building or site not visible from the public right-of-way, and at least five feet from a window, door, or other exterior wall opening.

- H. **Manufacturer's Mark.** Manufacturer's marks, including signs on items such as vending machines, gas pumps, and ice containers with a maximum allowable sign area of four square feet per sign.
- I. **Nameplate.** One nameplate for each tenant or occupancy not to exceed two square feet in area indicating the name of the occupant or tenant.

#### 18.18.040 Prohibitions

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

- A. **Animated or Moving Signs.** Animated, flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating elements or visible mechanical movement of any kind, unless expressly permitted by another section of this Chapter.
- B. **Balloons, Inflatable Signs, Streamers, Pennants and Other Attention-Getting Devices.** Balloons, inflatable signs, streamers, pennants, and other attention-getting devices, made of light-weight fabric or similar material, designed to rotate or move with the wind, that direct, promote, or that are otherwise designed to attract attention.
- C. **Mobile Billboards.** Any sign carried or conveyed by a vehicle for the primary purpose of general advertising for hire. This prohibition eliminates mobile billboard advertising within the City to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and improve the aesthetic appearance of the City. This prohibition does not apply to displays on vehicles related to the goods or services provided by the vehicle owner or operator, public safety and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the City.
- D. **Off-Site Signs.** Any sign advertising any activity, business, product, or service that are not conducted on the premises upon which the sign is located, unless expressly permitted by another section of this Chapter.
- E. **Roof Signs.**
  - 1. Attached signs that extend above the roofline or parapet (whichever is higher) of a building with a flat roof.
  - 2. Attached signs that extend above the deck line of a mansard or false-mansard roof.
  - 3. Signs on rooftop structures, such as penthouse walls or mechanical enclosures.
- F. **Search Lights and Klieg Lights.** Search and Klieg lights when used as attention-attracting devices for commercial uses.

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

#### 18.18.050 Sign Measurement

- A. **Measuring Sign Area.** The area of a sign face includes the entire area within a single continuous perimeter composed of squares and rectangles that enclose the extreme limits of all sign elements, including, without limitation, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures, such as sign bases and columns, are not included in sign area provided that they contain no lettering or graphics except for addresses. The area of an individual sign shall be calculated as follows.

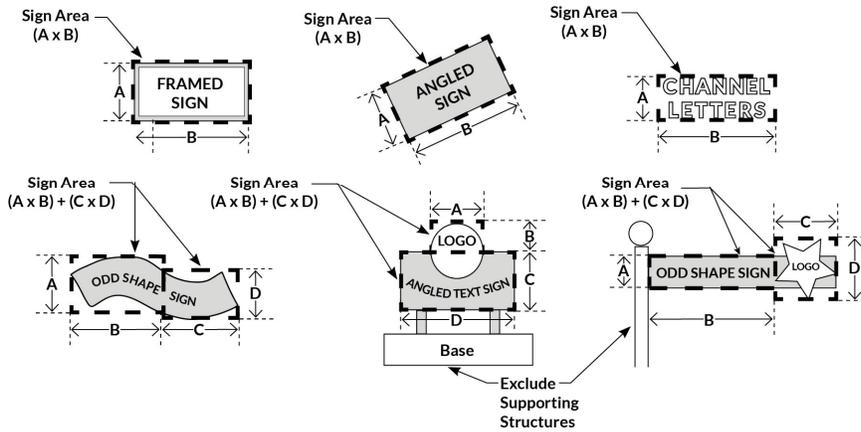


FIGURE 18.18.050.A: MEASURING SIGN AREA

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

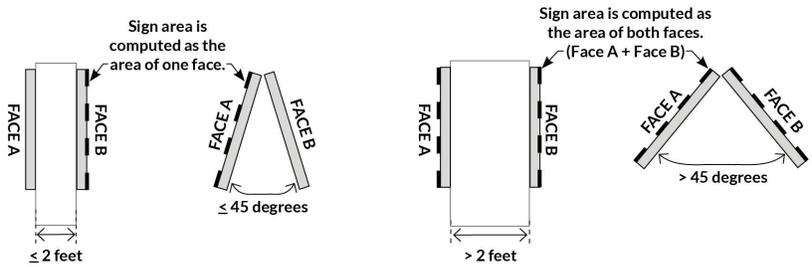


FIGURE 18.18.050.A.2: MEASURING SIGN AREA, DOUBLE-FACED SIGNS

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

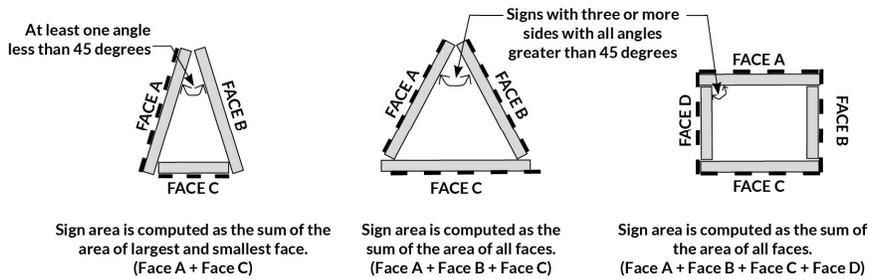
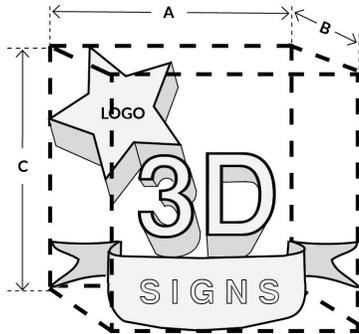


FIGURE 18.18.050.A.3: MEASURING SIGN AREA, MULTI-FACED SIGNS

4. **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), may have a sign area that is the sum of all areas using the four vertical sides of the smallest rectangular prism that will encompass the sign.



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

FIGURE 18.18.050.A.4: MEASURING SIGN AREA, 3D SIGNS

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

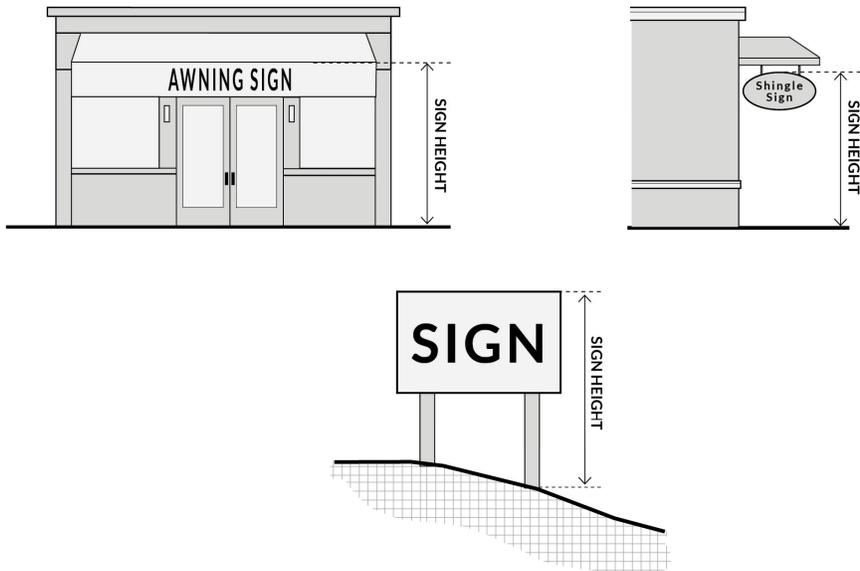


FIGURE 18.18.050.B: MEASURING SIGN HEIGHT

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

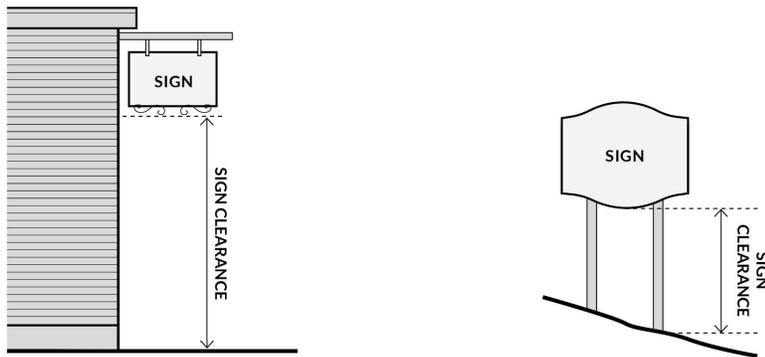


FIGURE 18.18.050.C: MEASURING SIGN CLEARANCE

#### 18.18.060 General Provisions

This Section establishes general standards that apply to all sign types and in all districts.

- A. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs must be constructed in accordance with applicable construction, sign, and building codes and all other applicable laws, rules, regulations, and policies.
- B. **Sign Clearance.** Signs shall have a minimum of eight feet clearance when located above any walkway or area where people may walk and 14 feet above any parking area or drive aisle.
- C. **Illumination.** An illuminated sign within 300 feet of Residential District within the City limits, measured along the radius of a 180 degree arc in front of a face of a sign, shall not be directly lighted but may be indirectly lighted or may have semi-indirect or diffused lighting. The lighting fixture shall be shielded such that the lamp (light bulb) is not visible.
- D. **Projections into the Public Right-of-Way.** In the DMX District, signs mounted on private property may project into or above public property or the public right-of-way up to within two feet of the curb line of a street or alley with approval of an encroachment permit by the Public Works Director. Such signs shall also meet the sign clearance requirements of Section 18.18.060.B, Sign Clearance, above.

- E. **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard and other materials subject to rapid deterioration shall be limited to temporary signs. Fabric signs are limited to awnings, canopies, flags, and temporary signs.

**18.18.070 Signage Allowances by Zoning District**

This Section establishes the types of signs allowed per Zoning District. These signs are also subject the regulations in Section 18.18.060, General Provisions, and all standards specific to the specific sign type.

- A. **Types of Signs Allowed.** Table 18.18.070.A, Allowed Signs by Zoning District, establishes the types of signs allowed per zoning district.

TABLE 18.18.070.A: ALLOWED SIGNS BY ZONING DISTRICT							
✓ Allowed (subject to compliance with this Chapter)				- Not Allowed			
Zoning Districts	Sign Type						
	Wall Signs	Freestanding Signs	Awning and Canopy Signs	Projecting and Shingle Signs	Window Signs	Freeway Oriented Signs	Temporary Signs
<b>All Zoning Residential Districts</b>							
See Section 18.18.080, Signage Allowances for Specific Uses and Development and Section 18.18.110, Temporary Signs							
<b>Commercial and Mixed-Use Districts</b>							
<u>All Commercial and Mixed Districts</u>	<u>See Section 18.18.080, Signage Allowances for Specific Uses and Development and Section 18.18.110, Temporary Signs</u>						
CAMX	✓	✓	✓	✓	✓	-	✓
CMX	✓	✓	✓	✓	✓	-	✓
DMX	✓	✓	✓	✓	✓	-	✓
CN	✓	✓	✓	✓	✓	-	✓
CR	✓	✓	✓	✓	✓	✓	✓
CS	✓	✓	✓	✓	✓	-	✓
<b>Industrial Districts</b>							
<u>All Industrial Districts</u>	<u>See Section 18.18.080, Signage Allowances for Specific Uses and Development and Section 18.18.110, Temporary Signs</u>						
IL	✓	✓	✓	✓	✓	-	✓
IG	✓	✓	✓	✓	✓	-	✓

TABLE 18.18.070.A: ALLOWED SIGNS BY ZONING DISTRICT							
✓ Allowed (subject to compliance with this Chapter)				- Not Allowed			
Zoning Districts	Sign Type						
	Wall Signs	Freestanding Signs	Awning and Canopy Signs	Projecting and Shingle Signs	Window Signs	Freeway Oriented Signs	Temporary Signs
<b>Public and Semi-Public Districts</b>							
<u>All Public and Semi-Public Districts</u>	<u>See Section 18.18.080, Signage Allowances for Specific Uses and Development and Section 18.18.110, Temporary Signs</u>						
PF	✓	✓	✓	✓	✓	✓	✓
PR	✓	✓	✓	✓	✓	✓	✓

B. **Allowed Sign Area.** Table 18.18.070.B establishes the maximum aggregate sign area allowed per site.

1. **Calculation of Aggregate Sign Area.** The sign area of all signs on-site is included in the calculation of aggregate sign area, except for the signs listed below, which are excluded from the calculation.

a. **Sign Area Excluded from the Calculation of Aggregate Sign Area.** The sign area of the following signs are excluded from the calculation of aggregate sign area:

- i. Signs that are exempt from the permit requirements of this Chapter pursuant to Section 18.18.030, Exemptions.
- ii. Signs allowed pursuant to Section 18.18.080, Signage Allowances for Specific Uses and Development.
- iii. Additional freestanding signs in the CR District allowed pursuant to 18.18.090.B.3, Additional Freestanding Sign Allowances, CR District.
- iiii. Freeway Oriented Signs consistent with Section 18.18.100, Freeway Oriented Signs.
- iv-v. Temporary Signs consistent with Section 18.18.110, Temporary Signs.

**Commented [Revision42]:** Edit to better integrate existing freeway-oriented sign provisions

TABLE 18.18.070.B: MAXIMUM ALLOWABLE AGGREGATE SIGN AREA	
Zoning District	Maximum Allowable Aggregate Sign Area
Residential Districts	Allowable sign area is determined by the specific sign allowances in Section 18.18.080, Signage Allowances for Specific Uses and Development
CMX, DMX, and CN Districts	1 square feet per linear foot of building frontage or width of tenant space or 20 square feet per tenant space, whichever is greater
CAMX, CR and CS Districts	2 square feet per linear foot of building frontage or width of tenant space or <del>20</del> 30 square feet per tenant space, whichever is greater
IL and IG Districts	1 square feet per linear foot of building frontage or width of tenant space or 20 square feet per tenant space, whichever is greater

### 18.18.080 Signage Allowances for Specific Uses and Development

This Section establishes signage allowances for specific uses and development. These signs are allowed in addition to the signs allowed by zoning district in Section 18.18.070, Signage Allowances by Zoning District, and are not included in the calculation of aggregate sign area. These signs are also subject to the regulations in “Standards for Specific Sign Types” unless otherwise stated.

- A. **Residential Developments.** Residential developments of four or more units or lots are allowed freestanding and wall signs up to a total aggregate sign area of one square foot per dwelling unit, subject to the following standards.
  1. **Maximum Number of Signs.** Two per entrance to the development.
  2. **Maximum Size per Sign.** 40 square feet.
  3. **Illumination.** Sign lighting is limited to external illumination. Internally illuminated signs and bare bulbs are prohibited.
- B. **Non-Residential Uses in Residential Districts.** Nonresidential uses that are the primary use on a site in a Residential District are allowed up to a total aggregate sign area of one square foot per linear foot of building frontage. Allowed sign types, maximum sign area for individual signs, and allowed illumination is as follows.
  1. **Awning and Canopy Signs.** Maximum size of six square feet or 25 percent of the surface area of the awning, whichever is less.
  2. **Window Signs.** Maximum size of 15 percent of window area.
  3. **Wall Signs.** Maximum size of 20 square feet.
  4. **Freestanding Signs.** Maximum size of 30 square feet.

5. **Illumination.** Sign lighting is limited to external illumination. Internally illuminated signs and bare bulbs are prohibited.

### 18.18.090 Signage Standards for Specific Sign Types

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

- A. **Awning and Canopy Signs.** Signs painted or printed on awnings, canopies, arcades, or similar attachments or structures are subject to the following standards.
  1. **Maximum Allowable Sign Area.** Awning and canopy signs shall have a maximum allowable sign area of 10 square feet, or 25 percent of the total awning area, whichever is less.
  2. **Maximum Sign Height.** Awning and canopy signs shall have a maximum height of 14 feet.

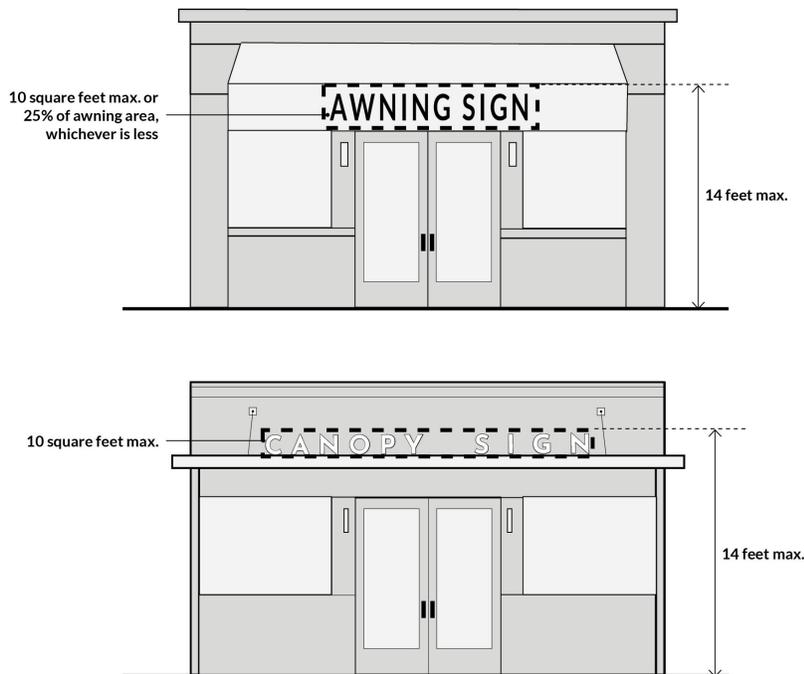


FIGURE 18.18.090.A: AWNING AND CANOPY SIGNS

B. **Freestanding Signs.** Freestanding signs are subject to the following standards.

1. **Maximum Sign Height.** Eight feet.
2. **Maximum Number of Signs.** One freestanding sign plus one for every 75 feet of street frontage over 75 feet of street frontage.
3. **Additional Freestanding Sign Allowance, CR District.** In addition to the other sign allowances pursuant to this Chapter, an additional freestanding sign may be allowed in the CR District, subject to the following standards:
  - a. **Required Permit.** Conditional Use Permit approval pursuant to Chapter 18.24, Use Permits is required.
  - b. **Maximum Sign Height.** The maximum sign height shall be established through the Conditional Use Permit approval in consideration of a sight line study for view and visibility distance shall be prepared and submitted with an application to justify the height of the sign requested. However, the maximum height of the sign shall not exceed 85 feet.
  - c. **Maximum Number of Signs.** A maximum of one additional freestanding sign may be allowed.
  - d. **Location.** Multi-tenant freeway-oriented sign structures shall be no closer together than 2,000 feet from one to another, measured parallel to the freeway.
  - e. **Subject Location.** Businesses, products, services, or entities advertising on sign structures must be located on the same site as the sign and located within one-half mile of the centerline of Interstate 80; except as allowed for electronic message center signs pursuant to Subsection j, Electronic Message Center, below.
  - f. **Sign Structure.** The design of the sign structure, including base, shall incorporate architectural design features to enhance appearance.
  - g. **Size of Signage.** Signage, including text or graphics, must be of sufficient size to be easily readable for freeway drivers. In the event an applicant for signage disputes requirements of "sufficient size" for readability established by the Planning Commission or administrative design approval, Caltrans freeway signage readability standards shall be utilized.
  - h. **Center Identification.** The topmost position on the sign shall reflect the name of the commercial area or center for which the sign is primarily intended, or a major tenant as determined by the Planning Commission during the sign review process.
  - i. **Signage Lease Spaces.**

- i. The size and number of signage lease spaces shall be established at the time of sign design review for the sign structure. Subdivision of signage lease space areas, other than as established at the time of sign design review, shall not be permitted.
- ii. There shall be a minimum of three signage lease spaces provided on the additional freestanding sign.
- j. *Electronic Message Center.* Electronic message center signs may be permitted subject to the following:
  - i. Electronic message signs located within 500 feet of Residential District shall not be utilized from 11:00 p.m. to 6:00 a.m.
  - ii. The sign area of an electronic message center sign shall not exceed 675 square feet.
  - iii. The static messages shall not change more frequently than every six seconds, and cannot pulse or significantly change in luminosity.
- k. *Timing of Permits.* No permit shall be issued for construction of a sign structure prior to the initiation of construction of at least one business or entity which will place signage on the structure.

**Commented [Revision43]:** Edit to better integrate existing freeway-oriented sign provisions

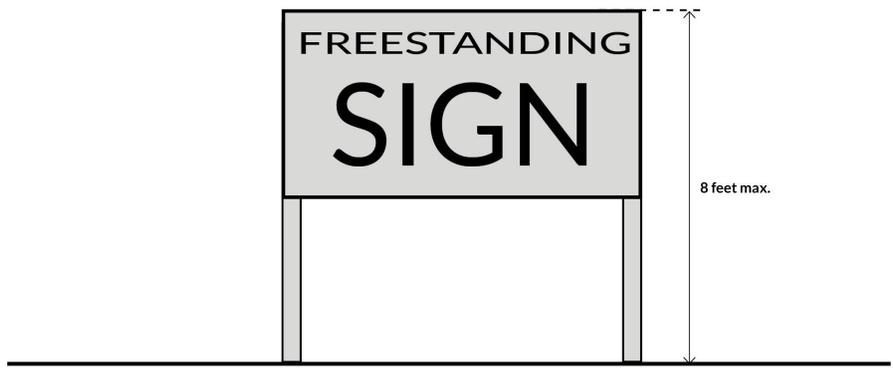


FIGURE 18.18.090.B: FREESTANDING SIGNS

- C. **Projecting and Shingle Signs.** Signs that project horizontally from the exterior wall of a building or are suspended beneath a marquee, covered walkway, canopy, or awning, are subject to the following standards.
1. **Maximum Allowable Sign Area.** Six square feet.
  2. **Maximum Sign Height.** 15 feet.
  3. **Maximum Number of Signs.** One for each building frontage or tenant space.
  4. **Projection Allowed.**
    - a. **Projecting Sign.** A projecting sign cannot extend more than four feet from the building to which it is attached.
    - b. **Shingle Sign.** A shingle sign cannot extend further than the outer edge of the marquee, covered walkway, canopy, or awning from which it is suspended.

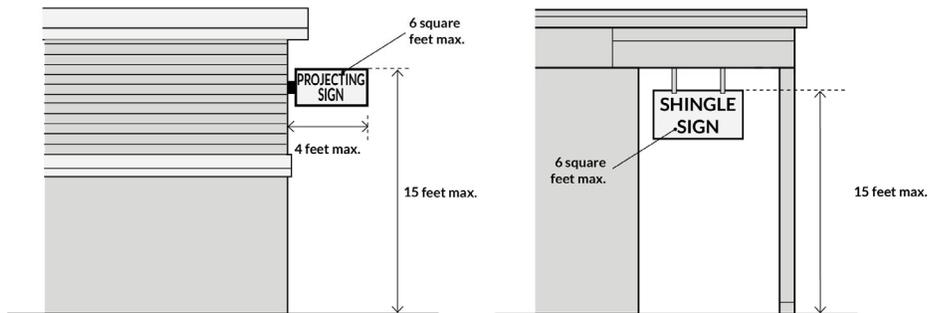
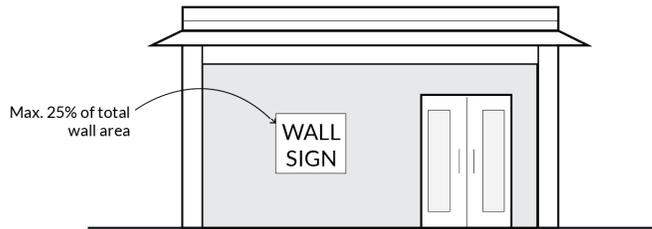


FIGURE 18.18.090.C: PROJECTING AND SHINGLE SIGNS

- D. **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure. Wall signs are subject to the following standards.
1. **Maximum Allowable Sign Area.** In all cases, wall sign copy shall not occupy more than 25 percent of the total area of the wall to which the sign is attached.
  2. **Location of Sign.**
    - a. Wall signs shall not be placed higher than the second story of a building.
    - b. Wall signs shall not cover or interrupt major architectural features, including such features as doors, windows, or tile embellishments.

