



City of Ione Municipal Code Title 17 - Zoning

Article I

Zoning Code Establishment, Administration, and Entitlements

- Chapter 17.04 Zoning Code Adoption and Purpose
- Chapter 17.06 Zoning Code Administration
- Chapter 17.08 Application Processing Procedures
- Chapter 17.10 Permits and Entitlements
- Chapter 17.12 Interpretation
- Chapter 17.14 Enforcement
- Chapter 17.16 Nonconforming Uses

Revisions:

The following revisions have been made to Article I of Title 17:

Date of Adoption	Ordinance Number	Subject	Section	Page Number

17.04 Zoning Code Establishment, Administration, and Entitlements

Sections:

- 17.04.010 Title
- 17.04.020 General Purpose
- 17.04.030 Applicability

17.04.010 Title

This Title shall be known as the "Zoning Code of the City of Lone." (Ord. 51 §2.00(part), 1958)

17.04.020 General Purpose

The City of Lone land use Zoning Code carries out the policies of the Lone General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan and Municipal Code. This Zoning Code is adopted and established to serve the public health, safety, comfort, convenience and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources, and to encourage, guide and provide a definite plan for the future growth and development of the City. (Ord. 51 §1.00, 1958). More specifically, the purposes of this Zoning Code are to:

- A. Provide standards and guidelines for the orderly growth and development of the City that will assist in protecting the characteristics and community identity of Lone;
- B. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, and other public facilities and utilities;
- C. Conserve and protect the City's natural features such as creeks, oak trees, and historic and environmental resources;
- D. Minimize automobile congestion by promoting safe and effective traffic circulation, and adequate off-street parking facilities; and
- E. Ensure compatibility between residential and non-residential development and land uses.

17.04.030 Applicability

- A. **Relationship to Prior Ordinance.** The provisions of this Title, as it existed prior to the effective date of the Ordinance enacting this Title, Ordinance No. 423, are repealed and superseded as provided in Ordinance No. 423. No provision of this Title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Title as it existed prior to its repeal by Ordinance No. 423.
- B. **Prior Rights and Violations.** The enactment of this Title shall not terminate or otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this Title.
- C. **New Land Uses or Structures.** It shall be unlawful, and a violation of the Lone Municipal Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of this Title.
- D. **Continuation of an Existing Land Use or Structure.** It is unlawful and a violation of the Municipal Code for anyone to use a parcel or structure in a manner that violates any

provision of this Title. However, a land use that was lawfully established before this Title was enacted, or before enactment of any applicable amendment to this Title, may continue as provided in Chapter 17.16, (Nonconforming Uses). No expansion or modification to a pre-existing legal nonconforming use or structure shall be permitted except as allowed by Chapter 17.16, (Nonconforming Uses).

- E. **Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Zoning Code shall be consistent with the minimum lot size requirements of Article II, Zoning Districts, Allowable Uses, and Development Standards, the subdivision requirements of the City of Lone Subdivision Code (Title 16 of this Municipal Code), and all other applicable requirements of this Zoning Code.
- F. **Effect of Zoning Code Changes on Pending Applications.** Following the effective date of this Title, or any amendment of this Title, regulations of this Title are applicable to all pending entitlement applications, unless prohibited by State law. Entitlement applications are no longer deemed pending once the appeal period has expired or the appeal process fully exercised.
- G. **Conflicting Requirements.**
 - 1. **Zoning Code and Municipal Code Provisions.** If conflicts occur between requirements of this Zoning Code, or between this Zoning Code, the Municipal Code, or other plans and policies adopted by the City, the Zoning Code shall govern.
 - 2. **Development Agreements.** If conflicts occur between the requirements of this Zoning Code and standards adopted as part of any Development Agreement, the requirements of the Development Agreement shall govern.
 - 3. **Private Agreements.** This Zoning Code applies to all land uses and development but may not affect private agreements or restrictions in the use of land or development of structures. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.
- H. **Other Requirements/Permits.** Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the City, or any permit, approval, or entitlement required by the regulations of any regional, State, or Federal agency.
- I. **Public Nuisance.** Neither the provisions of this Title nor the approval of any permit authorized by this Title shall authorize the maintenance of any public nuisance as defined in this Municipal Code.
- J. **Severability, Partial Invalidation of Zoning Code.** If any portion of this Title is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determinations shall not affect the validity of the remaining portions of this Title. The City Council hereby declares that this Title and each article, Chapter, Section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof is adopted without regard to the fact that one or more portions of this Title may be declared invalid, unconstitutional, or unenforceable. (Ord. 423, §2, 2009)

17.06 Zoning Code Administration

Sections:

- 17.06.010 Purpose
- 17.06.020 Composition of the Lone Planning Agency
- 17.06.030 Responsibilities of the City Council
- 17.06.040 Responsibilities of the Planning Commission
- 17.06.050 Responsibilities of the City Manager
- 17.06.060 Responsibilities of the City Planner

17.06.010 Purpose

The purpose of this Chapter is to establish the administration of this Title and to set forth the basic responsibilities of the officials and bodies charged with its administration. (Ord. 423, §2, 2009)

17.06.020 Composition of the Lone Planning Agency

California Government Code Section 65100 requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The functions of the planning agency, as designated by this Title, may be performed by any one of the following groups or individuals, as further defined in this Chapter and Title.