- c. Wall signs shall not extend higher than the building wall upon which they are attached.

- 3. **Maximum Number of Signs.** One per building frontage or tenant space.



**FIGURE 18.18.090.D: WALL SIGNS**

- E. **Window Signs.** Signs painted on or otherwise adhered directly onto a window and signs that block a window in any way are subject to the following standards.

- 1. **Maximum Allowable Sign Area.** 20 percent of the window area.
- 2. **Maximum Sign Height.** Window signs shall not be placed on windows higher than the second story.

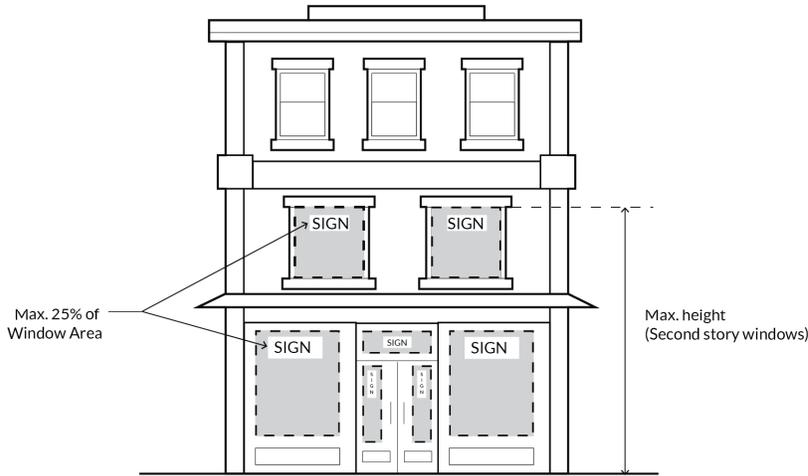


FIGURE 18.18.090.E: WINDOW SIGNS

### 18.18.100 Freeway Oriented Signs

- A. ~~Multi Tenant Freeway Oriented Signs.~~ In addition to the other sign allowances pursuant to this Chapter, multi-tenant, freeway-oriented sign structures may be allowed in the in the CR District subject to Conditional Use Permit approval and the following criteria:
- ~~1. A sight line study for view and visibility distance shall be prepared and submitted with an application to justify the height of the sign requested. However, the maximum height of the sign shall not exceed 85 feet.~~
  - ~~2. A minimum of three tenants' sign slots shall be required for the proposed multi-tenant sign structure.~~
  - ~~3. Design of the sign structure shall incorporate architectural design features to enhance appearance.~~
  - ~~4. Projects, developments and businesses participating in the multi-tenant freeway-oriented sign program shall be limited to monument type signs and building-mounted on-site signs.~~
  - ~~5. Sign area on multi-tenant freeway-oriented signs shall not be counted against the sign area allowance for the on-site signs.~~

**Commented [Revision44]:** Edit to better integrate existing freeway-oriented sign provisions

- ~~6. Sign structures must be in compliance with all applicable State and Federal regulations, including but not limited to the State Outdoor Advertising Act. Proof of such compliance must be submitted prior to issuance of the permit for construction of the sign structure.~~
- ~~7. Signage, including text or graphics, must be of sufficient size to be easily readable for freeway drivers. In the event an applicant for signage disputes requirements of "sufficient size" for readability established by the Planning Commission or administrative design approval, Caltrans freeway signage readability standards shall be utilized.~~
- ~~8. The size and number of signage lease spaces shall be established at the time of sign design review for the sign structure. Subdivision of signage lease space areas, other than as established at the time of sign design review, shall not be permitted.~~
- ~~9. Sign structures and signage on multi tenant, freeway oriented signs existing on the effective date of the Ordinance codified in this Chapter, February 8, 2002, shall be considered preexisting and shall not be required to comply with the new provisions of this Section, unless or until such sign structure or signage ceases to advertise a bona fide business, product, service, or entity presently in operation.~~
- ~~10. Replacement, repair, or modification of signage shall be subject to Design Review pursuant to Chapter 18.23, Design Review.~~
- ~~11. Any multi tenant, freeway oriented sign structure approved after the effective date of the Ordinance codified in this Chapter, February 8, 2002, shall be designed such that the topmost position on the sign shall reflect the name of the commercial area or center for which the sign is primarily intended, or a major tenant as determined by the Planning Commission during the sign review process.~~
- ~~12. Multi tenant freeway oriented sign structures shall be no closer together than 2,000 feet from one to another, measured parallel to the freeway.~~
- ~~13. Businesses, products, services, or entities advertising on sign structures must be located within one-half mile of the centerline of Interstate 80, except as allowed for electronic message center signs pursuant to Section 18.18.100.A.15, Electronic Message Center.~~
- ~~14. No permit shall be issued for construction of a sign structure prior to the initiation of construction of at least one business or entity which will place signage on the structure.~~
- ~~15. **Electronic Message Center.** Electronic message center signs may be permitted when located on a multi tenant, freeway oriented sign structure; subject to the following:
  - ~~a. Electronic message signs located within 500 feet of Residential District shall not be utilized from 11:00 p.m. to 6:00 a.m.~~~~

~~b. The sign area of an electronic message center sign shall not exceed 675 square feet.~~

~~e. The static messages shall not change more frequently than every six seconds, and cannot pulse or significantly change in luminosity.~~

In addition to the other sign allowances pursuant to this Chapter, freeway-oriented sign structures may be allowed in the ~~in the~~ CR District subject to Conditional Use Permit approval and the following criteria:

~~B.A.~~ Freeway-oriented sign structures may only be located in CR District located along Interstate 80.

~~C.B.~~ A sight line study for view and visibility distance shall be prepared and submitted with an application to justify the height of the sign requested. However, the maximum height of the sign shall not exceed 85 feet.

~~D.C.~~ Design of the sign structure shall incorporate architectural design features to enhance appearance.

~~E.D.~~ Sign structures must be in compliance with all applicable State and Federal regulations, including but not limited to the State Outdoor Advertising Act. Proof of such compliance must be submitted prior to issuance of the permit for construction of the sign structure.

~~F.E.~~ Signage, including text or graphics, must be of sufficient size to be easily readable for freeway drivers. In the event an applicant for signage disputes requirements of "sufficient size" for readability established by the Planning Commission or administrative design approval, Caltrans freeway signage readability standards shall be utilized.

~~F.~~ The size and number of signage lease space shall be established at the time of sign design review for the sign structure. Subdivision of signage lease space area, other than as established at the time of sign design review, shall not be permitted.

~~G.~~ Electronic Message Center. Freestanding freeway oriented signs that include Electronic message center signs may be permitted subject to the following:

~~1. Electronic message signs located within 500 feet of Residential District shall not be utilized from 11:00 p.m. to 6:00 a.m.~~

~~2. The sign area of an electronic message center sign shall not exceed 675 square feet.~~

~~3. The static messages shall not change more frequently than every six seconds, and cannot pulse or significantly change in luminosity.~~

~~G.H.~~ Replacement, repair, or modification of signage shall be subject to Design Review pursuant to Chapter 18.23, Design Review.

~~H.I.~~ **Number of Freeway-Oriented Signs.**

1. No more than one freeway-oriented sign may be built for every 10,000 residents. One additional freeway-oriented sign may be built once the City's population reaches 20,000, as established by the Solano County Clerk's office. The additional freeway-oriented sign must be located on the opposite side of Interstate 80 from any existing freeway-oriented sign, and shall not be within a one-mile radius from other existing freeway-oriented sign.
2. Another additional freeway-oriented sign may be built once the City's population reaches 30,000, as established by the Solano County Clerk's office. This additional freeway-oriented sign shall not be within a one-mile radius from any other existing freeway-oriented sign.

#### 18.18.110 Temporary Signs

Temporary signs intended to be displayed for a limited period of time are allowed subject to the following standards:

- A. **Real Estate Signs.** One sign pertaining to the sale, lease, rental or display of a structure or land, not exceeding six square feet in a Residential District or 20 square feet in a Nonresidential District.
- B. **Open House Signs.** A maximum of four open house directional portable signs may be placed off the premises offered for sale or lease in accordance with the following:
  1. Signs shall not exceed four square feet in area or three feet in height.
  2. Signs may be placed off-site on private property only after obtaining permission from the property owner.
  3. Signs may be permitted in the public right-of-way when abutting property lines and placed in such a manner that does not interrupt the normal flow of vehicle or pedestrian traffic. Signs are prohibited in the center divider and/or traffic islands of public streets. These signs shall not cause a sight distance problem.
  4. Signs may be displayed only on weekends, holidays, and broker tour days, between 10:00 a.m. and 5:00 p.m., during the period when the property is available for public showing. Signs shall be removed after each day of showing.
  5. An encroachment permit may be required from Caltrans and the City of Dixon before placing an open house directional portable sign in the public right-of-way.
- C. **Subdivision Signs.** Temporary subdivision signs in conformance with the following are permitted in Residential Districts:
  1. One sign pertaining to a subdivision, not illuminated, not exceeding 24 square feet in area, may be erected or displayed, for each 10 acres in the subdivision. In no case shall the total sign area of such signs exceed 48 square feet.

2. If a subdivision has an area of less than 10 acres, one sign, not illuminated, not exceeding 24 square feet in area, may be erected or displayed.
  3. The total number of subdivision signs, other than model home signs and directional signs as permitted in Subsections 4 and 5 below, shall not exceed three.
  4. One sign not exceeding six square feet in area, not illuminated, advertising a model home may be erected or displayed on the site of each model home in a subdivision.
  5. Not more than four off-site directional signs subject to the following restrictions:
    - a. Not illuminated.
    - b. Not more than 64 square feet in area, may be erected or displayed, for each subdivision.
    - c. At least two of the four off-site signs shall be constructed to have three additional panels that will be available to advertise other subdivisions.
    - d. Signs must be located on private property and must have the owner's consent.
    - e. Signs shall be located not to cause a safety hazard.
    - f. Location and design of signs must first be approved by the Community Development Director.
  6. A sign permit shall be required for all temporary subdivision signs. A permit may be issued by the Community Development Director at any time after recordation of the subdivision and shall become void one year following the date on which the permit was issued, unless prior to the expiration of that one year a building permit is issued and construction commenced on the homes. A sign permit may be renewed for one additional year if, prior to the expiration of one year of the date when the permit was issued an application for a renewal is filed with Community Development Department.
- D. **Banners and Streamers.** Temporary banners in compliance with the following may be placed on any business.
1. Temporary banners designed to identify the name of a new business, change in the name of an existing business or the coming of a new business may be installed for a maximum of 120 days and only until a permanent sign is approved and installed.
  2. Temporary banners shall not individually exceed 60 square feet or collectively 120 square feet. No more than three temporary banners may be displayed at one time.
  3. Temporary banners must be affixed directly to the wall or facade of a building and shall not be displayed above the eave of the roofline.

4. Streamers may be displayed on or above an open car or vehicle lot on a continual basis and may be displayed from a building or structure to another building or structure located on private property. Streamers may not be attached to any structure located on City property.

**E. Noncommercial Event Signs.**

1. One noncommercial event sign may be erected, displayed or permitted on a lot less than one acre in size pertaining to an event or an election, such as a charitable or civic event, on private property. Up to four noncommercial event signs may be erected, displayed or permitted on a lot of more than one acre.
2. Noncommercial event signs shall be nonilluminated and shall not individually exceed 24 square feet in area per side.
3. Noncommercial event signs shall not be erected, displayed, or permitted earlier than 60 days before the event to which they relate and must be removed within seven days after the event.

**F. Portable Signs.**

1. One portable sign may be erected, displayed, or permitted pertaining to a business located on the same property as the sign.
2. Sign shall be nonilluminated and not exceed 10 square feet in area per side and four feet six inches in height.
3. Portable signs shall be displayed on private property, except in the downtown commercial district. A portable sign displayed in a public right-of-way within the downtown commercial district shall comply with any applicable encroachment regulations of the City and the California Department of Transportation.
4. Portable signs may be displayed in a required landscaped area, but may not block a required access, be located in an area approved for parking or cause a sight distance problem.
5. Portable signs shall be professionally manufactured. They shall only be displayed between sunrise and sunset and must be removed during other times of the day.

**G. Mobile Sign or Mobile Billboard.**

1. No vehicle may be used as a platform or substitute for a billboard, freestanding sign or portable sign, whether parked on private property or public right-of-way.
2. A vehicle may display a mobile sign or mobile billboard so long as it complies with the following:

- a. It is moving along any street for the sole or primary purpose of displaying advertising or for the sole or primary purpose of being a mobile sign or mobile billboard.
  - b. Is prohibited from residentially zoned areas.
  - c. Is nonilluminated.
  - d. Is limited to being displayed between 8:00 a.m. and 8:00 p.m.
  - e. Shall not exceed 72 square feet in area on one side.
3. The following exceptions are permissible:
- a. Driving, operating and movement of vehicles displaying political campaign advertisements for candidates for public office or for ballot measures, or other forms of noncommercial speech.
  - b. Vehicles whose primary purpose is for regular transportation of passengers, such as buses or taxis.
  - c. Transporting a mobile sign or mobile billboard to a site where the sign can be displayed in a manner that does not violate any subsection in this Section.

#### 18.18.120 Modification to Sign Standards

- A. **Modification up to 20 Percent of Dimensional Standard.** Relief from dimensional requirements of sign standards specified in this Chapter, such as maximum height and sign area, up to 20 percent of the requirement may be granted with the approval of a Modification pursuant to Chapter 18.26, Modifications.
- B. **Other Modifications to Sign Standards.** Relief from dimensional requirements of sign standards specified in this Chapter in excess of 20 percent of the requirement, as well as modifications from other standards of this Chapter such as the number and type of signs, may be granted with the approval of a Comprehensive Sign Program pursuant to Section 18.18.140, Comprehensive Sign Program.

#### 18.18.130 Review Procedures

- A. **Sign Permit Required.** A sign permit shall be required for all signs that may remain, or is intended to remain, for more than 120 calendar days.

- B. **Application.** Application for a permit shall be made upon forms provided by the Community Development Department and accompanied by the required fee and application materials showing the following:
  - 1. Site plan showing the location and dimensions of existing structures and the relationship of the proposed sign to the existing structures;
  - 2. Location, dimension, and design of all existing signs; and
  - 3. Location, dimension, and design of the proposed sign.
- C. **Review and Decision.** Upon acceptance of a sign application, the Director shall review the request for compliance with the standards and requirements of this Chapter, and with any standards established in a Comprehensive Sign Program pursuant to Section 18.18.140, Comprehensive Sign Program.

#### 18.18.140 Comprehensive Sign Program

- A. **Purpose.** The purpose of a Comprehensive Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.
- B. **Application.** A Comprehensive Sign Program application shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Comprehensive Sign Program application shall also include calculation of maximum allowable sign area, and total proposed sign area, for the site.
- C. **Review Authority.** All Comprehensive Sign Programs are subject to review and approval of the Review Authority for the project with which the signs are associated, except as provided below.
  - 1. **Requests for Modifications to Sign Standards.** All Comprehensive Sign Programs that include a request for a deviation from the standards of this Chapter other than those allowable with a Modification pursuant to Section 18.18.120, Modifications to Sign Standards, are subject to review and approval by the Planning Commission.
- D. **Required Findings.** The Review Authority must make all of the following findings in order to approve a Comprehensive Sign Program, in addition to the other applicable regulations in this Section. The inability to make one or more of the findings is grounds for denial of an application.
  - 1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;

2. Future tenants will be provided with adequate opportunities to construct, erect, or maintain a sign for identification; and
  3. Directional signage and building addressing are adequate for pedestrian and vehicular circulation and emergency vehicle access.
- E. **Lessees to Be Informed of Comprehensive Sign Program.** Lessees within developments subject to the requirements of an approved Comprehensive Sign Program shall be made aware of the Comprehensive Sign Program in their lease.

#### 18.18.150 Nonconforming Signs

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

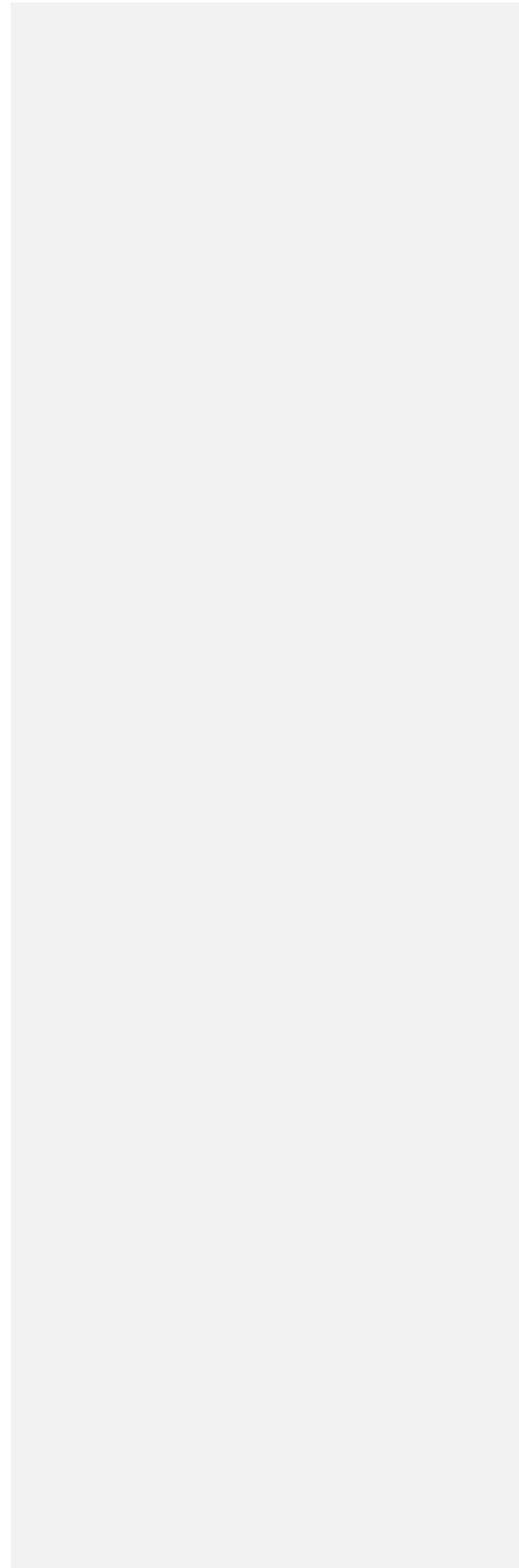
#### 18.18.160 Maintenance

- A. Any signage, sign face, or sign structure which ceases, for a period in excess of 90 days, to advertise a bona fide business, product, service, or entity presently in operation shall be removed by the owner of said signage, sign face, or sign structure or the owner of the property upon which signage is located, and shall not be permitted to be reestablished or reconstructed or replaced without being subject to the provisions of this Chapter.
- B. All signs, including any appurtenant component, background, or supporting structure, shall be maintained in a state of good repair, be kept clean, be structurally sound, and be visually attractive. Any dilapidated sign shall be repaired or replaced within 60 calendar days following written notification by the City. Noncompliance with the notification is subject to an administrative citation, as set forth in Chapter 1.07 DMC, and nuisance abatement, as set forth in Chapter 9.01 DMC. The City Council shall be the hearing officer for appeals of administrative citations issued pursuant to

this Section. All hearing and appeal procedures for administrative citations as set forth in Chapter 1.07 DMC otherwise apply.

**18.18.170 Enforcement**

Signs which do not conform to the provisions of this Chapter and are erected after its effective date and signs erected after the effective date of this Chapter without obtaining the permit required thereby are declared to be unlawful and a public nuisance. All signs declared to be unlawful by this Section and all persons erecting or maintaining them shall be subject to the terms of Chapter 18.33, Enforcement.



## Chapter 18.19 Standards for Specific Uses

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### 18.19.010 Purpose

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

### 18.19.020 Applicability

Each land use and activity covered by this Chapter shall comply with the requirements of the Section applicable to the specific use or activity.

- A. These standards are in addition to any applicable standard this Code required in the zoning district where the use or activity is proposed, all other applicable provisions of this Code, and any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, if applicable.
- B. The uses that are subject to the standards in this Chapter shall be located only where allowed by zoning district, specific plan, and planned development use regulations.
- C. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by zoning district, specific plan, or planned development regulations, such as a Conditional Use Permit, except where this Chapter establishes a different planning permit requirement for a specific use.

### 18.19.030 Accessory Uses and Activities

Accessory uses and activities that are clearly incidental to and customarily associated with a principal use on the site may be allowed in conjunction with the principal use to which it relates provided it does not result in an intensity of use that exceeds the intensity customarily associated with the primary use. Accessory uses and activities shall be subject to the same regulations as the principal use and any standards applicable to specific uses and activities found in this Chapter.

### 18.19.040 Accessory Dwelling Units

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

- A. **Residential Density.** An accessory dwelling unit is a residential use that is consistent with the existing general plan and zoning designations for the parcel and any accessory dwelling unit constructed pursuant to this Section shall not be considered as a dwelling unit in density calculations.
- B. **Primary Dwelling Unit Required.** The parcel must be in a zoning district that allows single-unit or multi-unit dwellings and contain an existing primary dwelling unit at the time an application for an accessory dwelling unit is submitted, or the application for the accessory dwelling unit may be made in conjunction with the development of the primary dwelling.
- C. **Number and Type of Units.**
  - 1. ***Lots with Existing or Proposed Single-Unit Dwellings.***
    - a. One detached accessory dwelling unit or one accessory dwelling unit within the existing or proposed space of a single-unit dwelling, and
    - b. One junior accessory dwelling unit within the existing or proposed space of a single-unit dwelling, including an attached garage.
  - 2. ***Lots with Existing Multi-Unit Dwellings.***
    - a. Two detached accessory dwelling units, or
    - b. Up to 25 percent of the number of units within a multi-unit structure, with a minimum of one accessory dwelling unit, constructed within portions of the multi-unit structure that are not used as livable space.
- D. **Standards for Attached and Detached Accessory Dwelling Units.**
  - 1. ***Floor Area.***
    - a. *Detached Accessory Dwelling Units.* The total floor area, including an attached garage, of an accessory dwelling unit that is detached from the primary dwelling unit shall not exceed 1,200 square feet.
    - b. *Attached Accessory Dwelling Units.* The total floor area of an accessory dwelling unit that is attached to the primary dwelling unit shall not exceed 50 percent of the living area of the primary dwelling unit or 1,200 square feet, whichever is less.
  - 2. ***Height.***
    - a. *Detached Accessory Dwelling Units.* An accessory dwelling unit that is detached from the primary dwelling unit shall not exceed 16 feet in height, except as provided below.

- i. An additional two feet of height shall be allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
      - ii. Detached accessory dwelling units on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, may be up to 18 feet in height.
      - iii. Detached accessory dwelling units on a lot with an existing or proposed multifamily, multistory dwelling may be up to 18 feet in height.
    - b. *Attached Accessory Dwelling Units.* An accessory dwelling unit that is attached to the primary dwelling unit shall not exceed 25 feet in height.
  3. **Setbacks.** Detached and attached accessory dwelling units shall comply with the setback standards applicable to other structures within the district in which the lot is located except that the minimum interior side and rear setbacks shall be four feet.
  4. **Design and Materials.** The exterior design and materials of the accessory dwelling unit shall be visually compatible with the primary dwelling in regard to the roof, building walls, doors, windows, horizontal/vertical expression, and architectural detail.
- E. **Standards for Accessory Dwelling Units Constructed Within Existing or Proposed Structures.** For purposes of this Subsection, in order to be considered an existing structure, the structure must be a legally permitted structure that conforms to current zoning or is legal nonconforming as to current zoning.
1. **Floor Area.** The accessory dwelling unit shall be contained entirely within the permitted floor area of the primary residence or accessory structure on the same lot as the primary residence. A maximum 150 square feet expansion to existing floor area is allowed to accommodate ingress and egress for accessory dwelling units that are not designed as junior accessory dwelling units.
  2. **Exterior Access.** Exterior access that is independent from the primary residence shall be provided.
  3. **Setbacks.** The interior setbacks shall be sufficient for fire and safety.
  4. **Junior Accessory Dwelling Unit.** Accessory dwelling units within existing or proposed single-unit dwellings may be designed as a junior accessory dwelling units subject to the following standards.
    - a. *Floor Area.* Maximum 500 square feet.

- b. *Efficiency Kitchen Required.* The junior accessory dwelling unit shall have an efficiency kitchen which shall include all of the following.
  - i. A cooking facility with appliances.
  - ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- c. *Sanitation Facilities.* A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- d. *Owner Occupancy Required.* The owner of the single-unit dwelling in which the junior accessory dwelling unit is located shall reside in either the remaining portion of the structure or the junior accessory dwelling unit.

F. **Conversions.**

- 1. **Setbacks.** No setback shall be enforced for an existing living area, garage, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.
- 2. **Parking.** If enclosed or covered parking for the primary dwelling is converted or demolished in conjunction with the construction of an accessory dwelling unit, replacement parking is not required.

G. **Required Parking.** Automobile parking is not required for an accessory dwelling unit. Required parking for the primary dwelling shall be provided pursuant to Chapter 18.16, Parking and Loading.

H. **Sale and Rental Limitations.** Accessory dwelling units may be rented separately from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, except as allowed pursuant to government code Section 65852.2. Rental terms shall be a minimum of 30 consecutive days.

I. **Permit Review.** Permit applications for accessory dwelling units shall be considered and approved ministerially without discretionary review or a hearing within 60 days from receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot or when the permit application for a proposed single-unit or multi-unit dwelling is acted upon.

**18.19.050 Adult-Oriented Businesses**

A. **Purposes.**

- 1. The purpose of this ~~Chapter-Section~~ is to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of

**Commented [Revision45]:** This was a placeholder in the prelim draft regulations. No changes to existing Chapter 18.29, Adult Oriented Businesses, other than revisions for consistency with the updated Zoning Code are proposed. Those are shown in track changes

neighborhoods which can result from the concentration of adult-oriented businesses in close proximity to each other or proximity to other incompatible uses such as private and public educational facilities for minors, places of religious assembly or worship, public parks and recreation areas, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in the number of transients in the area, an increase in crime and blight, and also causes other businesses and residents to move elsewhere. It is, therefore, the purpose of this chapter to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their close proximity to incompatible uses, while permitting the location of adult-oriented businesses in certain areas.

2. In view of the various adverse secondary effects associated with adult-oriented businesses, this ~~Chapter-Section~~ shall be implemented in conjunction with Chapter 11.02 DMC, which establishes licensing criteria sufficient to ensure the protection of the public health, safety and general welfare.

~~18.29.020 — Definitions. Terms used in this chapter and not otherwise defined in DMC 18.02.010 shall have the meanings set forth in DMC 11.02.210, as those definitions may be amended from time to time.~~

~~18.29.030 — Reserved.~~

B. **Distance requirements.** An adult-oriented business may be established, located, or operated only in the zoning districts in which it is expressly listed as a conditional or permitted use, and only subject to each and every one ~~(1)~~ of the following:

1. The adult-oriented business shall be located at least ~~one thousand (1,000)~~ feet away from:
  - a. A church, synagogue, mosque, temple or building or portion of a building or structure which is used for religious worship or related religious activities;
  - b. The boundary of any residentially zoned land, whether in the City, in an adjoining City, or within an unincorporated area;
  - c. Any public park, or recreational area, or property zoned, planned, or otherwise designated for such use by City action, including but not limited to a park, playground, nature trails, swimming pool, athletic field, basketball or tennis courts, or other similar public land within the City which is under the control, operation, or management of the City or park and recreation authorities;
  - d. Any public or private educational facility including but not limited to child day care facilities, libraries, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high

schools, secondary schools, continuation schools, and special education schools. This category of uses does not include vocational or professional institutions of higher education including but not limited to community or junior colleges, colleges and universities;

- e. Youth-oriented establishments which are characterized by any or all of the following: (a) the establishment advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors; or (b) the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors; or
- f. Any boys' club, girls' club, or similar youth organization.
- g. The uses and zones set forth in subsections ~~(A1)~~~~(4aA)~~ through ~~(6ff)~~ of this section shall be collectively known as "sensitive uses." The distance between an adult-oriented business and a "sensitive use" shall be made in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the building or structure, or a portion of the building or structure, in which the adult-oriented business is located to the boundary of the property on which the building or structure, or portion of the building or structure, in which the "sensitive use" occurs or is located.

- 2. The adult-oriented business shall not be located within ~~five hundred (500)~~ feet of more than one ~~(1)~~ other adult-oriented business, whether in the City, in an adjoining city, or within an unincorporated area. The distance between any two ~~(2)~~ adult-oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the building or structure, or portion of the building or structure, in which each adult-oriented business is located.
- 3. If any portion of the building or structure in which the adult-oriented business is located fails to meet the distance criteria set forth in subsections ~~A\_1~~ and ~~B\_2~~ of this Section, the entire building or structure shall be ineligible for an adult-oriented business use.
- 4. The presence or existence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- 5. The distance criteria set forth in this section must be satisfied as of the date a complete application for a general business license, development plan review, or a building permit is submitted to the City, whichever occurs first.

C. **Enforcement.**

1. **Separate Offense for Each Day.** Any person who knowingly violates any provision of this ~~chapter~~ ~~Section~~ shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be punished accordingly.
2. **Public Nuisance.** Any use or condition caused or permitted to exist in violation of any of the provisions of this ~~chapter~~ ~~Section~~ shall be and is hereby declared a public nuisance and may be abated by the City.
3. **Criminal Penalties.** Any person who knowingly violates, causes, or permits another person to violate any provision of this ~~chapter~~ ~~Section~~ commits an infraction. Any person convicted of an infraction shall be subject to a fine to the maximum amount permitted by State law. Any person twice convicted of an infraction for repeat violations of the same provision within a one ~~(1)~~-year period may be charged with a misdemeanor upon being issued a citation for the repeated violation of the same provision. Any person convicted of a misdemeanor shall be subject to punishment to the maximum permitted by State law.  
  
Pursuant to Cal. Gov't Code § 36900(a), the City Attorney may prosecute these violations in the name of the people of the State of California.
4. **Civil Injunction.** The violation of any provision of this ~~chapter~~ ~~Section~~ shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.
5. **Administrative Penalties.** In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this ~~chapter~~ ~~Section~~ may be subject to administrative penalties, as set forth by City ordinance.

#### 18.19.060 Alcoholic Beverage Sales (Off-Sale)

Conditional Use Permit approval is required for any use involving the sale of alcoholic beverages under an off-sale license for any use other than Food and Beverage Sales.

#### 18.19.070 Community and Market Gardens

Community and market gardens shall be located, developed, and operated in compliance with the following standards.

- A. **Management.** A manager shall be designated for each garden who shall serve as liaison between gardeners, property owner(s), and the City.

- B. **Hours of Operation.** Gardens shall only be tended between dawn and dusk unless additional hours are approved pursuant to an Administrative Use Permit.
- C. **Buildings and Structures.** Accessory buildings, such as sheds, greenhouses, and hoopouses are allowed and shall comply with the property development standards of the district in which it is located.
- D. **Equipment.** Use of mechanized farm equipment is prohibited except as provided below or approved pursuant to an Administrative Use Permit.
  - 1. Heavy equipment may be used initially to prepare the land for gardening.
  - 2. Landscaping equipment designed for household use is permitted.
- E. **Maintenance.**
  - 1. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.
  - 2. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.
- F. **Composting.**
  - 1. Compost and compost receptacles shall be located so as not to be visible from a public right-of-way.
  - 2. Compost and compost receptacles shall be set back a minimum of 20 feet from residential structures.
  - 3. In Residential Districts, composting is limited to the materials generated on-site and shall be used on-site.
- G. **Utilities.** The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
- H. **Produce Stands.** Produce stands are permitted on the site of a community or market garden subject to the following regulations:
  - 1. **Maximum Size.** Limited to 120 square feet unless a larger size is approved pursuant to an Administrative Use Permit.
  - 2. **Sales.** Product sales are limited to produce grown on-site.
  - 3. **Hours of Operation.** Operating hours for produce stands are limited to 8:00 a.m. to 7:00 p.m.

#### 18.19.080 Emergency Shelters

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

- A. **Location.** An emergency shelter shall not be established or operated at any location less than 300 feet from another emergency shelter.
- B. **Staffing.** A minimum of one staff member shall be awake and on duty, plus one additional staff or volunteer, on-premises when the facility is open. Facility staff shall be trained in operating procedures and safety plans. The facility shall not employ persons who are required to register as a sex registrant under Penal Code Section 290.
- C. **Hours of Operation.** Each emergency shelter shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the entrance to the emergency shelter at all times.
- D. **Waiting and Reception Area.**
  - 1. A staffed reception area shall be located near the entry to the facility.
  - 2. For facilities with on-site client intake, an enclosed or screened waiting area must be provided within the premises for clients and prospective clients to ensure that public sidewalks or private walkways are not used as queuing or waiting area.
  - 3. The intake and waiting area shall be suitably sized to prevent queuing in the public right-of-way or within any parking lot, but shall occupy a minimum area of 400 square feet.
- E. **Length of Stay.** Each emergency shelter resident shall be allowed to stay for no more than 180 days (cumulative, not consecutive) in a 365-day period.

#### 18.19.090 Employee Housing (for farmworkers)

- A. **Six or Fewer Employees.** Employee housing providing accommodations for six or fewer employees shall be deemed to be a single-unit structure with a residential land use, and shall be treated the same as a single unit dwelling of the same type in the same zoning district.
- B. **Districts Where Agriculture Uses Are Allowed.** The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located, and may consist of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household on land zoned for agricultural uses. Such employee housing shall be considered to be an activity that in no way differs from an agricultural use.

### 18.19.100 Farmer's Markets

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

- A. **Management Plan.** A management plan shall be prepared and provided to the Director. The management plan shall include the following:
  - 1. Identification of a market manager or managers, who shall be present during all hours of operation.
  - 2. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.
- B. **Hours of Operation.** Market activities may be conducted between the hours of 8:00 a.m. and 9:00 p.m. with specific hours and duration to be approved by the City. Set-up of market operations cannot begin more than one hour prior to the operational hours of the market and take-down shall be completed within one hour of the close of the market.
- C. **Waste Disposal.** Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

### 18.19.110 Warehousing, Storage, Freight/Trucking Terminals, and Distribution Facilities

- A. Facilities Between 50,000 Square Feet or and 150,000 Square Feet in Size. For any warehouse, storage, freight/trucking terminal or distribution center between 50,000 square feet and 150,000 square feet in size, an agreement shall be required to identify the amount of sales tax generation or employment that a use would generate and memorialize the projections from the applicant as part of the project approvals.
- B. Facilities 150,000 Square Feet or More in Size. Any warehouse, storage, freight/trucking terminal or distribution center 150,000 square feet or more in size shall provide a "Minimum Economic Impact" to the City of Dixon.
  - 1. The criteria and definition of "Minimum Economic Impact" shall be established by separate Resolution of the City Council and generally will include uses: (a) generating more than an established amount in annual sales tax or other tax generation to the City of Dixon, or (b) certain number of jobs as established by number of employees per square foot of building area, or (c) a financial in lieu of sales tax or employment agreement that may be negotiated with the City.

**Commented [Revision46]:** Follow-up provisions for warehousing and distribution uses

2. The project applicant shall identify the projected sales tax to the City of Dixon and employment generation for the proposed project as part of their application materials.
3. The project applicant will be required to enter into a Development Agreement with the City of Dixon setting forth terms that will make the project meet the Minimum Economic Impact and ensure on going attainment of the minimum economic impact.

### 18.19.120 Home Occupations

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

- A. **Purpose.** The provisions of this Section are intended to allow the conduct of home enterprises which are incidental to and compatible with surrounding residential uses.
- B. **Applicability.** This Section applies to home occupations in any residential unit in the City regardless of the zoning district. It does not apply to family day care, which is regulated separately.
- C. **Business License Required.** Where applicable, a separate City of Dixon business license is required for each home occupation.
- D. **Operational Standards.** Home occupations shall comply with the following operating standards:
  1. **Residential Appearance.** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.
  2. **Location.** All home occupation activities shall be conducted completely within the enclosed living space of the residence or accessory structure. If the business is conducted within a garage, the use shall not encroach within the required parking spaces for the residence. The vehicle door to the garage shall remain closed while the business activity is being conducted.
  3. **Floor Area Limitation.** The home occupation shall not occupy an area equivalent to more than 25 percent of the total area of the structure, including the garage.
  4. **Storage.** There shall be no exterior storage of materials, supplies, and/or equipment for the home occupation.
  5. **Employees.** No employees or independent contractors other than residents of the dwelling unit shall be permitted to work at the location of a home occupation except as otherwise allowed for cottage food operations.
  6. **Client Visits.**

- a. Clients or customers shall not visit the home occupation between the hours of 10 p.m. and 7 a.m.
  - b. There shall be no more than three clients or customers on the premises at any one time.
7. **Direct Sales Prohibition.** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication or except as otherwise allowed for cottage food operations.
  8. **Equipment.** Gasoline and/or diesel powered engines are not allowed, and any mechanical or electrical equipment used in the home occupation shall not use an electrical motor exceeding 15 amps at 110 volts.
  9. **Hazardous Materials.** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.
  10. **Nuisances.** A home occupation shall be conducted such it does not create levels of glare, light, noise, electrical interference, dust, heat, odor, solid waste, vibration, or other characteristics in excess of that customarily associated with similar residential uses.
  11. **Vehicles.** No more than one truck of not more than three-quarter ton capacity and no semi-trailers incidental to a home occupation shall be kept on the site.
  12. **Traffic and Parking Generation.** Home occupations shall not generate a volume of pedestrian, automobile, or truck traffic that is inconsistent with the normal level of traffic in the vicinity or on the street on which the dwelling is located or which creates the need for additional parking spaces, or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit.
- E. **Cottage Food Operations.** A cottage food operation is allowed as a home occupation and an accessory use to any legally established residential unit subject to the following standards:
1. **Registration.** Cottage food operations shall be registered as "Class A" or "Class B" cottage food operations and shall meet the respective health and safety standards set forth in Section 114365 et seq. of the California Health and Safety Code.
  2. **Sales.** Sales directly from a cottage food operation are limited to the sale of cottage food products. A cottage food operation shall not have more than \$50,000 in gross annual sales in each calendar year.

3. **Operator and Employee Allowed.** Only the cottage food operator and members of the household living in the unit, as well as one full-time equivalent cottage food employee, may participate in a cottage food operation.
  4. **Equipment.** Cottage food operations may employ kitchen equipment as needed to produce products for which the operation has received registration, provided that equipment would not change the residential character of the unit, result in safety hazards, or create smoke or steam noticeable at the lot line of an adjoining residential property. Venting of kitchen equipment shall not be directed toward neighboring residential uses.
- F. **Prohibited Home Occupations.** The following specific uses, either by operation or nature, are not incidental to or compatible with residential activities and shall therefore not be permitted as home occupations:
1. Adult-Oriented Businesses;
  2. Animal Services;
  3. Automobile/vehicle sales and services;
  4. Contractor shop;
  5. Eating and drinking establishments;
  6. Hotels and motels;
  7. Hospitals and clinics;
  8. Personal services; and
  9. Storage, sale, or use of explosive, guns, ammunition, or flammable or hazardous materials; and
  10. Any use not authorized by the Fire Chief.

#### **18.19.130 Outdoor Dining and Seating**

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

- A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way is subject to an encroachment permit issued by the Engineering Department.
- B. **Accessory Use.** Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot.

- C. **Review Required.**
  - 1. **Design Review.** Design Review pursuant to Chapter 18.23, Design Review, is required for all outdoor dining and seating.
  - 2. **Administrative Use Permit.** Administrative Use Permit approval is required for all outdoor dining and seating areas located within 50 feet of a Residential District.
- D. **Hours of Operation.** The hours of operation are limited to the hours of operation of the associated eating and drinking establishment.
- E. **Parking.** Where an outdoor dining and seating area occupies less than 500 square feet, additional parking spaces for the associated eating and drinking establishment are not required. Parking shall be provided according to the required ratio in Chapter 18.16, Parking and Loading, for any outdoor dining and seating area exceeding 500 square feet.
- F. **Litter Removal.** Outdoor dining and seating areas shall remain clear of litter at all times.

#### 18.19.140 Supportive and Transitional Housing

- A. **Supportive and Transitional Housing, Generally.** Pursuant to California Government Code Section 65583(c)(3), transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.
- B. **Supportive Housing, Up to 50 Units.** Pursuant to California Government Code Section 65651, supportive housing development with up to 50 supportive housing units shall be permitted by right in all Zoning Districts where multi-family and mixed use residential development are permitted provided the development satisfies all of the following requirements:
  - 1. All supportive housing units within the development are subject to a recorded affordability restriction for 55 years.
  - 2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code .
  - 3. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.

4. The developer shall provide the information required by California Government Code Section 65652 to the Planning Division.
5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
  - a. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
  - b. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
6. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915 .
7. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
8. Notwithstanding any other provision of this Section to the contrary, the local government shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:
  - a. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
  - b. Any change in the number of supportive service units is restricted to the minimum necessary to maintain project's financial feasibility.
  - c. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

#### 18.19.150 Telecommunication Facilities

- A. **Applicability and Exemptions.** The requirements of this Section apply to all telecommunication facilities that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following ~~accessory~~ facilities are exempt: |

1. Accessory facilities as follows:

- a. Licensed amateur (ham) radio and citizen band operations.
- b. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
- c. Emergency services radio.
- d. Radio and television mobile broadcast facilities.
- e. Antennas and equipment cabinets or rooms completely located inside of permitted structures or behind, and completely screened by, parapets or other roof elements.
- f. A single ground- or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this Code, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:
  - i. Residential Districts. A satellite dish that does not exceed 40 inches in diameter and is for the sole use of a resident occupying the same residential parcel is permitted anywhere on a lot in the Residential District so long as it is affixed to the interior side or rear of a structure, the rear half of the roof of the primary dwelling or garage, or is ground-mounted outside of required front or street side setbacks. Such an antenna may be mounted on a mast provided the overall height of the antenna and its supporting mast does not exceed a height of 12 feet above the roofline.
    - (1) The Director may, without public notice or hearing, grant a waiver from the above standards if application of the standards:
      - (a) Unreasonably delay or prevent use of a satellite antenna;
      - (b) Unreasonably increase the cost of the installation, maintenance or use of a satellite antenna; or
      - (c) Preclude a person from receiving or transmitting an acceptable quality signal from an antenna subject to the standards of this Section
  - ii. Non-residential Districts.
    - (1) Satellite Dish 80 inches or Less. A satellite dish that does not exceed 80 inches in diameter located anywhere on a lot outside of required setbacks provided the satellite dish does not exceed 30 feet in height. If the dish is roof-mounted, it shall be located as far away from the edges of the roof as possible.

(2) Satellite Dish Greater than 80 inches. A satellite dish that is greater than 80 inches in diameter that is not located within a required setback and is screened from view from any public right-of-way and Residential District.

iii. Undergrounding Required. All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.

2. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.

~~3.~~ Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Section and will have little or no change in the visual appearance of the facility.

~~3.4.~~ Facilities located on City owned property.

B. **Permit Requirements.** At the sole discretion of the Director, technical information submitted as part of a project application may be referred to a technical professional retained by the City to provide independent peer review of information for consistency with the requirements of this Chapter. The applicant shall pay the reasonable actual cost and a reasonable administrative fee for hiring a technical professional to provide peer review.

1. **Co-located Facilities.** Permitted by right when proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1, 2007 and an environmental impact report was certified, negative declaration or mitigated negative declaration was adopted, or an exemption was issued for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in any applicable environmental impact report, negative declaration, or mitigated negative declaration.

2. **Public Uses and Property.** Permitted by right when located on public property and/or located in public uses or the parcel on which a public use is located.

3. **Stealth Facilities.**

a. *Nonresidential Districts.* Stealth facilities in which the antenna and the support equipment are hidden from view in a structure or concealed as an architectural feature, are permitted in all nonresidential districts subject to Administrative Use Permit approval.



- functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.
- c. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.
  - d. Existing publicly-owned and operated monopole or a lattice tower exceeding the maximum height limit.
  - e. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for co-location of at least one other similar communications provider.
  - f. A monopole mounted on a trailer or a portable foundation if the use is for a temporary communications facility.
3. **Height Requirements.** Telecommunications facilities may exceed the height limit of the base zoning district of which it is located a maximum of 15 feet unless additional height is specifically allowed pursuant to Design Review and Conditional Use Permit approval.
4. **Design and Screening.** Telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible.
- a. **Stealth Facilities.** State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application.
  - b. **Other Facility Types.** If a stealth facility is not feasible, the order of preference for facility type is, based on their potential aesthetic impact: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.
  - c. **Minimum Functional Height.** All free-standing antennas, monopoles, and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location.

- d. *Camouflage Design.* Telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to minimize their appearance in a manner that is compatible with the architectural design of the building or structure.
  - e. *Equipment Cabinets.* Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.
  - f. *Landscaping.* Landscaping shall be provided for and maintained to screen any ground structures or equipment visible from a public right-of-way.
  - g. *Lighting.* Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.
  - h. *Advertising.* No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures.
5. **Security Features.** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.
- a. *Fencing.* Security fencing, if any, shall not exceed the fence height limit of the base district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.
  - b. *Maintenance.* The permittee shall be responsible for maintaining the site and facilities free from graffiti.
6. **Radio Frequency Standards, Interference, and Noise.**
- a. *Radio Frequency.* Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.
  - b. *Interference.* Telecommunications facilities shall not interfere with public safety radio communications.



- a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.
  - b. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.
  - c. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.
  - d. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.
9. **Surety Bond.** As a condition of approval, an applicant for a building permit to erect or install a telecommunication facility shall be required to post a cash or surety bond in a form and amount acceptable to the City Attorney to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated.

D. **Required Findings.**

1. **General Findings.** In approving a telecommunication facility, the decision-making authority shall make the following findings:
  - a. The proposed use conforms with the specific purposes of this Section and any special standards applicable to the proposed facility;
  - b. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location;
  - c. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and
  - d. The proposed facility will not be readily visible or it is not feasible to incorporate additional measures that would make the facility not readily visible.
2. **Additional Findings for Facilities Not Co-Located.** To approve a telecommunication facility that is not co-located with other existing or proposed facilities or a new ground-mounted antenna, monopole, or lattice tower the decision-making authority shall find that co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal consideration including that such siting:
  - a. Would have more significant adverse effects on views or other environmental considerations;
  - b. Is not permitted by the property-owner;

- c. Would impair the quality of service to the existing facility; or
  - d. Would require existing facilities at the same location to go off-line for a significant period of time.
3. **Additional Findings for Setback Reductions.** To approve a reduction in setback, the decision-making authority shall make one or more of the following findings:
- a. The facility will be co-located onto or clustered with an existing, legally established telecommunication facility; and/or
  - b. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
4. **Additional Findings for Any Other Exception to Standards.** The Planning Commission may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable federal or State law.
- E. **Vacation and Removal of Facilities.** The service provider shall notify the Director of the intent to vacate a site at least 30 days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

### 18.19.160 Temporary Uses

This Section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur. ~~The provisions of this Section apply to temporary uses on private property. Temporary uses on public property require a special event permit from the City.~~

A. **Applicability.** ~~The provisions of this Section apply to temporary uses on private property. Temporary uses on public property require a special event permit from the City. Temporary uses in the public right-of-way require an encroachment permit from the Engineering Department.~~

A-B. **Business License Required.** Where applicable, a separate City of Dixon business license is required for each vendor.

B-C. **Temporary Uses Not Requiring a Use Permit.** The following types of temporary uses may be conducted without a use permit. Other permits, such as building permits, may be required.