- A. City Council
- B. Planning Commission
- C. City Manager
- D. City Planner

Agencies responsible for enforcing and implementing this Title shall have such duties as assigned by this Title. Where this Title fails to assign any land use and planning functions, the City Council shall have the planning agency responsibility and activity. (Ord. 423, §2, 2009)

17.06.030 Responsibilities of the City Council

The City Council shall have the following land use responsibilities:

- A. Appoint members of the Planning Commission.
- B. Hear and decide appeals of the decisions of the Planning Commission.
- C. Hear and decide applications for amendments to the General Plan, amendments to the Zoning Code text and map, and applications for Specific Plans, Planned Developments, and Development Agreements and amendments thereto. In the event that applications for other land use permits are requested in conjunction with these entitlements, the City Council shall also be the final decision-making body for such land use permits.
- D. Direct planning-related policy amendments and special studies as necessary or desired.
- E. Exercise such other powers and duties as are prescribed by State law or local Ordinance. (Ord. 423, §2, 2009)

17.06.040 Responsibilities of the Planning Commission

The Planning Commission shall have the following land use responsibilities:

- A. Hear and decide appeals of the decisions of the City Planner.
- B. Hear and decide applications for Conditional Use Permits, Variances, Historic Architectural Review, Site Plan Review, Boundary Line Adjustments, Tentative Subdivision Maps, and Tentative Parcel Maps.
- C. Hear and make recommendations to the City Council on applications or proposals for amendments to this Title.
- D. Initiate studies of amendments to this Title and make recommendations to the City Council for amendments to this Title.
- E. Hear and make recommendations to the City Council on applications for Zoning Amendments, General Plan and amendments thereto, Specific Plans, Planned Developments, Prezoning, and other related planning studies.
- F. Exercise such other powers and duties as are prescribed by State law, local Ordinance, or as directed by the City Council. (Ord. 423, §2, 2009)

17.06.050 Responsibilities of the City Manager

The City Manager shall have the following land use responsibilities:

- A. Oversee the work of the City Planner.
- B. Negotiate and conduct periodic review of Development Agreements. (Ord. 423, §2, 2009)

17.06.060 Responsibilities of the City Planner

The City Planner shall have the following land use responsibilities:

- A. Maintain the Sections of this Title, zoning map, and all records of zoning actions and interpretations.
- B. Advise the City Council, City Manager, and Planning Commission on planning matters.
- C. Issue and decide matters related to ministerial permits.
- D. Staff meetings and provide administrative services for the Planning Commission.
- E. Direct planning-related policy amendments and special studies as necessary or desired.
- F. Conduct administrative functions authorized by this Title, including distribution and receipt of permit applications and corresponding fees, application review and public noticing, determination and issuance of ministerial permits and approvals, and preparation of staff reports with recommendations, proposed findings, and proposed conditions for quasi-judicial and legislative actions by designated planning agencies. For a comprehensive list of permits, see Chapter 17.10, Entitlements.

- G. Provide information to the public and facilitate public participation on planning matters.
- H. Exercise such other powers and duties as are prescribed by State law, local Ordinance, or as directed by the City Manager. (Ord. 423, §2, 2009)

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17.08 Application Processing Procedures

Sections:

- 17.08.010 Application Submittal
- 17.08.020 Determination of Completion
- 17.08.030 Application Review and Report
- 17.08.040 Public Notices
- 17.08.050 Approving Authority
- 17.08.060 Appeals
- 17.08.070 Effective Date
- 17.08.080 Permit to Run with Land
- 17.08.090 Permit Time Limits and Extensions
- 17.08.100 Modification
- 17.08.110 Revocation of Previously Approved Entitlement

17.08.010 Application Submittal

All applications for land use and development permits and actions pertaining to this Title shall be submitted to the City Planning Department on a City application form, together with all fees, plans, maps, and any other information required by the City Planning Department. Every application for a land use or development permit shall include a completed application form designated for the particular request, applicant signature(s), agent authorization as appropriate, and processing fee(s) established by City Council Resolution. Additionally, each application requires the submittal of particular maps, plans, and other data about the project development, project site and vicinity deemed necessary by the City Planner to provide the Approving Authorities with adequate information on which to base decisions. Each permit application form lists the necessary submittal materials for that particular type of permit. (Ord. 423, §2, 2009)

17.08.020 Determination of Completion

- A. **Application Completeness.** Within 30 days of application submittal to the City Planning Department, the City Planner shall determine whether or not the application is complete. The City Planner shall notify the applicant of the determination either that:
1. All the submittal requirements have been satisfied and that the application has been accepted as complete; or
 2. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with City standards and requirements.