- 1. **Fireworks Stands.** ~~Any firework stand within the City shall require an Operational Permit for Explosives issued by the Dixon Fire Department, subject to the standards contained in the Fire Code and local Fire Amendments along with the Zoning Standards provided below.~~

**Commented [Revision47]:** Study Session discussion topic – clarify applicability

**Commented [Revision48]:** Existing fireworks stands provisions with refinements to fit into the updated Zoning Code

- a. No Zoning Permit is required, all review and standards will be established by the Explosive Operational Permit issued by the Fire Department
- b. All retail sales of safe and sane fireworks shall be permitted from within a temporary fireworks stand only. The retail sale of fireworks from any other building or structure is prohibited.
- c. No fireworks stand may be erected before June 23rd, or by any person not affiliated with a nonprofit organization to which a fireworks sales permit has been issued.
- d. Fireworks stands must be located on lots that have an all-weather surface and adequate off-street parking to meet the requirements of any existing use or uses as well as the fireworks stand.
- e. Fireworks stands are permitted only in the following zoning districts:
  - i. Neighborhood Commercial (CN)
  - ii. Service Commercial (CS)
  - iii. Regional Commercial (CR)
  - iv. Corridor Mixed Use (CMX)
  - v. Light Industrial (IL)
  - vi. General Industrial (IG)
- f. Fireworks stands shall not be located closer than 300 feet apart, unless separated by a major arterial roadway.
- g. Fireworks stands shall comply with current adopted National Fire Protection Association Standard NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles.
- h. Fireworks stands shall not be located within 25 feet of any other building or structure.
- i. No fireworks shall be located within 100 feet of a location where gasoline or any other flammable liquids are stored or dispensed.
- j. All weeds or other vegetation and combustible material shall be cleared from the location of the fireworks stand, up to a distance of at least 25 feet surrounding the fireworks stand.
- k. No later than July 10th of each calendar year, each fireworks stand shall be completely removed and the premises upon which it was located shall be cleared

~~of all debris and restored to the condition it was in prior to the establishment of the fireworks stand.~~

~~I. Fireworks stands shall be permitted to have no more than two double-sided signs with a maximum area of 64 square feet per side. All such signs shall be located on the same site as the fireworks stand they identify or advertise. Signs may not be placed in such a manner as to interrupt the normal flow of vehicle or pedestrian traffic or to cause any sight distance problems for such traffic. Placement of such signs shall be subject to the review and approval of the Fire Chief, the Community Development Department and the Police Department. In no case shall the sign placement interfere with traffic or any other safety-related concern. The above-described signs may be displayed from June 23rd through the end of sales on July 4th.~~

~~1-2.~~ **Yard/Garage Sales.** Sales of personal property conducted by a resident of the premises with a maximum term of two consecutive days and occurring no more than two times in any six month period.

~~2-3.~~ **Non-Profit Fund Raising.** Fund raising activities by tax exempt organizations pursuant to 501(C) of the Federal Revenue and Taxation Code are allowed in non-residential zones with no limitation on the number of occasions and duration where there is no disruption to the normal circulation of the site; encroachment upon driveways, pedestrian walkways, or required parking or landscaped areas; obstruction to sight distances; or other created hazard for vehicle or pedestrian traffic.

~~3-4.~~ **Temporary Construction Office.** On-site temporary construction offices during the period of construction. The temporary construction office shall be removed or converted to a permitted use prior to issuance of a certificate of use and occupancy for the main building or buildings.

~~4-5.~~ **Sales Offices and Model Homes.** Model homes with sales offices and temporary information/sales offices in new residential developments, subject to the following requirements.

- a. *Minimum Size of Residential Development.* The residential development area shall be five acres or more in size.
- b. *Location.* Model homes and sales offices shall be located a minimum of 200 feet from any existing residential dwelling outside the subdivision.
- c. *Time Limits.*

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

6-D. **Temporary Uses Requiring a Temporary Use Permit.** Other temporary uses may be permitted pursuant to Chapter 18.25, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the temporary use permit process to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.

- 1. **Seasonal Sales.** The annual sales of holiday related items such as Christmas trees, pumpkins, and similar items may be permitted in accordance with the following standards. This subsection is only applicable to temporary seasonal sales that are not in conjunction with an existing business and are not applicable to farmers' markets or the sale of fireworks.
  - a. *Location.* Seasonal sales are limited to nonresidential zoning districts.
  - b. *Time Period.*
    - i. Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday.
    - ii. The subject lot shall not be used for seasonal sales more than three times within the calendar year.
  - c. *Display.*
    - i. Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required parking or landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

- ii. All items for sale, as well as signs and temporary structures, shall be removed within 14 days after the end of sales, and the appearance of the site shall be returned to its original state.
2. **Agricultural Produce Stands.** Agriculture produce stands subject to the following regulations:
- a. *Location.* Agricultural produce standards are limited to the RL, CS, and CR district.
  - b. *Maximum Size.* Limited to 120 square feet unless a larger size is approved pursuant to an Administrative Use Permit.
  - c. *Sales.* Product sales are limited to produce and value-added products grown and produced within the City of Dixon or Solano County.
  - d. *Duration.* The Temporary Use Permit shall identify the maximum duration of the agricultural produce stand, which shall be no more than 90 days.
  - e. *Removal.* Agriculture produce stands shall be dismantled and removed from the site with five days of expiration of the Temporary Use Permit authorizing the agricultural produce stand.
3. **Special Events.** Short-term special events may be permitted in accordance with the following standards.
- a. *Location.* Events are limited to non-residential zones.
  - b. *Number of Events.* No more than six events at one site, or two events per business, whichever is greater, shall be allowed within any 12-month period.
  - c. *Duration.* The maximum duration of a single event is five consecutive days, with a minimum of 14 days between each event.
4. **Mobile Food Service.** Mobile food service carts, trailers, vehicles, and/or similar temporary, portable, or mobile structures or vehicles may be permitted in accordance with the following standards.
- a. ~~Location~~ *Vehicle Attendance and Storage.* ~~Mobile food service may only operate in non-residential districts.~~ Vehicles shall not be left unattended at any time, or be left onsite when inactive, or stored overnight.
  - b. *Duration.* No lot may have a mobile food service onsite for more than 30 days total in any 12-month period unless authorized through an Administrative Use Permit.
  - c. *Displaced Parking.* Mobile food service may displace up to three required non-residential parking spaces for a maximum of four hours per day per parking lot,

**Commented [Revision49]:** Study Session discussion topic to ensure one business doesn't 'use up' all special event opportunities on the site

**Commented [Revision50]:** Study Session discussion topic to allow in Residential Districts

provided that no more than 10 percent of the total number of parking spaces on site are displaced. Required parking spaces for an existing non-residential use may be displaced if the existing non-residential use is not open during the event.

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

~~D.E.~~ **Temporary Uses Requiring an Administrative Use Permit.** Other temporary uses that do not meet the standards for temporary uses not requiring a permit or requiring a Temporary Use Permit may be allowed in nonresidential districts with the approval of an Administrative Use Permit so long as they are determined to be temporary in nature and will not unreasonably impair circulation or the operation of other uses in the area or otherwise create significant impacts.

# Division IV:

## Administration and Permits

### Chapter 18.20 Planning Authorities

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#### 18.20.010 Purpose

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

#### 18.20.020 City Council

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

- A. Consider and adopt, reject or modify proposed amendments to the Zoning Code and Zoning Map and any associated environmental documents, following a public hearing and recommendation by the Planning Commission, pursuant to Chapter 18.29, Amendments.
- B. Consider and adopt, reject, or modify Development Agreements, following a public hearing and recommended action by the Planning Commission, pursuant to Chapter 18.30, Development Agreements.
- C. Hear and decide appeals from decisions of the Planning Commission pursuant to Section 18.21.120, Appeals.
- D. Establish, by resolution, a Municipal Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Code.

#### 18.20.030 Planning Commission

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

- A. Annually review progress towards implementation of the General Plan and make recommendations to the City Council based on any new legislation, development trends, or changing economic, social, and environmental conditions.

- B. Approve, modify, or deny Conditional Use Permits and Variances, pursuant to Chapter 18.24, Use Permits, and Chapter 18.28, Variances.
- C. Conduct Design Review for certain projects, pursuant to Chapter 18.23, Design Review.
- D. Make recommendations to City Council on proposed amendments to the Zoning Code and Zoning Map and environmental documents related to any of the foregoing, pursuant to Chapter 18.29, Amendments.
- E. Make recommendations to the City Council on development agreements, pursuant to Chapter 18.30, Development Agreements.
- F. Hear and decide appeals from decisions of the Community Development Director, pursuant to Section 18.21.120, Appeals.
- G. Hear and decide proposals to revoke permits, pursuant to Section 18.21.110, Revocation of Permits.
- H. Make environmental determinations on any approvals within the Planning Commission's jurisdiction that are subject to environmental review under the California Environmental Quality Act, pursuant to State law.
- I. Such other powers and responsibilities as assigned or directed by the City Council.

#### **18.20.040 Community Development Director**

The powers and responsibilities of the Community Development Director ("the Director"), or their designee, include, but are not limited to the following:

- A. Perform all of the functions designated by State law, including, but not limited to an annual report related to implementation of the General Plan in compliance with Government Code Section 65400.
- B. Maintain and administer the Zoning Code, including the processing of applications, abatements, and other enforcement actions.
- C. Interpret the Zoning Code as needed for members of the public and other City Departments.
- D. Prepare rules and procedures necessary for conducting the Director's business. They may include the administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure, and recordkeeping). These rules and procedures must be approved by City Council resolution, following review and recommendation by the Planning Commission.

- E. Issue administrative regulations for the submission and review of applications subject to the requirements of Government Code Section 65950, Deadlines for Project Approval Conformance; Extensions.
- F. Review applications for permits and licenses for conformance with this Code and issue a Zoning Clearance when the proposed use, activity or building is allowed by right and conforms to all applicable development and use standards.
- G. Approve, modify, or deny Administrative Use Permits, pursuant to Chapter 18.24, Use Permits.
- H. Approve, modify, or deny Temporary Use Permits, pursuant to Chapter 18.25, Temporary Use Permits.
- I. Approve, modify, or deny a Modification, pursuant to Chapter 18.26, Modifications.
- J. Approve, modify, or deny requests for Reasonable Accommodation for land use projects, pursuant to Chapter 18.27, Reasonable Accommodation.
- K. Conduct Design Review and approve, modify, or deny land use projects pursuant to Chapter 18.23, Design Review.
- L. Approve, modify, or deny requests for Extensions for land use projects, pursuant to Section 18.21.090, Effective Dates; Expiration and Extension.
- M. Decide requests for Minor Revisions to Approved Permits, pursuant to Section 18.21.100, Revisions to an Approved Permit.
- N. Refer items to the Planning Commission where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action.
- O. Determine whether a project is subject to review under the California Environmental Quality Act and notify the applicant if any additional information is necessary to conduct the review.
- P. Make recommendations to the Planning Commission and City Council on all applications, appeals, and other matters upon which they have the authority and the responsibility to act under this Code.
- Q. Investigate and report to the Planning Commission on permit violations when the City has initiated revocation procedures, pursuant to Section 18.21.110, Revocation of Permits.
- R. Delegate administrative functions to members of the Planning Division.
- S. Other duties and powers as may be assigned by the City Council or established by legislation.

#### **18.20.050 Summary of Review Authorities for Decisions and Appeals**

Table 18.20.050, Summary of Review Authorities for Decisions and Appeals, summarizes the powers and duties that each review authority has under this Code. Where a land use project requires more than one

type of application, all permit requests shall be reviewed and decided on by the highest review authority established for any of the applications.

The Director may refer any item for which the Director makes a determination to the Planning Commission where, in the Director’s opinion, the public interest would be better served by a Planning Commission public hearing and action.

<b>TABLE 18.20.050: SUMMARY OF REVIEW AUTHORITIES FOR DECISIONS AND APPEALS</b>				
<i>Decision Type</i>	<i>Reference</i>	<i>Advisory Body</i>	<i>Review Body</i>	<i>Appeal Body</i>
Interpretations	18.21.130	N/A	Director	Planning Commission
Extension to Permit	18.21.090	N/A	Director	Planning Commission
Minor Revision to Permit	18.21.100	N/A	Director	Planning Commission
Major Revision to Permit	18.21.100	N/A	Review Authority of Original Permit	Appeal Body for Original Permit
Permit Revocation	18.21.110	Director	Planning Commission	City Council
Zoning Clearance	18.22	N/A	Director	Planning Commission
Design Review	18.23	N/A	Director or Planning Commission	Planning Commission or City Council
Administrative Use Permit	18.24	N/A	Director	Planning Commission
Conditional Use Permit	18.25	Director	Planning Commission	City Council
Temporary Use Permit	18.25	N/A	Director	Planning Commission
Modification	18.26	N/A	Director	Planning Commission
Variance	18.28	Director	Planning Commission	City Council
Reasonable Accommodation	18.27	N/A	Director	Planning Commission
Zoning Amendment	18.29	Planning Commission	City Council	N/A
Development Agreements	18.30	Planning Commission	City Council	N/A
Planned Development	18.32	Planning Commission	City Council	N/A

## Chapter 18.21 Common Procedures

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### 18.21.010 Purpose

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

### 18.21.020 Application Forms and Fees

- A. **Applicant.** The owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof of the right to use and possess the property as applied for, satisfactory to the Community Development Director, shall accompany the application.
- B. **Application Materials.**
  - 1. **Application Forms.** The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Code.
  - 2. **Supporting Materials.** The Director may require the submission of supporting materials as part of the application, including but not limited to: statements, photographs, plans, drawings, renderings, models, material samples, technical studies, reports, and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).
  - 3. **Availability of Materials.** All submitted material becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request, and during normal business hours, any person may examine application materials in support of or in opposition at the Planning Division offices. Unless prohibited by law or superseded by specific permit confidentiality requirements, copies of such materials shall be made available at a reasonable cost.
- C. **Multiple Applications.**
  - 1. **Concurrent Filing.** An applicant for a project which requires more than one permit (e.g., Conditional Use Permit, Variance, and Design Review, etc.), shall file all related applications concurrently, together with all application fees. The concurrent filing requirements may be waived by the Director.

2. **Concurrent Processing.** Multiple applications for the same project shall be processed concurrently and shall be reviewed and decided on by the highest review authority designated for any one of the applications.

D. **Application Fees.**

1. **Fee Schedule.** The Council shall adopt by resolution a Municipal Fee Schedule that that establishes fees for applications, informational materials, penalties, copying, and other such items.
2. **Fee Payment.** No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid.
3. **Fee Waiver.** No fee shall be required when the applicant is the City, or if it is waived under any other provision of the Dixon Municipal Code.
4. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the Dixon Municipal Code or by policy of the Council.

**18.21.030 Review of Applications**

- A. **Initial Completeness Review.** The Director shall determine whether an application for a discretionary land use or development permit is complete within 30 days of the date the application is filed and required fee received. The 30-day completeness review period does not apply to legislative land use decisions such as amendments or pre-zoning.

1. **Incomplete Application.** If an application is deemed incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information, and any additional fees that are necessary to complete the application.
  - a. **Zoning Code Violations.** An application shall not be found complete if conditions exist on the site in violation of this Code or any permit or other approval granted in compliance with this Code, unless the proposed project includes the correction of the violations.
  - b. **Submittal of Additional Information.** The applicant shall provide the additional information within the time limit specified by the Director, which shall be no sooner than 30 days. The Director may grant one extension of up to 90 days.
  - c. **Appeal of Determination.** Determinations of incompleteness are subject to the provisions of Section 18.21.120, Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and the City Council does not extend the 60-day period.

- d. **Expiration of Application.** If an applicant fails to correct the specified deficiencies within the specific time limit, the application shall expire and be deemed withdrawn, unless an extension is granted by the Director. After the expiration of an application, review shall require the submittal of a new, complete application, along with all required fees.
2. **Complete Application.** When an application is deemed complete, the Director shall make a record of that date. If an application requires a public hearing, the Director shall schedule it and notify the applicant of the date and time, pursuant to Section 18.21.050, Public Notice.
- B. **Referral of Application.** At the discretion of the Director, or where otherwise required by this Code, State or Federal law, any application filed in compliance with this Code may be referred to any City department, public agency, or interest group that may be affected by or have an interest in the proposed land use project.
- C. **Extensions.** The Director may, upon written request from the applicant and for good cause, grant extensions of any time limit for completeness review of applications imposed by this Code.

#### 18.21.040 Environmental Review

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

#### 18.21.050 Public Notice

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

- A. **Mailed Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, the City Clerk shall provide notice by First Class mail delivery to the following:
  1. The applicant and the owner of the subject property;
  2. All property owners of record within a minimum 300-foot radius of the subject property as shown on the latest available assessment role or a larger radius if deemed necessary by the Director to provide adequate public notification;

3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located;
  4. Any person or group who has filed a written request for notice regarding the specific application; and
  5. The school district and any other local agency or utility provider expected to provide essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be affected.
  6. **Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of a mailed notice, notice may be provided by providing notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least 10 days prior to the hearing or the date of action when no public hearing is required.
- B. **Newspaper Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, notice shall publish a notice in at least one newspaper of general circulation in the City.
- C. **Contents of Notice.** The notice shall include the following information:
1. The location of the real property, if any, that is the subject of the application;
  2. A general description of the proposed project or action;
  3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
  4. The identity of the hearing body or officer;
  5. The names of the applicant and the owner of the property that is the subject of the application;
  6. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public;
  7. A statement that any interested person or authorized agent may appear and be heard;
  8. A statement describing how to submit written comments; and
  9. For City Council hearings, the Planning Commission recommendation.
- D. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or community organization to receive a mailed notice.

#### 18.21.060 Conduct of Public Hearings

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

- A. **Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body. Hearings are not required to be conducted according to technical rules relating to evidence and witnesses.
- B. **Scheduling.** Hearings before the City Council shall be scheduled by the City Clerk. All other hearings shall be scheduled by the Director.
- C. **Presentation.** An applicant or an applicant's representative may make a presentation of a proposed project.
- D. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.
- E. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- F. **Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing to a fixed date, time, and place without providing further notice or may continue the item to an undetermined date and provide notice of the continued hearing.
- G. **Investigations.** The body conducting the hearing may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by City staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the body in making its decision.
- H. **Decision.** The public hearing shall be closed before a vote is taken.

#### 18.21.070 Findings and Decision

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

- A. **Date of Action.** The review authority shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period set forth below. These deadlines do not apply to any action that has been appealed to the City Council in accordance with Section 18.21.120, Appeals. Time extensions may be granted pursuant to Section 18.21.090, Effective Dates; Expiration and Extension.
1. **Project Exempt from Environmental Review.** Within 30 days of the date the City has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.
  2. **Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared.** Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the City shall act on the accompanying discretionary project.
  3. **Project for which an EIR is Prepared.** Within 180 days from the date the review authority certifies a Final EIR, the City shall act on the accompanying discretionary project.
- B. **Notice of Action.** After the Director or Planning Commission takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Code, the Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decisions. The Director shall mail the Notice to the applicant and to any other person or entity that has filed a written request for such notification with the Planning Division.
- C. **Findings.** Findings, when required by State law or this Code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action on the permit.

#### 18.21.080 Scope of Approval

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

- C. **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, to either violate any provision of this Code or require additional permits, then the approval shall be deemed null and void.
- D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner, or successor property owners to comply with such conditions.

#### 18.21.090 Effective Dates; Expiration and Extension

- A. **Effective Dates.** A decision shall be effective on the date of action except as provided below.
  - 1. **Decisions Subject to Appeal.** A final decision on an application for any approval subject to appeal shall become effective after the expiration of the 10-day appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the 11th day following the date of the action.
  - 2. **Amendments to the Zoning Code or Zoning Map.** Amendments to the Zoning Code or Zoning Map shall take effect 30 days after the second reading of the ordinance.
- B. **Expiration.** The review authority, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Code shall automatically expire when no project or use has been exercised or extended within two years after the date of the approval, except as provided below.
  - 1. **Extension for Permit Granted in Conjunction with Tentative Map.** The time limits for any permit granted in conjunction with an approved tentative tract map shall be automatically extended to be the same as the term of such tentative tract map.
  - 2. **Other Extensions.** The Community Development Director, or the Planning Commission where the Director refers the request to the Planning Commission for decision, may approve a two-year extension of any permit or approval granted under this Code upon receipt of a written application with the required fee at least 30 days prior to the expiration date.
- C. **Exercise of Permit.**

1. **Permit for a Use.** A permit for the use of a building or property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site.
  2. **Permit for Construction.** A permit for the construction of a building, structure, or addition is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- D. **Lapse.** When a permit has been exercised, it shall remain valid and in force unless the use or structure authorized by the permit is removed from the site or remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, in which case the permit may be revoked in accordance with Section 18.21.110, Revocation of Permits. No use of land or structure, the permit for which has lapsed in compliance with this Section and has been revoked in compliance with Section 18.21.110, Revocation of Permits, shall be reactivated, re-established, or used unless a new permit is first obtained.

#### 18.21.100 Revisions to an Approved Permit

No revision in the use or structure for which an approval or has been issued under this Code is permitted unless the permit is revised as provided for in this Code.

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

#### 18.21.110 Revocation of Permits

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

- A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council, Planning Commission, or Director.

- B. **Public Notice, Hearings, and Action.** After conducting a duly-noticed public hearing, the Planning Commission shall act on the proposed revocation, pursuant to Chapter 18.21, Common Procedures.
- C. **Required Findings.** The Planning Commission may revoke or modify the permit if it makes any of the following findings:
1. That the approval was obtained by fraud;
  2. That the use or activity for which such approval was granted has permanently ceased to exist as evidenced by demolition, alteration, subsequent use of the space, or similar conditions;
  3. That the use or activity for which such approval was granted has been suspended or dormant for longer than 12 consecutive months, excluding time during which the property owner can demonstrate:
    - a. The City had pending before it an application for a permit or land use entitlement directly related to, or for the purpose of, conducting said use; or
    - b. A valid building permit directly related to said use or activity was in effect and was being diligently pursued; or
    - c. The property owner has been actively negotiating to sell the property, as evidenced by a purchase and sale agreement, proof of escrow, or other similar binding agreements, or the property is subject to a binding lease with a tenant who is diligently pursuing a business to re-establish the use on the site.
  4. That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
  5. That the use for which the approval was granted was or is so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance;
  6. That the circumstances under which the permit was granted have been changed by the owner or operator to such a degree that one or more of the findings contained in the permit is no longer valid and the public health, safety, and welfare merit revocation of the permit; or
  7. That the conditions of approval are found to be inadequate to mitigate the impacts of the use allowed by the permit, and the public health, safety and welfare merit modification of the permit.

- D. **Notice of Action.** Following Planning Commission action to revoke or modify a permit, the Director shall issue a Notice of Action within seven days. The Notice shall describe the Commission's action with its findings. The Director shall mail notice to the permit holder and to any person or entity who requested the revocation proceeding.
- E. **Appeals.** Revocation decisions are subject to the appeal provisions of Section 18.21.120, Appeals.

### 18.21.120 Appeals

- A. **Applicability.** Any action by the Director or Planning Commission in the administration or enforcement of the provisions of this Code may be appealed in accordance with this Section.
  - 1. **Appeals of Director Decisions.** Decisions of the Director may be appealed to the Planning Commission by filing a written appeal and prescribed appeal fee with the Planning Division.
  - 2. **Appeals of Planning Commission Decisions.** Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal and prescribed appeal fee with the City Clerk.
- B. **Rights of Appeal.** Appeals may be filed by any person aggrieved by a decision that is subject to appeal under the provisions of this Code. A "person aggrieved by a decision" can include, but is not limited to, the applicant, the owner of property, a member of the public, or any member of the City Council.
  - 1. If an appeal is initiated by a City Council member, a majority of the City Council shall determine at the next regular Council meeting whether or not the Council will entertain the appeal.
- C. **Time Limits.** Unless otherwise specified in State or federal law, all appeals shall be filed in writing within 10 calendar days of the date which the action was taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.
- D. **Procedures.**
  - 1. **Filing.** The appeal shall be filed with the prescribed form and shall identify the name(s) and contact information of person(s) appealing, the decision being appealed and clearly and concisely state the reasons for the appeal. The appeal shall be accompanied by the required fee.
  - 2. **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.

3. **Transmission of Record.** The Director, or in the case of appeals to the City Council, City Clerk, shall schedule the appeal for consideration by the authorized hearing body. The Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the hearing body. The Director shall also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
- E. **Standards of Review.** When reviewing any decision on appeal, the appeal body shall use the same standards for decision-making required for the original decision. The appeal body may adopt the same decision and findings as were originally approved; it also may request or require changes to the application as a condition of approval.
- F. **Public Notice and Hearing.** Public notice shall be provided and the hearing conducted by the applicable appeal body pursuant to Chapter 18.21, Common Procedures. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the City Clerk a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission. The Planning Commission may be represented at the hearing.
- G. **Action.** An action to grant an appeal shall require a majority vote of the hearing body members in attendance at the hearing. A tie vote shall have the effect of rejecting the appeal.

#### **18.21.130 Interpretations and Determinations**

Requests for interpretations of this Code and verifications relating to prior approvals or permits may be made to the Director. Requests shall be in writing. The decision of the Director on such requests may be appealed under Section 18.21.120, Appeals.

## Chapter 18.22 Zoning Clearance

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### 18.22.010 Purpose

This Chapter establishes procedure to verify that each new or expanded use, activity, or structure complies with all of the applicable requirements of this Code, as well as the conditions of any previous discretionary approval granted by the City.

### 18.22.020 Applicability

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

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

### 18.22.030 Review Authority

The Community Development Director shall act as the review authority for Zoning Clearance applications based on consideration of the requirements of this Chapter.

### 18.22.040 Procedures

- A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section 18.21.020, Application Forms and Fees. A Building Permit application or Business License application may serve as an application for a Zoning Clearance.
  - 1. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Code and the requirements and conditions of any applicable Design Review, Use Permit, or other discretionary land use approval granted by the City.
- B. **Determination.** If the Director determines that the proposed use or building is allowed as a matter of right by this Code and conforms to all the applicable development and use standards, the Director shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity

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

## Chapter 18.23 Design Review

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### 18.23.010 Purpose

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

- A. To provide reasonable controls over the design of structures and the layout of sites, while recognizing the individualized nature of architecture;
- B. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
- C. Ensure that new and altered uses and development will be compatible with the existing and potential development of the surrounding area; and
- D. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

### 18.23.020 Applicability

- A. **Design Review Required.** Unless exempted pursuant to State law, Design Review is required as specifically stated in any section of this Code, and for projects that include the following.
  - 1. New construction.
  - 2. Additions and alterations to existing structures.
  - 3. Model homes in residential subdivisions.
  - 4. Subdivisions involving five or more lots.
  - 5. New fencing and walls visible from the freeway or North 1<sup>st</sup> Street.
  - ~~5-6. Exterior alteration of existing structures with 12 or more residential units.~~

**Commented [Revision51]:** Study Session discussion topic

### 18.23.030 Review Authority

- A. **City Council.** The City Council shall have Design Review authority for any development consisting of more than 75,000 square feet of new non-residential floor area.
- B. **Planning Commission.** The Planning Commission shall have Design Review authority for the following projects:

1. **Non-residential and Mixed-Use Development.** New structures or the enlargement of existing structures which involve more than 5,000 gross square feet of new non-residential floor area.
  2. **Multi-Unit and Mixed-Use Development.** New structures or the enlargement of existing structures which results in three or more new residential units.
  3. **Model Home Design.** Model homes for residential subdivisions.
  4. **Subdivisions.** Subdivisions involving five or more lots.
  5. **Other Projects.** All projects otherwise requiring Planning Commission approval.
- C. **Community Development Director.**
1. The Community Development Director shall have Design Review authority for projects subject to Design Review but do not meet the criteria listed in Subsections A or B for a decision by the Planning Commission or City Council.
  2. The Community Development Director may refer items directly to the Planning Commission when, in the Director's opinion, the public interest would be better served by having the Planning Commission conduct Design Review.

#### 18.23.040 Procedures

- A. **Application.** Applications and fees for Design Review shall be submitted in accordance with the provisions set forth in Section 18.21.020, Application Forms and Fees.
- B. **Concurrent Processing.** When a development project requires a Use Permit, Variance, or any other discretionary approval, the Design Review application shall be submitted as a part of the application for the underlying permit, Use Permit, or Variance.
- C. **Public Notice.**
  1. **Design Review by the Planning Commission or City Council.** For all projects for which the Planning Commission or City Council is the design review authority, public notice shall be provided pursuant to Section 18.21.050, Public Notice.
  2. **Design Review by the Community Development Director.** No public notice is required for Design Review for projects for which the Community Development Director is the design review authority.
- D. **Public Hearing.**

1. **Design Review by the Planning Commission or City Council.** All projects for which the Planning Commission or City Council is the design review authority, shall require a public hearing pursuant to Section 18.21.060, Conduct of Public Hearings.
2. **Design Review by the Community Development Director.** No public hearing is required for Design Review where the Community Development Director is the design review authority.

#### 18.23.050 Scope of Design Review

- A. **Design Review Considerations.** Design review shall be based on consideration of the requirements of this Chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:
1. Building proportions, massing, and architectural details;
  2. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
  3. Incorporation of sustainable design features;
  4. Size, location, design, development, and arrangement of on-site parking and other paved areas;
  5. Exterior materials and, except in the case of design review of a single-family residence, color as they relate to each other, to the overall appearance of the project, and to surrounding development;
  6. Height, materials, design, fences, walls, and screen plantings;
  7. Location and type of landscaping including selection and size of plant materials, and design of hardscape; and
  8. Size, location, design, color, lighting, and materials of all signs.
- B. **Reduction in Density.** Design review shall not result in a reduction in the residential density.

#### 18.23.060 Design Review Criteria

When conducting design review, the review authority shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan, any applicable specific plan, any applicable design guidelines, and are consistent with any other policies or guidelines the City Council may adopt for this purpose. To obtain design review approval, projects must satisfy the following criteria to the extent they apply.

- A. The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment.
- B. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.
- C. Project details, materials, signage and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
- D. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.
- E. Parking areas and other hardscape areas are designed and developed to buffer surrounding land uses; compliment pedestrian-oriented development; minimize stormwater run-off; and achieve a safe, efficient, and harmonious development.
- F. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety and avoid creating glare.
- G. Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the landscape that is appropriate to the Dixon context.

**18.23.070 Appeals; Expiration, Extensions, and Revisions; Revocation**

- A. **Appeals.** Design review decisions are subject to the appeal provisions of Section 18.21.120, Appeals.
- B. **Expiration, Extensions and Revisions.** Design review approval is effective and may only be extended or revised as provided for in Chapter 18.21, Common Procedures.
- C. **Revocation.** Design review approval may be revoked pursuant to Section 18.21.110, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

## Chapter 18.24 Use Permits

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### 18.24.010 Purpose

The Use Permit review and approval process is intended to apply to uses that are consistent with the with the goals, objectives, and policies of the General Plan and purposes of the zone where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will be compatible with the surrounding area and uses.

### 18.24.020 Applicability

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

### 18.24.030 Review Authority

- A. **Conditional Use Permits.** The Planning Commission shall act as the review authority for Conditional Use Permits based on consideration of the requirements of this Chapter.
- B. **Administrative Use Permits.** The Community Development Director shall act as the review authority for Administrative Use Permits based on consideration of the requirements of this Chapter. The Director may refer any application for an Administrative Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for decision. In that case, the application shall be processed as a Conditional Use Permit.

### 18.24.040 Procedures

- A. **Application.** Applications for Use Permits shall be filed with the Planning Division on the prescribed application forms. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Section 18.24.050, Required Findings.
- B. **Public Notice and Hearing.**
  - 1. **Conditional Use Permits.** All applications for Conditional Use Permits require public notice and hearing before the Planning Commission pursuant to Chapter 18.21, Common Procedures.

2. **Administrative Use Permits.** All applications for Administrative Use Permits require public notice pursuant to Section 18.21.050, Public Notice. A public hearing on an Administrative Use Permit shall occur only where the Director refers the Administrative Use Permit application to the Planning Commission for decision, or where the Director's decision on an Administrative Use Permit is appealed pursuant to Section 18.21.120, Appeals.

#### **18.24.050 Required Findings**

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

- A. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Code and all other titles of the Dixon Municipal Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan;
- C. The proposed use will not be averse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
- D. The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Code;
- E. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and
- F. The site is physically suitable for the type of the use being proposed, including access, utilities, and the absence of physical constraints.

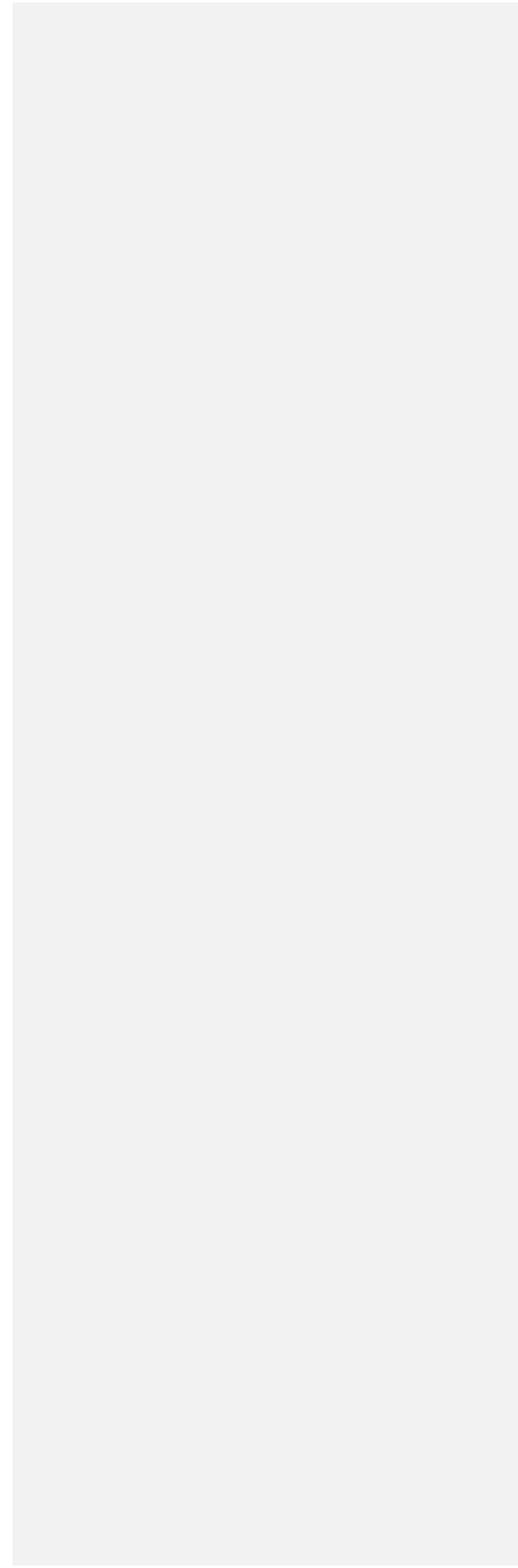
#### **18.24.060 Conditions of Approval**

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

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
- B. Achieve the general purposes of this Code or the specific purpose of the zone in which the project is located;
- C. Achieve the findings for a Use Permit listed in Section 18.24.050, Required Findings; or;
- D. Mitigate any potentially significant impacts identified because of environmental review conducted in compliance with the California Environmental Quality Act.

**18.24.070 Appeals; Expiration, Extensions, and Revisions; Revocation**

- A. **Appeals.** Use Permit decisions are subject to the appeal provisions of Section 18.21.120, Appeals.
- B. **Expiration, Extensions and Revisions.** Use Permit approval is effective and may only be extended or revised as provided for in Chapter 18.21, Common Procedures.
- C. **Revocation.** Use Permit approval may be revoked pursuant to Section 18.21.110, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.



## Chapter 18.25 Temporary Use Permits

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### 18.25.010 Purpose

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

### 18.25.020 Review Authority

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

### 18.25.030 Application

An application for a Temporary Use Permit shall be submitted at least 60 days before the use is intended to begin, pursuant to Section 18.21.020, Application Forms and Fees.

### 18.25.040 Required Findings

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

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

### 18.25.050 Conditions of Approval

The Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section 18.25.040, Required Findings, including, but not limited to:

- A. Regulation of ingress, egress, and traffic circulation;
- B. Regulation of fire protection and access for fire vehicles;

- C. Regulation of lighting and signage;
- D. Regulation of hours of operation, staffing, or other aspects of the use; and
- E. Removal of all trash, debris, temporary structures and electrical service.

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

#### **18.25.060 Public Notice and Hearing**

Temporary Use Permits do not require a public hearing or notice.

#### **18.25.070 Appeals; Expiration, Extensions, and Revisions; Revocation**

- A. **Appeals.** Temporary Use Permit decisions are subject to the appeal provisions of Section 18.21.120, Appeals.
- B. **Expiration, Extensions and Revisions.** Temporary Use Permit approval is effective and may only be extended or revised as provided for in Chapter 18.21, Common Procedures.
- C. **Revocation.** Temporary Use Permit approval may be revoked pursuant to Section 18.21.110, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

## Chapter 18.26 Modifications

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### 18.26.010 Purpose

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

### 18.26.020 Applicability

Modifications may be granted as follows:

- A. **Dimensional Requirements.** Relief from requirements of property development standards specified in this Code, not to exceed 20 percent of the requirement.
- B. **Specific Allowances.** Modifications may be granted as specifically identified in any other section of this Code, as identified in that section.
- C. **Exclusions.** Modifications shall not be granted for use related standards or residential density.

Requests for variations that exceed the thresholds established for Modifications, or are not otherwise entitled to a Modification under these rules and regulations, may be considered through another mechanism, such as a Variance, Planned Development, Development Agreement, or re-zoning, provided the request meets the criteria to be considered under such mechanism.

### 18.26.030 Review Authority

The Community Development Director shall act as the review authority for Modification applications based on consideration of the requirements of this Chapter except in the case of concurrent processing pursuant to Subsection A, below.

- A. **Concurrent Processing.** If a request for a Modification is being submitted in conjunction with an application for another approval, permit, or entitlement that requires Planning Commission action, it shall be heard and acted upon at the same time and in the same manner as that application.

### 18.26.040 Procedures

- A. **Application.** An application for a Modification shall be filed to the Planning Division in accordance with Section 18.21.020, Application Forms and Fees. The application shall state in writing the nature of the request and explain how the required findings are satisfied. The applicant shall also submit plans delineating the requested Modification.

- B. **Public Notice and Hearing.** Modifications do not require a public hearing or notice.

#### **18.26.050 Required Findings**

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

- A. The proposed modification will be at least as effective in achieving the objectives of the base standard;
- B. There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the public;
- C. The modification is in keeping with the character of the surrounding built environment; and
- D. The granting of the requested modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code.

#### **18.26.060 Conditions of Approval**

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

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

#### **18.26.070 Appeals; Expiration, Extensions, and Revisions; Revocation**

- A. **Appeals.** Modification decisions are subject to the appeal provisions of Section 18.21.120, Appeals.
- B. **Expiration, Extensions and Revisions.** Modification approval is effective and may only be extended or revised as provided for in Chapter 18.21, Common Procedures.

- C. **Revocation.** Modification approval may be revoked pursuant to Section 18.21.110, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

## Chapter 18.27 Reasonable Accommodation

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### 18.27.010 Purpose

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

### 18.27.020 Applicability

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

### 18.27.030 Review Authority

The Community Development Director shall act as the review authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the review authority for the discretionary land use application.

### 18.27.040 Procedures

- A. **Application.** Requests for Reasonable Accommodation shall be submitted on an application form provided by the Community Development Director, or in the form of a letter, to the Director and shall contain the following information:
  - 1. The applicant’s name, address and telephone number.
  - 2. Address of the property for which the request is being made.

3. The current actual use of the property.
  4. The basis for the claim that the individual is considered disabled under the Acts.
  5. The municipal code provision, zoning code provision, or other regulation or policy from which reasonable accommodation is being requested.
  6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
  7. Additional information necessary for City staff to facilitate proper consideration of the request, consistent with the Acts.
- B. **Public Noticing and Public Hearing Not Required.** No noticing or public hearing are required for a Reasonable Accommodation request.
- C. **Decision.** The Community Development Director shall make a written determination within 30 days of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with Section 18.27.050, Required Findings.

#### **18.27.050 Required Findings**

The Community Development Director must make all of the following findings in order to approve or conditionally approve request for Reasonable Accommodation that will be consistent with the Acts.

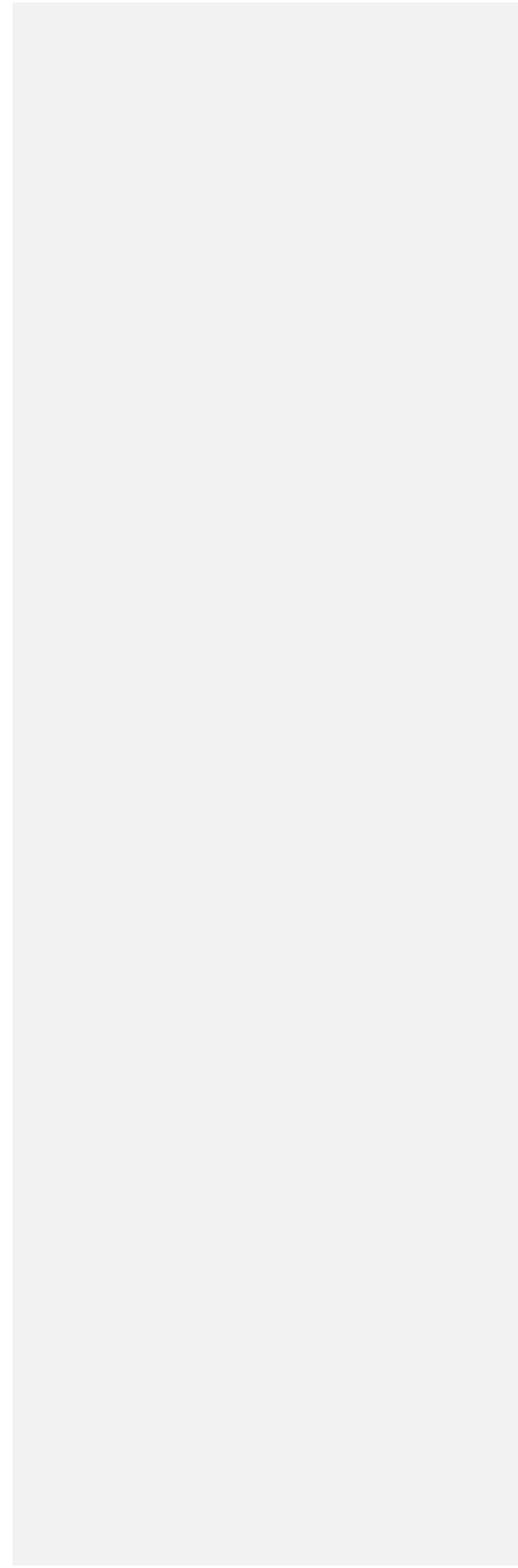
- A. The housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. The request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. The conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
- D. The denial of the Reasonable Accommodation request would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

#### **18.27.060 Conditions of Approval**

In granting a request for Reasonable Accommodation, the Community Development Director may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

**18.27.070 Appeals, Expiration, Extensions, and Revisions**

- A. **Appeals.** Reasonable Accommodation decisions may be appealed as provided for in Section 18.21.120, Appeals.
- B. **Expiration, Extensions, and Revisions.** Reasonable Accommodations may only be expired, extended or revised as provided for in Chapter 18.21, Common Procedures. A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.
- C. **Revocation.** Reasonable Accommodation approval may be revoked pursuant to Section 18.21.110, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.



## Chapter 18.28 Variances

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### 18.28.010 Purpose

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

### 18.28.020 Applicability

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

### 18.28.030 Review Authority

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

### 18.28.040 Procedures

- A. **Application.** Applications for a Variance shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Section 18.21.020, Application Forms and Fees. In addition to any other application requirements, the application for a Variance shall include evidence showing that the requested Variance conforms to the required findings set forth in Section 18.28.050, Required Findings.
- B. **Public Notice and Hearing.** All applications for Variances require public notice and hearing before the Planning Commission pursuant to Chapter 18.21, Common Procedures.

### 18.28.050 Required Findings

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

- A. There are unique, exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zone, and

that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone;

- B. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
- C. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and
- D. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans, and the General Plan.

#### **18.28.060 Conditions of Approval**

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

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

#### **18.28.070 Appeals; Expiration, Extensions, and Revisions; Revocation**

- A. **Appeals.** Variance decisions are subject to the appeal provisions of Section 18.21.120, Appeals.
- B. **Expiration, Extensions and Revisions.** Variance approval is effective and may only be extended or revised as provided for in Chapter 18.21, Common Procedures.
- C. **Revocation.** Variance approval may be revoked pursuant to Section 18.21.110, Revocation of Permits, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

## Chapter 18.29 Amendments

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### 18.29.010 Purpose

This Chapter establishes procedures by which changes may be made to the text of this Zoning Code and to the Zoning Map, whenever the public necessity, convenience, general welfare, or good practice justify such amendment, consistent with the General Plan.

### 18.29.020 Applicability

The procedures in this Chapter shall apply to all proposals to change the text of this Zoning Code or to revise a zone or boundary line shown on the Zoning Map.

### 18.29.030 Review Authority

The Planning Commission shall act as the advisory body for all amendments to the Zoning Code and Zoning Map and provide recommendations to the City Council. The City Council shall act as the review authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all amendments to the Zoning Code and Zoning Map.

### 18.29.040 Initiation of Amendment

An amendment to the Zoning Code or Zoning Map may be initiated by any qualified applicant identified in Section 18.21.020, Application Forms and Fees, the Community Development Director, or by a motion of the City Council or Planning Commission.

### 18.29.050 Procedures

- A. **Application.** A qualified applicant shall submit an application accompanied by the required fee, pursuant to Chapter 18.21, Common Procedures. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application. Amendments to the Zoning Code and Zoning Map to be processed concurrently with other applications.
- B. **Staff Report.** The Community Development Director shall prepare a report and recommendation to the Planning Commission on any amendment application. The report shall include, but is not limited to, a discussion of how the proposed amendment is consistent with the General Plan and an environmental document prepared in compliance with the California Environmental Quality Act (CEQA).

- C. **Public Hearing and Notice.** All amendments to the Zoning Code and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public hearing on any proposed amendment. At least 10 days before the date of any public hearing, the City shall provide notice as provided for in Section 18.21.050, Public Notice.

#### 18.29.060 Planning Commission Hearing and Recommendation

- A. **Planning Commission Hearing.** Before submitting a recommendation report to the City Council, the Planning Commission shall conduct at least one public hearing in accordance with Section 18.21.060, Conduct of Public Hearings.
- B. **Recommendation to City Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the City Council. Such recommendation shall include the reasons for the recommendation, findings related to General Plan consistency, and a discussion of the relationship of the proposed amendment to other adopted documents. The recommendation shall be transmitted to the City Council with a copy of the approved minutes from the Planning Commission hearing.
  - 1. **Approval.** If the Planning Commission has recommended approval of the proposed amendment, the City Council is required to take final action pursuant to Section 18.29.070, City Council Hearing and Action.
  - 2. **Denial.** If the Planning Commission has recommended against the proposed amendment, the City Council is not required to take any further action unless an appeal is filed in accordance with Section 18.21.120, Appeals.

#### 18.29.070 City Council Hearing and Action

- A. **City Council Hearing.** After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing in accordance with Section 18.21.060, Conduct of Public Hearings. The notice for the hearing shall include a summary of the Planning Commission recommendation.
- B. **City Council Action.** After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment. An approved amendment shall be adopted by ordinance. If the Council proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days after the referral shall be deemed a recommendation for approval and the amendment shall be returned to Council for adoption.

**18.29.080 General Plan Consistency Required for Zoning Amendments**

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

**18.29.090 Annexed and Not Zoned Property**

All property which is annexed to the City or which is not zoned or becomes not zoned through abandonment of a public street or railroad right-of-way shall automatically and without public hearing be classified in the PF District or the zoning district of the adjacent property, unless otherwise zoned at the time of annexation or rezoned pursuant to Chapter 18.31, Rezoning.

## Chapter 18.30 Development Agreements

**Commented [Revision52]:** Chapter 18.32 adopted January 17, 2023 carried forward with consistency edits in track changes

### 18.30.010 Purpose

The purpose of this Chapter is to:

- A. Reduce the uncertainty in the approval of development projects that can result in a waste of resources that can escalate the cost of housing and other development.
- B. Encourage the investment in and commitment to comprehensive planning in order to maximize the efficient utilization of resources at the least cost to the public.
- C. Provide assurances to the applicant for a development project that, upon approval of the project, the applicant may proceed with the project in accordance with the terms and conditions of a negotiated development agreement, and subject to the conditions of approval adopted by the Planning Commission and City Council, as applicable.
- D. Promote the timely financing and construction of adequate public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities prior to the development of new housing.
- E. Increase the community benefit derived from new development beyond the level that can be achieved through the traditional land use regulatory process.
- F. Allow greater flexibility and creativity in advancing the City's land use policies.

### 18.30.020 Definitions

For the purposes of this Chapter, the following definitions shall apply:

"Director" means the Community Development Director or their designee.

"Developer" means an applicant for an official financing incentive or official land use action before any council, agency, board, commission or official of the City.

"Development agreement" means a development agreement enacted by legislation between the city and a qualified applicant pursuant to Government Code Sections 65864 through 65869.5.

"Project" means a proposed construction, improvement or use of land within the City for which a Developer seeks one or more land use planning applications.

### 18.30.030 Applications

- A. An applicant may propose that the City enter into a Development Agreement pursuant to Article 2.5, Title 7 of the California Government Code, commencing with Section 65864, by filing an application with the Planning Department and demonstrating that the project satisfies the eligibility requirements of this Section. The form of said application shall be established by the Director or the City Manager.
- B. **Applicant.** An application may be filed only by the property owner or other person having a legal or equitable interest in the property that is subject to the Development Agreement or by that person's authorized agent. The term "applicant" shall also include any successor in interest to the property owner, or successor in interest to any person having a legal or equitable interest in the property.
- C. **Eligibility Requirements.** The City Council finds that it may be in the City's best interest to enter into a Development Agreement when the construction of the project will be phased over a several year period, is a large-scale development, shall occupy substantial acreage, or in some other way requires long term certainty on the part of the Developer and the City. A Development Agreement may be required for Projects where the Director or City Manager, in their discretion, determines that a Development Agreement is necessary due to the aforementioned factors or any other factors which the Director or City Manager deem relevant.

### 18.30.040 Development Agreement Contents

- A. Development Agreements shall include terms relating the following:
  - 1. The duration of the agreement;
  - 2. The permitted uses of the property;
  - 3. The density or intensity of use;
  - 4. The maximum height, size and location of proposed buildings;
  - 5. The reservation or dedication of land for public purposes to be secured, including, but not limited to, rights-of-way, open space preservation, and public access easements; and
  - 6. The time schedule established for periodic review as required by Section ~~18.32.100~~18.30.110, Periodic Review.
- B. Development Agreements may include additional terms, conditions and restrictions in addition to those listed in subsection A of this section, including, but not limited to:

1. Development schedules providing that construction of the proposed development as a total project or in phases be initiated and/or completed within specified time periods;
2. The construction of public facilities required in conjunction with such development, including, but not limited to, vehicular and pedestrian rights-of-way, public art and other landscape amenities, drainage and flood-control facilities, parks and other recreational facilities, sewers and sewage treatment facilities, sewer lift stations, and water well and treatment facilities;
3. Method of financing such improvements and, where applicable, reimbursement to Developer or City;
4. Prohibition of one ~~(1)~~ or more uses normally listed as permitted, accessory, subject to review or subject to conditional use permit in the zone normally allowed by right;
5. Limitations on future development or special terms or conditions under which subsequent development approvals not included in the agreement may occur;
6. The requirement of a faithful performance bond where deemed necessary to and in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions and/or requirements of the agreement. In lieu of a bond, the Developer may deposit with the City Clerk certificates of deposit or other security acceptable to the City Attorney;
7. Specific design criteria for the exteriors of buildings and other structures, including colors and materials, landscaping and signs;
8. Special yards, open spaces, trails, staging areas, buffer areas, fences and walls, public art, landscaping and parking facilities, including vehicular and pedestrian ingress and egress;
9. Performance standards regulating such items as noise, vibration, smoke, dust, dirt, odors, gases, garbage, heat and the prevention of glare or direct illumination of adjacent properties;
10. Limitations on operating hours and other characteristics of operation which the City Council determines could adversely affect the reasonable use and enjoyment of surrounding properties.

#### **18.30.050 Hearings**

A public hearing on an application for a Development Agreement shall be held by the Planning Commission and by the City Council. Notice of intention to consider adoption of a Development Agreement shall be given as provided in Government Code sections 65090 and 65091 in addition to any other notice required by law for other actions to be considered concurrently with the Development Agreement.

#### 18.30.060 Findings of Consistency

- A. A Development Agreement is a legislative act that shall be approved by ordinance and is subject to referendum.
- B. A Development Agreement shall not be approved unless the City Council finds that the provisions of the agreement are consistent with the General Plan and any applicable specific plan.
- C. A Development Agreement that includes a subdivision, as defined in Government Code section 66473.7, shall not be approved unless the agreement provides that any tentative map prepared for the subdivision will comply with the provisions of Government Code section 66473.7.

#### 18.30.070 Adoption and Recordation

- A. A Development Agreement is a legislative act and shall be enacted by ordinance only after a public hearing before the City Council is held in accordance with the provisions of Dixon Municipal Code.
- B. No later than ten ~~(10)~~ days after the execution of a Development Agreement by the City, the City Clerk shall record with the county recorder a copy of the agreement, which shall describe the land subject thereto. From and after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of this state. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

#### 18.30.080 Regulations Applicable to Development

Unless otherwise provided by the Development Agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications applicable to development of the property subject to a Development Agreement shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A Development Agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a Development Agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

#### 18.30.090 Subsequently Enacted State and Federal Laws

In the event that state and federal laws or regulations enacted after execution of a Development Agreement prevent or preclude compliance with one or more provisions of such agreement, the provisions

of such agreement shall be deemed modified or suspended to the extent necessary to comply with such laws or regulations.

### **18.30.100 Enforceability**

Unless amended or canceled pursuant to Section ~~18.32.110~~18.30.120, Modification or Cancellation, or modified or suspended pursuant to Section ~~18.32.090~~18.30.090, Subsequently Enacted State and Federal Laws, a Development Agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the City.

### **18.30.110 Periodic Review**

#### **A. Time for and Initiation of Review.**

1. The City Manager or Director shall review each approved Development Agreement at least once a year during the term of the agreement, at which time the Developer shall be required to demonstrate good faith compliance with the provisions of the Development Agreement.
2. The Developer shall initiate the required annual review by submitting a written request at least ~~sixty (60)~~ days prior to the review date specified in the Development Agreement. The Developer shall also provide evidence as determined necessary by the City Manager or Director to demonstrate good faith compliance with the provisions of the Development Agreement. The burden of proof by substantial evidence of compliance is upon the Developer.

**B. Finding of Compliance.** If the City Manager or Director, on the basis of substantial evidence, finds compliance by the Developer with the provisions of the Development Agreement, the City Manager or Director shall issue a written finding of compliance.

#### **C. Finding of Noncompliance.**

1. If the City Manager or Director finds the Developer has not complied with the provisions of the Development Agreement, the City Manager or Director shall issue a finding of noncompliance which shall be recorded by the City with the county recorder after it becomes final. The City Manager or Director shall specify in writing to the Developer the respects in which Developer has failed to comply, and if appropriate, shall set forth terms of compliance and specify a reasonable time for the Developer to meet the terms of compliance.

2. If the Developer does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or modification pursuant to Section ~~18.32.110~~18.30.120, Modification or Cancellation.

- D. **Appeal of Determination.** Within ten ~~(10)~~ days after issuance of a finding of compliance or a finding of noncompliance, any interested person may file a written appeal of the finding with the City Council. The appellant shall pay fees and charges for the filing and processing of the appeal in amounts established by resolution of the City Council. The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of noncompliance by the City Manager or Director and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal, shall conclude the review for the applicable period and such determination shall be final.
- E. **Referral to the Planning Commission.** The City Manager or Director may refer any review to be conducted hereunder to the Planning Commission. Such referral shall be made together with a staff report of the City Manager or Director's preliminary findings. Upon such referral, the Planning Commission shall conduct a noticed public hearing to determine the good faith compliance by the Developer with the terms of the Development Agreement in accordance with the provisions contained herein and shall direct the issuance of a certificate of compliance upon a finding of good faith compliance or make the determination of noncompliance on the basis of substantial evidence. Any such decision by the Planning Commission shall be subject to appeal to the City Council in the same manner as any other such decision.

#### **18.30.120 Modification or Cancellation**

- A. **Cancellation or Modification by Mutual Consent.** Any Development Agreement may be canceled or modified by mutual consent of the parties, but only in the manner provided in California Government Code Section 65868. Any proposal to cancel or modify a Development Agreement shall be heard and determined in accordance with the same procedures specified in this section for approval of a Development Agreement. A Development Agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the Developer and the City Manager.
- B. **Termination or Modification after Finding of Noncompliance.** If a finding of noncompliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the City Manager may refer the Development Agreement to the City Council for termination or modification. The City Council shall conduct a public hearing. After the public hearing, the City Council may terminate the Development Agreement, modify the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.

- C. **Rights of the Parties after Cancellation or Termination.** In the event that a Development Agreement is canceled or terminated, all rights of the Developer, property owner, or successors in interest under the Development Agreement shall terminate.

#### **18.30.130 Miscellaneous Provisions**

- A. **Interpretation.** This Section governs the interpretation of any Development Agreement approved under this Chapter.
- B. **Enforcement of a Development Agreement.** The procedures for enforcement, amendment, modification, cancellation or termination of a Development Agreement specified in this Chapter and in Government Code Section 65868 are nonexclusive. A Development Agreement may be enforced, amended, modified, canceled or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.
- C. **Severability Clause.** Should any provision a Development Agreement entered into after the effective date of this Chapter be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of the Development Agreement shall remain in full force and effect unimpaired by the holding, except as may otherwise be provided in the Development Agreement.
- D. **Notice Requirements.** The notice requirements contained in Section 18.32.040 are directory and not mandatory. The failure of any person to receive notice required by law or this section does not affect the authority of the City to enter into a Development Agreement.
- E. **Irregularity in Proceedings.** No action, inaction, or recommendation regarding a proposed Development Agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to the petition, application, notice, finding, record, hearing, report, recommendation, or any matter of procedure whatever, unless the error complained was prejudicial and that by reason of the error, the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is not a presumption that an error is prejudicial or that injury was done if an error is shown.

## Chapter 18.31 Prezoning

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### 18.31.010 Purpose

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

### 18.31.020 Applicability

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

### 18.31.030 Procedure

Zoning of property to be annexed shall be established through initiation and processing according to the procedures established under Chapter 18.29, Amendments.

### 18.31.040 Effective Date of Zoning and Time Limit

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

## Chapter 18.32 Planned Development

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### 18.32.010 Purpose

The purpose of this Chapter is to establish the procedures for the establishment of a Planned Development (PD) Overlay District and the review and approval of a PD Plan for development within a PD Overlay District.

### 18.32.020 Zoning Map Designation

A Planned Development (PD) Overlay District shall be noted on the Zoning Map by adding the designation “-PD” and Ordinance number to the base zoning district.

### 18.32.030 Procedures

- A. **Decision-Making Body.** A -PD Overlay District must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review; and the Planning Commission shall make a recommendation to the City Council.
- B. **Review Procedures.**
  - 1. **Zoning Amendment.** An application for a -PD Overlay District shall be processed as a Zoning Amendment, according to the procedures of Chapter 18.29, Amendments, and shall include a PD Plan.
  - 2. **PD Plan.** The PD Plan shall be accepted and processed concurrently with the application for the PD, in the same manner as a Conditional Use Permit application, pursuant to Chapter 18.24, Use Permits.
  - 3. **Tentative Subdivision Map.** When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- C. **Initiation.** An application for a -PD Overlay District may be initiated by any qualified applicant identified in Section 18.21.020, Application Forms and Fees, or a motion of the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.
- D. **Application Content.** A qualified applicant shall submit an application for a -PD Overlay District on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

#### 18.32.040 Required Findings

A -PD Overlay District and PD Plan shall only be approved if all of the following findings are made:

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

#### 18.32.050 Conditions

In approving a -PD Overlay District and PD Plan, the City Council may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
- B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings listed above; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

#### 18.32.060 Expiration and Renewal

- A. **Expiration.** A PD Plan shall be effective on the same date as the ordinance creating the -PD Overlay District for which it was approved and shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued, except as provided below.

1. **PD Plan Approval.** The approval of a specific PD Plan may specify an effective period or development phasing program exceeding two years. A PD Plan with a phasing program shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase
  2. **Tentative Map.** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.
  3. **Development Agreement.** Where a PD Plan has been approved in conjunction with a Development Agreement, the PD Plan shall be effective and expire pursuant to the terms of the Development Agreement.
- B. **Renewal.** An approved PD Plan that has not been inaugurated may be renewed for a single, maximum two-year period approved by the City Council after a duly-noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a PD Plan if it finds the renewal consistent with the purposes of this Chapter.

#### 18.32.070 Amendments of Approved Plans

- A. **Changed Plans.** Amendments to a -PD Overlay District or PD Plan may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.
- B. **Major Amendments.** Major Amendments to an approved -PD Overlay District or PD Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:
1. A change in the boundary of the -PD Overlay District;
  2. An increase or decrease in the number of dwelling units for the -PD Overlay District that is greater than the maximum or less than the minimum stated in the PD Plan;
  3. An increase or decrease in the floor area for any non-residential land use that results in the floor area less than the minimum or exceeding the maximum stated in the PD Plan;
  4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director or Director of Engineering, as appropriate;
  5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the -PD Overlay District or to the overall major street system, as determined by the Public Works Director or Director of Engineering, as appropriate; or

6. Any other proposed change to the PD Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.
- C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Director.

**18.32.080 Project Review**

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

## Chapter 18.33 Enforcement

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### 18.33.010 Purpose

The purpose of these provisions is to assure that all provisions of this Code are properly administered and complied with.

### 18.33.020 Conformity of Permits and Licenses

No official, department or employee of the City shall issue a permit, certificate, approval or license which conflicts with any provision of this Code. Any permit, certificate, approval or license issued which conflicts with any provision of this Code shall be void.

### 18.33.030 Duty of Enforcement

The Community Development Director shall be the official responsible for the enforcement of this Code. The Community Development Director may call upon the City Attorney to institute necessary legal proceedings to enforce the provisions of this Code and the City Attorney hereby is authorized to institute appropriate actions to that end. The Community Development Director may call upon the Chief of Police, law enforcement personnel, the Building Official and code enforcement personnel to assist in the enforcement of this Code.

### 18.33.040 Right of Entry

In the discharge of this duty, the Community Development Director, the Building Official and code enforcement personnel shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection in the following circumstances:

- A. With the permission of the owner or occupant;
- B. With the written order of a court of competent jurisdiction; or
- C. Where the occupant or owner has no reasonable expectation of privacy (e.g., an open lot or an abandoned building).

### 18.33.050 Notice of Violation

- A. The Community Development Director, Building Official or code enforcement personnel may serve a notice of violation on the owner or his agent, or a tenant, or on an architect, builder, contractor or any other person who commits or participates in any violation. The notice shall list the necessary

changes to remedy the violation(s) of this Code and may require the removal of any structure or termination of any use in violation of this Code. The notice shall state the time period allowed for making the necessary changes.

- B. If after receiving a notice of a violation the responsible party does not, in the opinion of the Community Development Director, Building Official, or code enforcement personnel, make the necessary corrections within the time period allowed, the Community Development Director, Building Official or code enforcement personnel may take one or more of the actions as provided in Section 18.33.060, Remedies.

#### **18.33.060 Remedies**

- A. **Criminal Enforcement.** The violation of any provision of this Code shall be a misdemeanor unless, in the judgment of the City Attorney or other prosecuting attorney, the violation should be prosecuted as an infraction.
- B. **Civil Enforcement.** The City may bring a civil legal or equitable action to remedy any violation of this Code, including seeking injunctive relief.
- C. **Administrative Citations.** In addition to all other remedies, the Community Development Director, Building Official, code enforcement personnel and other personnel as designated by the City Council may issue administrative citations pursuant to Article VI of Chapter 9.01 DMC to any person, firm or corporation for violations of any provision of this Code.
- D. **Nuisance.** Any condition which is caused or permitted to exist in violation of this Code or which is a nuisance under Cal. Civ. Code § 3479 is hereby declared to be unlawful and a public nuisance and may be abated pursuant to Chapter 9.01 DMC.
- E. **Cumulative Remedies.** All remedies provided for herein shall be cumulative and not exclusive. In addition to remedies provided herein, the City may pursue any and all remedies provided under State or Federal laws, including, but not limited to, unfair business practice laws, building and housing laws, and the Drug Nuisance Abatement Act.

# Division V: Terms and Definitions

## Chapter 18.34 Use Classifications

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### 18.34.010 Residential Uses

**Residential Dwelling Units.** Dwelling units designed for occupancy by one household.

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

***Single-Unit Dwelling, Attached.*** A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except an accessory dwelling unit, where permitted), and is attached through common walls to more than one dwelling on abutting lots.

***Multi-Unit Dwelling.*** Two or more attached or detached dwelling units on a single lot. Types of multi-unit dwellings can include duplexes, townhouses, multiple detached residential units, and apartment buildings.

**Accessory Dwelling Unit.**

***Accessory Dwelling Unit (ADU).*** An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a parcel with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An Accessory Dwelling Unit also includes an efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code, and a manufactured home, as defined in Section 18007 of the California Health and Safety Code.

***Junior Accessory Dwelling Unit (JADU).*** A residential unit that is no more than 500 square feet in size and contained entirely within any portion of an existing or proposed single-family dwelling including an attached garage. It includes its own separate provisions for living, sleeping, cooking,

and eating, and may include separate sanitation facilities or may share sanitation facilities with the single-family dwelling.

**Caretaker Unit.** A dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by employees and their immediate families employed for the purpose of on-site management, maintenance, or upkeep. Business guests/employees on temporary assignment are allowed to reside in the unit.

**Employee Housing.** Has the same meaning as “employee housing” as set forth in Health & Safety Code §17008 for farmworkers.

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

*Small.* A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10 (California Health and Safety Code Section 1597.44).

*Large.* A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10 (California Health and Safety Code Section 1597.465).

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

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

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

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

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

**Residential Facility, Assisted Living.** A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregating dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or

apartments, sometimes containing kitchen facilities and common amenities. The residents in these facilities require varying levels of assistance.

**Single Room Occupancy.** A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, and rented to one or two-person households for a weekly or monthly period of time. This use classification includes extended stay hotels intended for long-term occupancy (more than 30 days) but excludes Hotels and Motels, and Residential Care Facilities.

**Supportive Housing.** Dwelling units with no limit on length of stay that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community.

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

#### **18.34.020 Public/Semi-Public Uses**

**Cemeteries and Columbariums.** Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

**Colleges and Trade Schools.** Institutions of higher education primarily for adults providing curricula of a general, religious, or professional nature, granting degrees or professional certifications and including junior colleges, business and computer schools, management training, and technical and trade schools. This classification excludes Instructional Services such as music lessons.

**Community Assembly.** A facility for public or private meetings and gatherings, including community centers, houses of worship, union halls, meeting halls, and membership organizations. This classification includes the use of functionally-related facilities for the use of members and attendees, such as kitchens, multi-purpose rooms, classrooms, and storage.

**Community Garden.** Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households.

**Cultural Institutions.** A public or private institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts centers, event and conference spaces, spaces for display or preservation of objects of interest in the arts or sciences, libraries, museums, historical sites, aquariums,

zoos, and botanical gardens. This classification excludes schools or institutions of higher education providing curricula of a general nature (see Colleges and Trade Schools).

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

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

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

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

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

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

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

program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

**Instructional Services.** Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, yoga, dancing, reading, and math instruction. Attendance is typically limited to hourly classes rather than full-day instruction. The establishments do not grant diplomas or degrees, though instruction could provide credits for diplomas or degrees granted by other institutions. This classification also includes tutoring facilities which offer academic instruction to individuals or groups.

**Low Barrier Navigation Center.** A Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

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

**Parking Lots and Structures.** Surface lots and structures offering parking for a fee when such use is not incidental to another on-site activity.

**Public Safety Facilities.** Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training, and maintenance facilities.

**Recreational Vehicle Parks and Campgrounds.** Any area of land where two or more recreational vehicles or camping spaces are rented, or held out for rent, for overnight stay in tents, tarpaulins, or other camping facilities or in recreational vehicles for 30 days or less.

**Schools, Private.** Facilities for primary or secondary education having curricula comparable to that required in the public schools of the State of California.

**Social Service Facilities.** Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Centers), clinics, and emergency shelters providing 24-hour care (see Emergency Shelter).

### **18.34.030 Commercial Uses**

**Adult Oriented Business.** As defined in Chapter 11.02, Adult-Oriented Businesses, of the Dixon Municipal Code.

**Animal Services.** Services related to the boarding, grooming, and care of household pets.

**Animal Shelter and Boarding.** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding, or maintaining, generally overnight or in excess of 24 hours, dogs, cats, or other household pets not owned by the owner or operator of the facility.

**Pet Day Care.** Facilities providing non-medical care on a less than 24-hour basis for dogs, cats, or other household pets not owned by the facility operator.

**Veterinary Services.** Veterinary services for dogs, cats, or other household pets. This classification allows 24-hour accommodation of animals receiving medical services and treatment, including animal hospitals, and pet clinics.

**Automobile/Vehicle Sales and Services.** Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, personal watercraft, recreational vehicles, trucks, vans, trailers, scooters, and motorcycles including the following:

**Automobile/Vehicle Rental.** Establishment providing for the rental of automobiles and small vehicles. Typical uses include car, light truck, motorcycle, and scooter rental agencies.

**Automobile/Vehicle Sales and Leasing.** Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, boats, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.

**Automobile/Vehicle Service and Repair, Minor.** The service and repair of automobiles, light-duty trucks, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up shops, and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

**Automobile/Vehicle Repair, Major.** Repair of automobiles, trucks, motorcycles, motor homes, boats, and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles, automotive body and fender work, vehicle painting, or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

**Large Vehicle and Equipment Sales, Service, and Rental.** Sales, servicing, rental, fueling, and washing of boats, recreational vehicles, and large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities.

**Service Stations.** Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services that do not include major overhauls or paint booths; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. These facilities may include “mini-marts” and/or convenience stores that sell products, merchandise, or services that are ancillary to the primary use related to the provision of automotive services.

**Towing and Impound.** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

**Washing.** Washing, waxing, or cleaning of automobiles or similar light vehicles.

**Banks and Financial Institutions.** Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, check cashing businesses, and credit unions.

**Business Services.** Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, office equipment rental and leasing, office security, custodial services, photofinishing, model building, and taxi services or delivery services with two or fewer fleet vehicles on-site.

**Cannabis Business.** As defined by Section 6.12.030, Definitions, of the Dixon Municipal Code.

**Commercial Entertainment and Recreation.** Provision of participant or spectator entertainment to the public. These classifications may include incidental restaurants, snack bars, and other related food and beverage services to patrons.

**Cinema/Theater.** A facility for the indoor display of films, motion pictures, or dramatic, musical, or live performances.

**Indoor Entertainment and Recreation.** Establishments providing predominantly participant sports, fitness, indoor amusement and entertainment services conducted within an enclosed building, including electronic amusement centers. Typical uses include bowling alleys, billiard parlors, health clubs, ice and roller skating rinks, indoor racquetball courts, athletic clubs, and physical fitness centers.

**Outdoor Entertainment.** Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

**Outdoor Recreation.** Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, sports complexes, miniature

golf courses, tennis clubs, outdoor batting cages, swimming pools, archery ranges, and riding stables.

**Convention Facility.** A facility accommodating gatherings, assembly, entertainment, and related support facilities (e.g., kitchens, offices, etc.) for special events or occasions.

**Drive-Through Facility.** A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. This classification includes banks and other financial services, fast food establishments, drugstores, and film deposit/pick-up establishments, but excludes drive-in theaters (see Commercial Entertainment and Recreation), service stations, or car-wash operations (see Automobile/Vehicle Sales and Services).

**Eating and Drinking Establishments.** Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

***Bars/Night Clubs/Lounges.*** Businesses serving alcoholic beverages for consumption on the premises as a primary use, including on-sale service of alcohol including beer, wine, and mixed drinks. This subclassification includes establishments where alcoholic beverages are sold and consumed but are not operated and maintained as bona fide eating establishments and establishments where beverage production, brewing, or distilling is subordinate to the sale of alcoholic beverages.

***Restaurant.*** Establishments where food and beverages are served to patrons on-site or off-site, including full-service, limited-service, and take-out/delivery businesses. This subclassification includes cafes, coffee shops, delicatessens, fast-food businesses, and bakeries that have tables for on-site consumption of products, as well as establishments operated and maintained as a bona fide eating place that serves alcoholic beverages. It excludes catering services and commercial kitchens that do not sell food or beverages for on-site consumption.

**Farmer's Markets.** Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

**Food Preparation.** Establishments preparing and/or packaging food primarily for off-site consumption, including catering kitchens, retail bakeries, and small-scale specialty food production. This classification excludes establishments with an industrial character in terms of processes employed, waste produced, water used, and traffic generation.

**Funeral Parlors and Interment Services.** An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of human remains and conducting memorial services. This subclassification includes funeral parlors, crematories, and mortuaries, but excludes cemeteries and burial parks (see Cemeteries and Columbariums).

**Lodging.** An establishment providing overnight lodging to transient patrons for payment periods of 30 consecutive calendar days or less. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, recreational vehicle parks, and tourist courts.

**Market Garden.** The primary use of a site for cultivation of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs for sale or donation of its produce to the public.

**Offices.** Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices; ~~recording studios~~; real estate and mortgage brokers; ~~and~~ banks and savings and loan ~~associations-offices~~ with out retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics, independent research laboratory facilities (see Research and Development), and hospitals.

**Commented [Revision53]:** Edits consistent with Study Session comments on broadcasting studios and other clarification edits

~~**Parcel Delivery Terminal.** Parcel and package delivery, pick up, and storage services.~~

#### **Personal Services.**

**General Personal Services.** An establishment providing non-medical services to individuals as a primary use, of personal convenience, as opposed to products that are sold to individual consumers, or from/by companies. Personal services include barber and beauty shops, pet grooming, shoe and luggage repair, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes, fortune telling, and similar services.

**Massage Establishment.** Any establishment having a fixed place of business where any person, firm, partnership, association, corporation, or combination thereof engages in, carries on, or permits to be engaged in or carried on any massage technique for compensation or any other consideration. "Massage establishment" shall not include any business identified in Section 6.11.210, Exemptions, of the Dixon Municipal Code.

**Tattoo or Body Modification Studios.** An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Repair and Maintenance Services.** Establishments engaged in the maintenance or repair of consumer products, including office machines, household appliances, electronics, furniture, and similar items. This

classification excludes repair and maintenance of motor vehicles (see Automobile/Vehicle Sales and Services) and personal apparel (see Personal Services).

**Retail Sales.**

**Building Materials Stores.** Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales, or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This subclassification does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area, or plant nurseries.

**Food and Beverage Sales.** Retail sales of food and beverages primarily for off-site preparation and/or consumption. This subclassification includes food markets, grocery stores, meat markets and butcher shops, and retail bakeries.

**General Retail.** The retail sale or rental of merchandise not specifically listed under another use classification. This subclassification includes retail establishments such as department stores, clothing stores, furniture stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: household pets and pet supplies, toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

**Liquor Store.** Retail sales of alcoholic beverages for off-site consumption as a primary use. This subclassification includes all establishments that either devotes 40 percent or more of floor area or display area to, or derives 75 percent or more of gross sales receipts from, the sale or exchange of alcohol.

**Nurseries.** Establishment(s) primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves.

**Tobacco Retailer.** Any establishment that either devotes 20 percent or more of floor area or display area to, or derives 75 percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia, including, but not limited to, cigarettes, cigars, tobacco, electronic cigarettes, hookah supplies, or other smoke related accessories and supplies.

**Smoking Lounge.** A business which serves tobacco or non-tobacco products (e.g., fruit, vegetables) whereby patrons, who are 18 years of age or older, smoke the tobacco or non-tobacco products or share them from a hookah, water pipe, or similar device.

#### 18.34.040 Industrial Uses

**Construction and Material Yards.** Storage of construction materials or equipment on a site other than a construction site.

**Contractor Shops.** Establishments for specialized business activities related to building construction. This classification includes establishments for trades such as painting, carpentry, plumbing, heating, air-conditioning, roofing, landscaping, cabinet-making, and sign-making.

**Custom Manufacturing.** Any establishment primarily engaged in on-site production or fabrication of goods by small scale manufacturing or artistic endeavor, which involves the use of hand tools or small mechanical equipment, and which may include incidental instruction or direct sales for consumers. Typical uses include ceramic studios, fabric and needleworking, leather working, metalworking, glassworking, candle-making shops, woodworking, and custom jewelry manufacturers.

**Food and Beverage Manufacturing.** Establishments engaged in the production, processing, packaging, or manufacturing of food or beverage products and where any instruction, direct sales, or on-site consumption are incidental to the food or beverage production activity. This classification excludes the slaughtering of animals or fowl which is not allowed.

**Small Scale.** A small-scale food and beverage products manufacturing and distribution establishment located in facilities less than 15,000 square feet in size. Examples include coffee roasters, micro-breweries, micro-distilleries, wine manufacturing, cheese makers, wholesale bakeries, and produce-on-premises operations which provide ingredients and equipment for customers to manufacture their own product.

**Large Scale.** Large-scale production, packaging, processing, preparation, or manufacturing of a food, beverage, or ingredient used or intended for use for human digestion in a facility over 15,000 square feet.

**General Industrial.** Establishments engaged in manufacturing of non-edible products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. Toxic, hazardous, or explosive materials may be produced or used in large quantities as part of the manufacturing process. These industrial activities may produce impacts on nearby properties, such as noise, gas, odor, dust, or vibration. This classification includes manufacturing for biomass energy conversion, commercial cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied

products manufacturing, wood and paper, glass and glass products, chemical products, medical/pharmaceutical products, plastics and rubber, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.

**Light Industrial.** Establishments engaged in manufacturing of non-edible products and finished parts primarily from previously-prepared materials by means of physical assembly or reshaping. These industrial activities produce limited impacts on nearby properties, such as noise, gas, odor, or vibration. This classification includes uses where retail sales are clearly incidental to an industrial or manufacturing use, commercial laundries and dry-cleaning plants, monument works, printing and engraving, publishing, computer and electronic product manufacturing, furniture and related product manufacturing, and industrial services.

**Research and Development.** A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities, in addition to involving the production of experimental products.

**Salvage and Wrecking.** Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

**Storage, Warehousing, and Wholesaling.** Storage, warehousing, and wholesaling facilities that store and/or engage in wholesale sales of merchandize to retail establishments; industrial, commercial, institutional, agricultural, or professional businesses; or facilities acting as agents or brokers in buying or selling merchandise/commodities to such businesses. Wholesalers are primarily engaged in business-to-business sales but may sell to individual consumers through mail or internet orders. These establishments have little or no display of merchandize and are not designed to solicit walk-in traffic except for public storage in small individual space exclusively and directly accessible to a specific tenant.

**Indoor.** Storage, warehousing, and wholesaling of goods and merchandise within an enclosed building.

**Outdoor.** Storage and warehousing of goods, including vehicles, in open lots.

**Personal Storage.** Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage, and records or inventory storage for businesses.

**Vehicle Storage.** Storage of operative or inoperative vehicles. This classification includes parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

### 18.34.050 Transportation, Communication, and Utility Uses

**Airports and Heliports.** Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, related facilities, and support activities.

~~**Broadcasting Studio.** Indoor facilities for the provision of broadcasting and other information relay services and studios that create broadcasting or media content outside of an office environment, including but not limited to radio, television or Internet broadcasting facilities, audio rehearsal or recording studios, motion picture studios, sound stages, special effects studios, and similar uses.~~

**Commented [Revision54]:** Study Session discussion topic – duplicative use

~~**Distribution Facilities and Freight/Trucking Terminals—and Distribution Facilities.** Property and improvements used for freight, courier, and postal services; freight transfer truck terminals; transfer, loading, and unloading points for trucks and automobiles carrying goods and produces; or for the operations of a "common carrier trucking company," including the parking, or servicing, or repairing, or storage of trucks, truck tractors, and/or truck trailers.~~

**Light Fleet-Based Services.** Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.

**Public Works and Utilities.** Generating plants, electric substations, renewable energy facilities, recycling collection and processing facilities, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities. This classification also includes facilities such as water reservoirs, wastewater collection or pumping facilities, water wells, stormwater detention basins, and similar utility uses.

**Recycling Facility.** A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

**Reverse Vending Machine.** An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

**Recycling Collection Facility.** An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable or reusable materials but where the processing and sorting of such items is not conducted on-site.

*Small Collection Facility.* Small collection facilities occupy no more than 200 square feet and may include:

A “mobile recycling unit,” which means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, and used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials;

Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;

Booth-type units which may include permanent structures; and

Unattended containers placed for the donation of recyclable materials.

*Large Collection Facility.* A recycling facility for the acceptance by donation, redemption or purchase of recyclable materials from the public. A large collection facility does not use power-driven processing equipment and occupies an area greater than 200 square feet.

**Recycling Processing Facility.** A facility that receives, sorts, stores and/or processes recyclable materials.

**Telecommunication Facilities.** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

**Transit Stations and Terminals.** Facilities for passenger transportation operations, including rail stations, bus terminals, taxi, and scenic and sightseeing facilities. This classification excludes terminals serving airports or heliports (see Airports and Heliports).

## Chapter 18.35 Definitions

**Commented [Revision55]:** New chapter that was not included in Study Session drafts

### 18.35.010 "A" Terms.

- A. **Abutting.** Having a common boundary.
- B. **Access.** The place or way through which pedestrians and/or vehicles have safe, adequate, and usable ingress and egress to a property or use.
- C. **Accessory Building.** See "Building, Accessory".
- D. **Accessory Structure.** See "Structure, Accessory".
- E. **Accessory Use.** See "Use, Accessory".
- F. **Adjacent.** Directly abutting, having a common boundary or property line, or contiguous to.
- G. **Adjoining.** See "Abutting".
- H. **Agent or Authorized Agent.** Any person who can show certified written proof that they are representing and acting in the place of another person or individual.
- I. **Aggrieved Person.** Any person who, in person or through a representative, appeared at a City public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.
- J. **Alley.** A public or private way, other than a street, which is designated as an alley by the City, reserved primarily for secondary vehicular access to abutting lots.
- K. **Alteration.** Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.
- L. **Applicant.** The person, partnership, corporation, or state or local government agency applying for a permit, certificate, zoning approval, or other entitlement.
- M. **Architectural Feature.** An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.
- N. **Assessed Value.** The value as shown on the current equalized assessment role in effect of the time of the making of the determination of the assessed value.
- O. **Assessor.** The Tax Assessor of the County of Solano.

- P. **Attached Building or Structure.** See “Building, Attached” and “Structure, Attached”.
- Q. **Awning.** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**18.35.020 “B” Terms.**

- A. **Balcony.** A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building’s interior, is not accessible from the ground, and is not enclosed by walls on more than three sides.
- B. **Basement.** The portion of building between the floor and ceiling which has more than 50 percent below the natural or finished grade of the exterior ground surface.
- C. **Bedroom.** Any room meeting the standards of the Building Code as a sleeping room.
- D. **Block.** All property fronting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, undivided land or watercourse.
- E. **Buffer.** An open area or barrier used to separate potentially incompatible activities and/or development features.
- F. **Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or property of any kind.
  - 1. **Building, Accessory.** A detached, subordinate building used only as incidental to the main building or structure, or principal use on the same lot.
  - 2. **Building, Attached.** A building which has a four or more linear feet of common wall or roof with another building or structure that is four feet in length or more.
  - 3. **Building, Detached.** A building which does not have a common wall or roof with another building or structure or whose common wall or roof with another building is less than four feet in length.
  - 4. **Building, Main.** A building in which a principal use of the parcel on which it is located is conducted.
  - 5. **Building, Nonconforming.** A building, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this Zoning Code to it, no longer conforms to the regulations set forth in this Zoning Code.
- G. **Building Code.** Any ordinance or regulations of the City governing the type and method of construction of buildings and structures, including sign structures and any amendments thereto

and any substitute therefor including, but not limited to, the California Building Code and other State-adopted uniform codes.

- H. **Building Face.** The general outer surface of the structure or walls of a building.
- I. **Building Footprint.** See "Footprint".
- J. **Building Frontage.** See "Frontage, Building".
- K. **Building Height.** See "Height".
- L. **Building Site.** A lot or parcel of land occupied or to be occupied by a building or group of buildings.

#### 18.35.030 "C" Terms.

- A. **California Environmental Quality Act (CEQA).** Public Resources Code §§21000, et seq. or any successor statute and regulations promulgated thereto (14 California Code of Regulations §§15000, et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.
- B. **Camper.** As defined in the California Vehicle Code.
- C. **Canopy.** A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.
- D. **Carport.** An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.
- E. **Change of Use.** The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the type of an existing use; does not include a change of ownership, tenancy, or management associated with a use for which the previous type of use will remain substantially unchanged.
- F. **City.** The City of Dixon.
- G. **City Council.** The City Council of the City of Dixon.
- H. **Clerk.** The City Clerk of the City of Dixon.
- I. **Commission.** See "Planning Commission".
- J. **Common Area.** The entire project area, excepting all units or areas granted or reserved for the exclusive occupancy of a tenant and/or condominium unit owner.

- K. **Community Apartment Project.** Development of real property in which an undivided interest in the land is coupled with the right to the exclusive occupancy of a designated apartment located thereon and which is legally defined by applicable State law.
- L. **Community Development Director.** The Community Development Director of the City of Dixon or their designee.
- M. **Compatible.** That which is harmonious with and will not adversely affect surrounding buildings and/or uses.
- N. **Condition of Approval.** A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the decision-making body to alter or modify a project in any manner from the description in the application originally submitted for City approval.
- O. **Conditional Use.** A use that is generally compatible with other permitted uses, but that requires individual review of its location, design, configuration, and intensity and density of use and structures, and may require the imposition of conditions pertinent thereto to ensure the appropriateness of the use at that location.
- P. **Conditionally Permitted.** Permitted subject to approval of a Use Permit.
- Q. **Condominium.** A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis and which is legally defined by applicable State law.
- R. **County.** The County of Solano.

**18.35.040 "D" Terms.**

- A. **Deck.** A platform, either freestanding or attached to a building that is supported by pillars or posts.
- B. **Density.** The number of dwelling units per acre of land.
- C. **Detached Building.** "See Building, Detached".
- D. **Detached Structure.** "See Structure, Detached".
- E. **Development.** Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

- F. **Development Agreement.** An agreement between the City and any person having a legal or equitable interest in real property for the development of such property, and which complies with the applicable provisions of the Government Code for such development agreements.
- G. **Director.** The Community Development Director of the City of Dixon or their designee.
- H. **District.** See "Zoning District".
- I. **Driveway.** An accessway that provides direct vehicular access for vehicles between a street and the parking or loading facilities located on an adjacent property.
- J. **Dwelling Unit.** One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household.

**18.35.050 "E" Terms.**

- A. **Easement.** A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.
- B. **Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.
- C. **Electrical Code.** Any ordinance of the City regulating the alteration, repair, and the installation and use of electricity or electrical fixtures.
- D. **Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- E. **Emergency Vehicle.** A self-propelled vehicle or trailer used in the discharge of duties of public districts, agencies or departments, or privately-owned public utilities responsible for fire prevention and control, policing, sanitation, sewerage, drainage, levee maintenance, flood control, public utility lines and all essential services.
- F. **Environmental Impact Report (EIR).** An Environmental Impact Report as required under the California Environmental Quality Act (CEQA).
- G. **Environmental Review.** An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.
- H. **Equipment.** Non-vehicular items such as, but not limited to, boats, campers, camper shells, tents and related camping supplies, tools, machinery, aircraft, barrels, drums, large cans or containers and parts related to these items.

- I. **Erect.** To build, construct, attach, hang, place, suspend, or affix to or upon any surface. Such term also includes the painting of wall signs.
- J. **Explosives.** Any explosive substance as defined in Cal. Health & Safety Code §12000.

**18.35.060 "F" Terms.**

- A. **Façade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.
- B. **Family.** One or more persons living together in a single household unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities, and who maintain a single mortgage, lease, or rental agreement for all members of the household.
- C. **Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
- D. **Fence.** Any horizontal or vertical structural device forming a physical barrier intended to enclose areas, separate properties, form a screen, or prevent intrusion.
- E. **Floor Area.** The total horizontal area of all floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated. See also Section 18.02.030.E, Determining Floor Area.
- F. **Floor Area Ratio (FAR).** The ratio of the total floor area of all buildings on a lot to the lot area or building site area. See also Section 18.02.030.F, Determining Floor Area Ratio.
- G. **Foot-Candle.** A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.
- H. **Footprint.** The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves. See also Section 18.02.030.G, Determining Lot Coverage.
- I. **Freeway.** A multilane State or Interstate highway for through traffic with full control of access and with grade separations at all intersections and railroad crossings, and to which highway the owners of abutting lands have no right of easement or access to or from their abutting lands.
- J. **Frontage, Building.** The face of a building that is parallel to or is at a near parallel angle to a street.

- K. **Frontage, Street.** That portion of a lot or parcel of land that borders a street. Street frontage shall be measured along the common lot line separating said lot or parcel of land from the street, highway, or parkway.

**18.35.070 "G" Terms.**

- A. **Garage.** An accessory structure or portion of a main structure, enclosed on all sides and containing accessible and usable enclosed space designed, constructed, and maintained for the parking and storage of one or more motor vehicles.
- B. **General Plan.** The General Plan of the City of Dixon.
- C. **Glare.** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.
- D. **Government Code.** The Government Code of the State of California.
- E. **Grade.** The location of the ground surface.
  - 1. **Grade, Existing or Natural.** Ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.
  - 2. **Grade, Finished.** Final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.
- F. **Grading.** Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition.
- G. **Ground Floor.** The first floor of a building other than a basement that is closest to finished grade.

**18.35.080 "H" Terms.**

- A. **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- B. **Heat.** Thermal energy of a radioactive, conductive, or convective nature.

- C. **Height.** The vertical distance from a point on the ground below a structure to a point directly above. See also Section 18.02.030.C, Measuring Height.
- D. **Home Occupation.** A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.
- E. **Household.** See “Family.”

**18.35.090 “I” Terms.**

- A. **Illegal Use.** Any use of land or building that does not have the currently required permits, and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.
- B. **Improvement.** An object affixed to the ground other than a structure.
- C. **Impervious Surface.** Impervious surfaces are mainly artificial structures—such as pavements (roads, sidewalks, driveways and parking lots, as well as industrial areas such as airports, ports and logistics and distribution centers) that are covered by impenetrable materials such as asphalt, concrete, brick, stone, etc.
- D. **Incidental Use.** See “Use, Incidental”.
- E. **Intensity of Use.** The extent to which a use or the use in combination with other uses affects the natural and built environment in which it is located; the demand for services; and persons who live, work, and visit the area. Measures of intensity include, without limitation: requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or in eating establishments, the number of seats.
- F. **Intersection, Street.** The area common to two or more intersecting streets.

**18.35.100 “J” Terms.**

Reserved.

**18.35.110 “K” Terms.**

- A. **Kitchen.** Any room or space within a building intended to be used for the cooking or preparation of food.

**18.35.120 "L" Terms.**

- A. **Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.
- B. **Landscaping.** The planting, configuration, and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.
- C. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.
- D. **Living Area.** The legally permitted interior area of a dwelling unit, with the exception of a garage or any accessory structure, including basements and attics which meet the habitability requirements of the building code.
- E. **Lot.** A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or recorded map recorded, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:
  - 1. **Abutting Lot.** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.
  - 2. **Corner Lot.** A lot or parcel bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.
  - 3. **Double Frontage Lot.** See "Through Lot".
  - 4. **Flag Lot.** A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.
  - 5. **Interior Lot.** A lot other than a corner lot or reversed corner lot.
  - 6. **Key Lot.** An interior lot adjoining the rear lot line of a reversed corner lot, whether or not separated by an alley.
  - 7. **Reversed Corner Lot.** A corner lot, the side street line of which is substantially a continuation of a front lot line of the lot upon which the rear of said corner lot abuts.
  - 8. **Through Lot.** A lot having frontage on two parallel or approximately parallel streets.

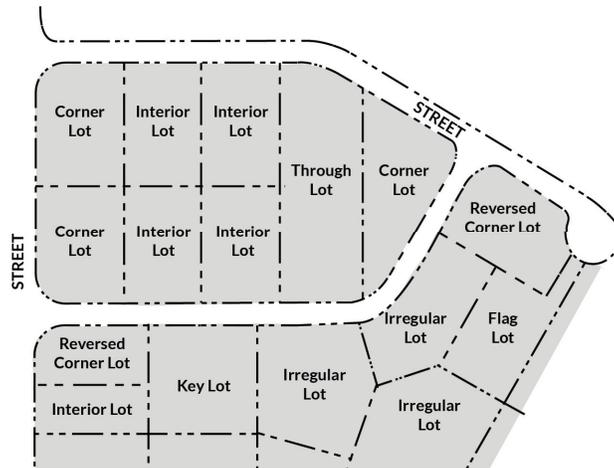


FIGURE 18.35.120.E: LOT TYPES

- F. **Lot Area.** The area of a lot measured horizontally between bounding lot lines.
- G. **Lot Coverage.** The portion of a lot that is covered by structures, including main and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies. See also Section 18.02.030.G, Determining Lot Coverage.
- H. **Lot Depth.** The horizontal distance between the front and rear property lines of a site. See also Section 18.02.030.D, Measuring Lot Width and Depth.
- I. **Lot Frontage.** See "Frontage, Street."
- J. **Lot Line.** The boundary between a lot and other property or the public right-of-way.
  - 1. **Front Lot Line.** On an interior lot, the line separating the lot from the street. On a corner lot, the shorter lot line abutting a street. On a through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.
  - 2. **Corner Side Lot Line.** A side lot line of a corner lot that is adjacent to a street.
  - 3. **Interior Lot Line.** Any lot line that is not adjacent to a street.
  - 4. **Rear Lot Line.** The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length

within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for establishing the minimum rear setback.

5. **Side Lot Line.** Any lot line that is not a front or rear lot line.

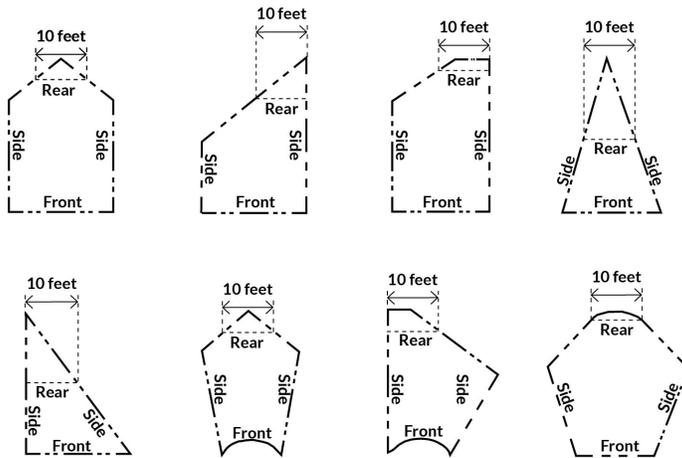
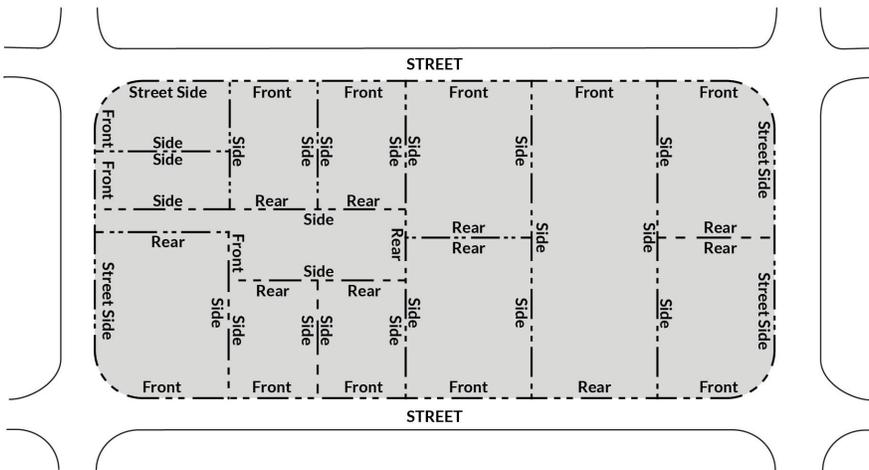


FIGURE 18.35.120: LOT LINE TYPES

- K. **Lot, Nonconforming.** A legal parcel of land having less area, frontage, or dimensions than required in the zoning district in which it is located.
- L. **Lot Width.** The average distance between the side lot lines measured at right angles to the lot depth. See also Section 18.02.030.D, Measuring Lot Width and Depth. When not applicable due to irregularity of lot shape, lot width shall be determined by the Director.

**18.35.130 “M” Terms.**

- A. **Maintenance and Repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.
- B. **Mobile Home.** A structure transportable in one or more sections, and which is built on a permanent chassis, and designed to be used as a dwelling unit.
- C. **Municipal Code.** The City of Dixon Municipal Code.

**18.35.140 “N” Terms.**

- A. **Noise.** Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- B. **Nonconforming Building.** See “Building, Nonconforming”.
- C. **Nonconforming Lot.** See “Lot, Nonconforming”.
- D. **Nonconforming Structure.** See “Structure, Nonconforming”.
- E. **Nonconforming Use.** See “Use, Nonconforming”.

**18.35.150 “O” Terms.**

- A. **On-Site.** Located on the lot that is the subject of discussion.
- B. **Outdoor Storage.** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 72 hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.
- C. **Owner.** A person or persons holding single or unified beneficial title to the property, including without limitation, the settlor of a grantor trust, a general partner, firm, or corporation.

**18.35.160 “P” Terms.**

- A. **Parapet.** That part of a wall that extends above the roof line.
- B. **Parking Area.** An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.
- C. **Passenger Vehicle.** As defined in the California Vehicle Code.
- D. **Permitted Use.** See “Use, Permitted”.
- E. **Person.** Any individual, firm, association, organization, partnership, business trust, company, or corporation.
- F. **Planning Commission.** The Planning Commission of the City of Dixon.
- G. **Community Development Department.** The Community Development Department of the City of Dixon.
- H. **Pre-existing.** In existence prior to the effective date of this Zoning Code.
- I. **Principal Use.** See “Use, Principal”.
- J. **Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this Zoning Code. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.
- K. **Property Line.** The recorded boundary of a lot or parcel of land.
- L. **Public Resources Code.** The Public Resources Code of the State of California.
- M. **Public Works Director.** The Public Works Director of the City of Dixon.

**18.35.170 “Q” Terms.**

- A. **Qualified Applicant.** The property owner, the owner’s agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land.

**18.35.180 “R” Terms.**

- A. **Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the City’s zoning and land use laws, rules, policies, practices and/or procedures under provisions

of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

- B. **Review Authority.** Body or entity responsible for making decisions on applications.
- C. **Right-of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.
- D. **Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

#### 18.35.190 “S” Terms.

- A. **Senior Citizen.** An individual 62 years of age or older.
- B. **Setback.** The distance between a property line and a building or structure that must be kept unoccupied and unobstructed from the ground upward, except as otherwise provided by this Zoning Code.
  - 1. **Front Setback.** A setback area extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front setback shall be a distance specified by this Zoning Code for the zoning district in which it is located and measured inward from the front lot line.
  - 2. **Interior Setback.** A setback which does not abut a street.
  - 3. **Interior Side Setback.** A setback area extending from the rear line of the required front setback, or the front property line of the site where no front setback is required, to the front line of the required rear setback, or the rear property line of the site where no rear setback is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site and which does not abut a street.
  - 4. **Rear Setback.** A setback area extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Zoning Code for the zoning district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for establishing the minimum rear setback.
  - 5. **Required Setback.** A setback area which complies with the minimum setback requirements for the zoning district in which the lot is located.

6. **Side Setback.** A setback area extending from the rear line of the required front setback, or the front property line of the site where no front setback is required, to the front line of the required rear setback, or the rear property line of the site where no rear setback is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.
7. **Street Side Setback.** A setback area on a corner lot or reversed corner lot extending from the front setback to the rear lot line between the building setback line and the nearest side street lot line.

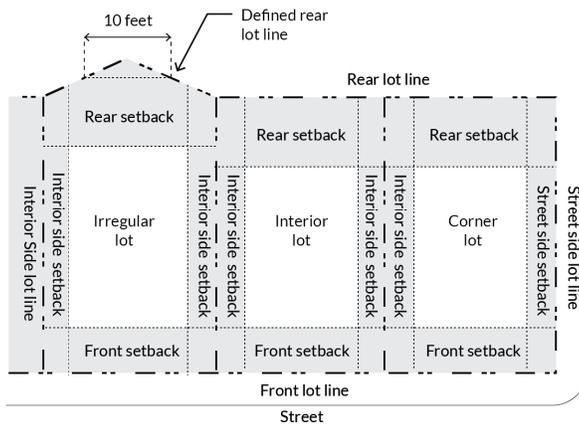


FIGURE 18.35.190.B: SETBACK TYPES

- C. **Sidewalk.** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- D. **Sign Terms.**
  1. **A-Frame Sign.** A portable upright, rigid, self-supporting frame sign in the form of a triangle or letter "A".

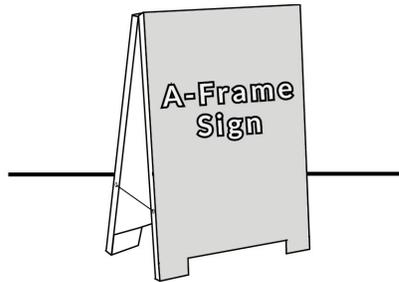


FIGURE 18.35.190.D.1: A-FRAME SIGN

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



FIGURE 18.35.190.D.3: AWNING SIGN

4. **Balloon.** Any air or gas-filled device used for the purposes of signage or advertising.
5. **Banner Sign.** A sign that is painted or printed on lightweight flexible material and hung from a staff or other device by ropes, wires or similar means in a manner to minimize movement.

6. **Billboard.** A sign used for the purpose of general advertising for hire, that is, some or all of the display area is customarily used to display the messages of advertisers or sponsors other than the owner of the sign.
7. **Canopy Sign.** A sign placed on a canopy.

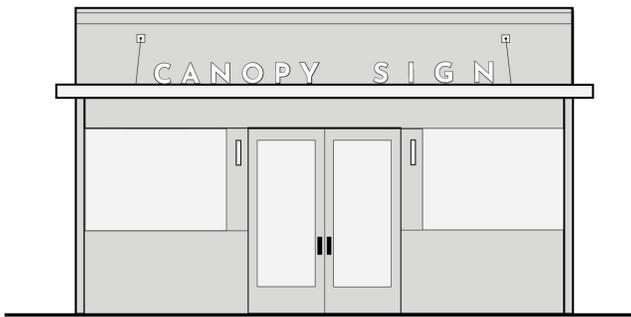


FIGURE 18.35.190.D.7: CANOPY SIGN

8. **Commercial Message.** A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.
9. **Copy.** Also called "sign copy." The visually communicative elements mounted on a sign.
10. **Digital Display.** A method of displaying a communicative visual image by use of LEDs (light emitting diodes) or their functional equivalent, that allows for the message or image to be easily changed, typically by remote control or computer programming. This definition applies to signs displaying a series of still images, as well as those presenting the appearance of motion.
11. **Directional Sign.** A sign that directs or guides pedestrian or vehicular traffic and which is non-advertising in nature (e.g., handicapped parking, one-way, exit, and entrance).
12. **Electronic Message Center Sign.** A sign with a static message formed by the selective illumination of an array of light bulbs, light emitting diodes (LEDs), or liquid crystal displays (LCDs) that can be changed electronically. These signs may display text and/or graphic images, and may be programmable.

13. **Flag.** Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.
14. **Freestanding Sign.** A sign supported by structures or supports that are placed on or anchored in the ground, and which are structurally independent from any building.

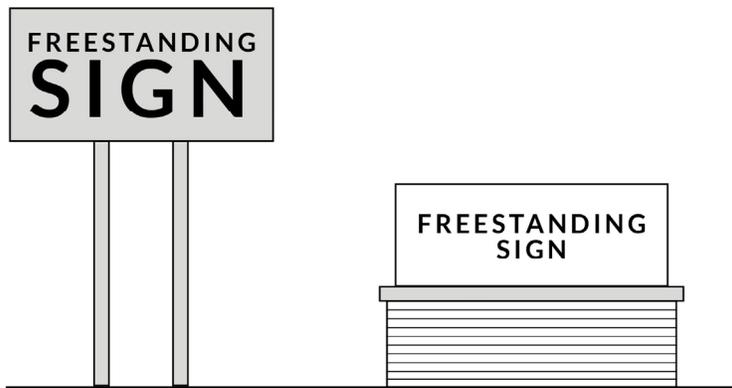


FIGURE 18.35.190.D.14: FREESTANDING SIGN

15. **Freeway-oriented Sign.** A freestanding sign erected or maintained to advertise off-site goods and services to motorists traveling on Interstate 80 that has no electronic components.
16. **Freeway-oriented Sign, Multi-tenant.** A freestanding sign located in a Regional Commercial District erected or maintained to advertise goods and services to motorists.
17. **General Advertising for Hire.** The advertising or promoting of other businesses, establishments or causes using methods of advertising, typically for a fee or other consideration, in contrast to self-promotion or on-site advertising.
18. **Graffiti.** Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner's consent.
19. **Illuminated Sign.** A sign with an artificial source of light incorporated internally or externally for the purpose of illuminating the sign.
20. **Inflatable Sign.** A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background,

and is primarily installed outside a building to attract attention to or to advertise a business, a business location, a service, a product, or an event.

21. ***Internally Illuminated Sign.*** A sign that is illuminated by a light source that is contained inside the sign where the message area is luminous, including cabinet signs and channel-letter signs.
22. ***Mobile Billboard.*** Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.
23. ***Moving Sign.*** A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.
24. ***Non-Commercial Message.*** A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.
25. ***Nonconforming Sign.*** A sign lawfully erected and legally existing on the effective date of this Ordinance, but which does not conform to the provisions of this Ordinance.
26. ***Outdoor Advertising Structure.*** Any structure or any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced.
27. ***Pennant.*** A device made of flexible materials, (e.g., cloth, paper, or plastic) that may or may not contain copy, and which is installed for the purpose of attracting attention.
28. ***Permanent Sign.*** A sign that is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall, or building.
29. ***Projecting Sign.*** A sign that projects horizontally from the face of a building.

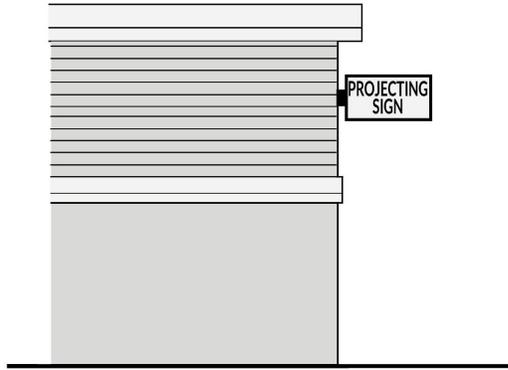


FIGURE 18.35.190.D.27: PROJECTING SIGN

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

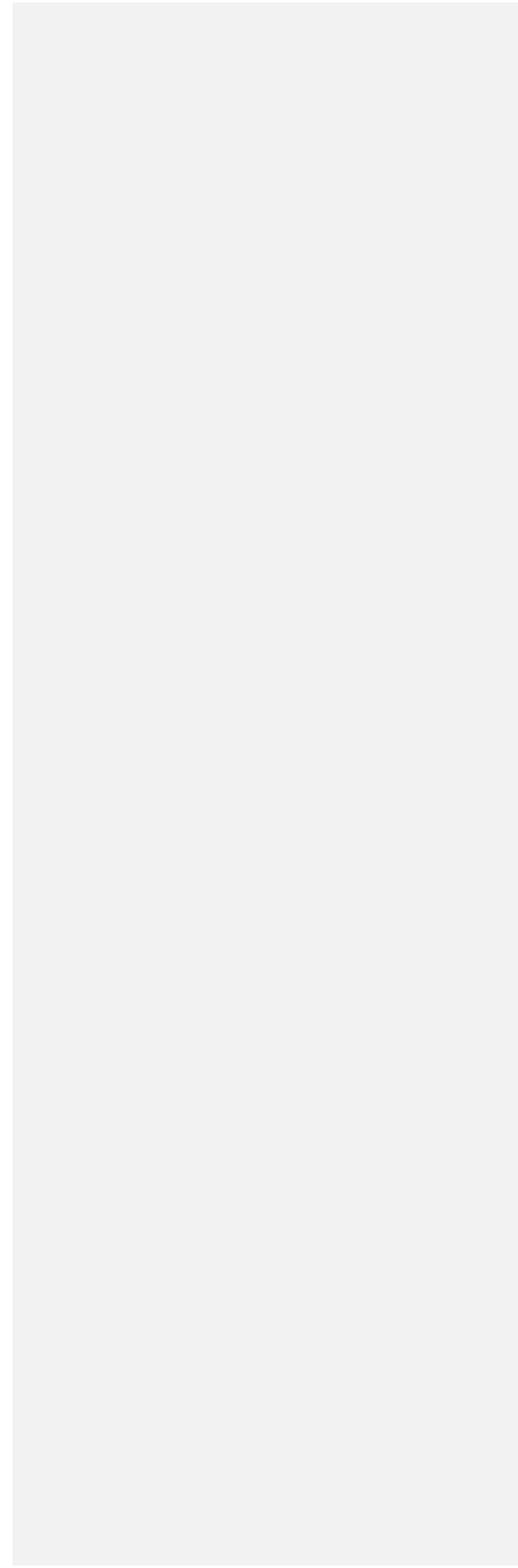


FIGURE 18.35.190.D.28: ROOF SIGN

- 31. **Shingle Sign.** A sign that is suspended beneath a marquee, covered walkway, canopy, or awning.



FIGURE 18.35.190.D.29: SHINGLE SIGN

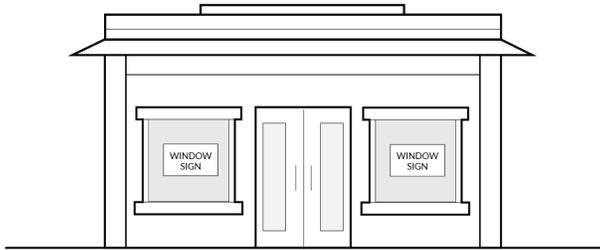


32. **Sign.** Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any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



FIGURE 18.35.190.D.35: WALL SIGN

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



**FIGURE 18.35.190.D.36: WINDOW SIGN**

- E. **Site.** A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Zoning Code and is in a single ownership or under unified control.
- F. **Soil.** Naturally occurring superficial deposits overlying bedrock.
- G. **Solar Reflectance Index.** Measure of a surface's ability to reflect solar heat, combining reflectance and emittance into one number. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is 100.
- H. **Specific Plan.** A plan for all or part of the area covered by the General Plan that is prepared to be consistent with and to implement the General Plan, pursuant to the provisions of Government Code, §§ 65450 et seq.
- I. **State.** The State of California.
- J. **Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above.
- K. **Street.** A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. "Street" includes avenue, court, circle, crescent, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley or walkway.
- L. **Street Line.** The boundary between a street and a lot or parcel of land.
- M. **Structure.** Anything constructed or erected which requires a location on the ground, including a building but not including a swimming pool, a fence, or a wall used as a fence.
  - 1. **Structure, Accessory.** A detached subordinate structure used only as incidental to a main building or structure, or principal use on the same site or lot.

2. **Structure, Attached.** A structure which is affixed to another building or structure on the site with a common wall or roof that is four feet in length or more.
  3. **Structure, Detached.** A structure which is not affixed to another building or structure on the site or whose common wall or roof with another building or structure is less than four feet in length.
  4. **Structure, Nonconforming.** A building or structure, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this Zoning Code to it, no longer conforms to the regulations set forth in this Zoning Code.
  5. **Structure, Main.** A structure housing the primary or principal use of a site or functioning as the primary or principal use.
  6. **Structure, Temporary.** A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- N. **Swimming Pool.** A pool, pond, lake, or open tank capable of containing water to a depth greater than 18 inches at any point.

#### 18.35.200 "T" Terms.

- A. **Tandem Parking.** An arrangement of parking spaces such that one or more spaces must be driven across to access another space or spaces.
- B. **Tenant.** A person renting or leasing a housing unit or non-residential space.
- C. **Trailer.** A vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer, and mobile home, but not including mobile homes on a permanent foundation.

#### 18.35.210 "U" Terms.

- A. **Use.** The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged or for which either a site or a structure is or may be occupied or maintained.
  1. **Use, Accessory.** A use that is customarily associated with, and is incidental and subordinate to, a principal use and located on the same lot as a principal use.
  2. **Use, Incidental.** A secondary use of a lot and/or building that is located on the same lot, but is not customarily associated with the principal use.

3. **Use, Nonconforming.** The use of a building, structure, site, or portion thereof, which was lawfully established and maintained, but which, because of the adoption and application of this Zoning Code, no longer conforms to the specific regulations applicable to the zone in which it is located.
  4. **Use, Permitted.** Any use or structure that is allowed in a zone without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zone.
  5. **Use, Principal.** A primary, principal, or dominant use established, or proposed to be established, on a lot.
- B. **Use Classification.** A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential, public/semi-public, commercial, industrial, and transportation, communication, and utilities. See Chapter 18.34, Use Classifications.
- C. **Use Permit.** A discretionary permit which may be granted by the appropriate City of Dixon authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval. See Chapter 18.24, Use Permit.
- D. **Use Type.** A category that classifies similar uses based on common functional, product, or compatibility characteristics.
- E. **Utilities.** Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

#### 18.35.220 "V" Terms.

- A. **Variance.** A discretionary grant of permission to depart from the specific requirements of this Zoning Code that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zone.
- B. **Vehicle.** Any vehicle, as defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.
- C. **Vibration.** A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.
- D. **Visible.** Capable of being seen (whether legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

**18.35.230 “W” Terms.**

- A. **Wall.** Any vertical exterior surface of building or any part thereof, including windows.
- B. **Wireless Telecommunication Terms.**
1. **Antenna.** Any system of wires, poles, rods, horizontal or vertical elements, panels, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves.
  2. **Co-Location.** The location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure, or otherwise sharing a common location. Co-location also includes the location of wireless communications facilities with other facilities, such as buildings, water tanks, light standards, and other utility facilities and structures.
  3. **Mast.** A pole of wood or metal or a tower fabricated of metal that is used to support an antenna and maintain it at the proper elevation.
  4. **Personal Communications Services (PCS).** Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. PCS is also sometimes known as Personal Communication Network (PCN).
  5. **Multi-User Telecommunication Facility.** A telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity, excluding research and development industries with antennas serving internal company uses only.
  6. **Satellite Dish.** A device (also known as a parabolic antenna) incorporating a reflective surface that is solid, open, or mesh or bar-configured, and is in the shape of a shallow dish, cone, horn cornucopia, or flat plate that is used to receive or transmit radio or electromagnetic waves between terrestrially and/or orbitally based units. This term includes satellite earth stations, satellite receivers, satellite discs, direct broadcast systems, television-reception-only systems, and satellite microwave antennas.
  7. **Support Equipment.** The physical, electrical, and/or electronic equipment included within a telecom facility used to house, power, transport, and/or process signals from or to the facility’s antenna or antennas.
  8. **Telecommunication Facility.** A mobile cell site that consists of a cell antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to be part of a cellular network.

9. **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas.
10. **Tower, Lattice.** A multiple-sided, open, metal frame support structure that supports antennas and related equipment, typically with three or four support legs.

**18.35.240 "X" Terms.**

Reserved.

**18.35.250 "Y" Terms.**

- A. **Yard.** The area between the property line and the nearest wall of the first main building on a lot.
  1. **Front Yard.** A yard extending across the front of a lot for the full width of the lot between the side lot lines.
  2. **Interior Yard.** A yard which does not abut a street.
  3. **Rear Yard.** A yard extending across the rear of a lot for its full width between side lot lines.
  4. **Side Yard.** A yard extending from the rear line of the front yard to the front line of the rear yard.
  5. **Street Side Yard.** A yard on a corner lot or reversed corner lot along a street side lot line extending from the rear line of the front yard to the rear lot line.

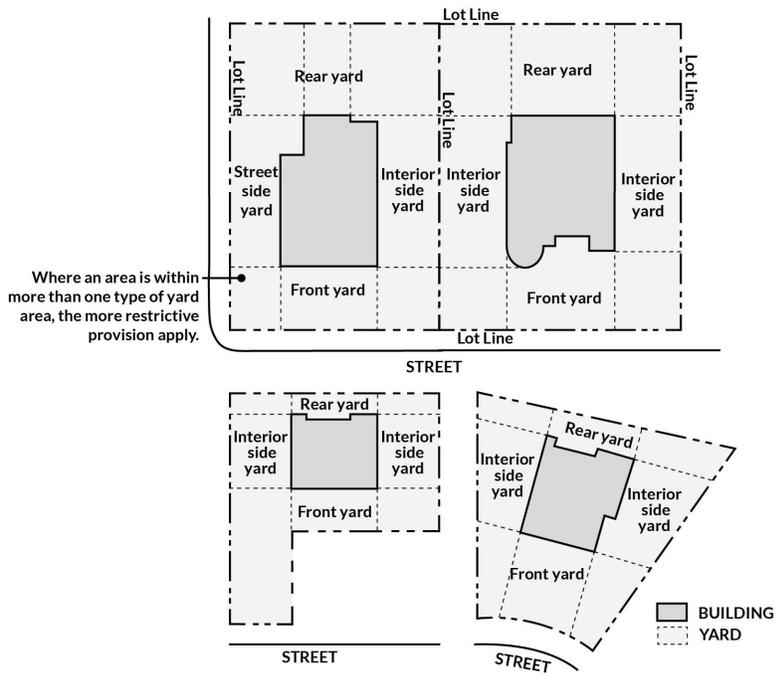


FIGURE 18.35.270.A: YARD TYPES

**18.35.260 "Z" Terms.**

- A. **Zoning District.** A specifically delineated area in the City within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.