In order to expedite the determination of completeness for ministerial permits and actions issued by the City Planner (e.g., Plan Check), ministerial permit applications shall be deemed complete within ten working days unless the applicant is otherwise notified in writing within that time period of additional information necessary to complete the application.

- B. **Application Completeness Without Notification.** If the written determination is not made within 30 days after receipt of the application and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this Chapter.

- C. **Resubmittal.** Upon receipt and resubmittal of any incomplete application, a new 30 day period shall begin during which the City Planner shall determine the completeness of the application. Application completeness shall be determined and noticed as specific in Section A (Application Completeness).
- D. **Incomplete Application.** If additional information or submittals are required and the application is not made complete within six months of the completeness determination letter, the application shall be deemed by the City to have been withdrawn, and no action will be taken on the application. Unexpended fees, as determined by the City Planner, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits and other materials must then be filed in compliance with this Article.
- E. **Right to Appeal.** The applicant may appeal the determination in accordance with Section 17.08.060 (Appeals) and the Permit Streamlining Act (California Government Code Section 65943). (Ord. 423, §2, 2009)

17.08.030 Application Review and Report

After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). The City Planner will consult with other departments as appropriate to ensure compliance with all provisions of the Municipal Code and other adopted policies and plans. The City Planner will prepare a report (the staff report) to the designated Approving Authority (Planning Commission and/or City Council) describing the project, along with a recommendation to approve, conditionally approve, or deny the application. The report shall be provided to the applicant and property owner at the same time as it is provided to the Approving Authority prior to consideration of the entitlement request. The report may be amended as necessary or supplemented with additional information at any time prior to the hearing to address issues or information not reasonably known at the time the report is due. (Ord. 423, §2, 2009)

17.08.040 Public Notices

- A. **Public Hearing Required.** The following procedures shall govern the notice and public hearing, where required, for consideration of a permit. In accordance with Planning and Zoning Law, the Subdivision Map Act, and the California Environmental Quality Act, public hearings shall be required for all quasi-judicial permits (e.g., Variance, Conditional Use Permit, Site Plan Review) and legislative actions of the City (e.g., Specific Plans, Planned Developments, Zoning Amendments, and General Plan Amendments). The hearing(s) shall be held before the designated Approving Authority as identified in this Title.
- B. **Notice of Hearing.** Pursuant to California Government Code Section 65091, not less than ten days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, a general explanation of the matter to be considered, and a general description of the real property (text or diagram), if any, which is the subject of the hearing.
 - 1. Notice of the public hearing shall be published in at least one newspaper of general circulation in the City.

2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners and tenants of property within a radius of 300 feet of the exterior boundaries of the property involved in the application, using for this purpose that last known name and address of such owners as shown upon the current tax assessors records. If the number of owners exceeds 1,000, the City may, in lieu of mailed notice, provide notice by placing notice of at least 1/8 page in one newspaper of general circulation within the City.
 3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the proposed project.
 4. Notice of the public hearing shall be provided to each local agency expected to provide water, sewage, streets, roads, schools, or other essential functions or services to the project whose ability to provide those facilities and services may be significantly affected.
 5. Notice of the public hearing shall be posted at City Hall and in at least two other public places within the boundaries of the City, including one place in the area directly affected by the proceeding.
- C. **Requests for Notification.** Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the City Clerk. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.
- D. **Failure to Receive Notice.** Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this Title shall not constitute grounds for any court to invalidate the actions of a designated Approving Authority for which the notice was given.
- E. **Hearing Procedure.** Hearings as provided for in this Chapter shall be held at the date, time, and place for which notice has been given as required in this Chapter. The designated Approving Authority shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed. (Ord. 423, §2, 2009)

17.08.050 Approving Authority

The Approving Authority as designated in Table 17.08.050-1 (Approving Authority) shall approve, conditionally approve, or deny the proposed land use or development permit in accordance with the requirements of this Title. Table 17.08.050-1 identifies both recommending (R) and final (F) authorities for each permit. When a proposed project requires more than one permit with more than one Approving Authority, all project permits shall be processed concurrently and final action shall be taken by the highest level designated Approving Authority for all such requested permits. In acting on a permit, the Approving Authority shall make the applicable findings as established in Chapter 17.10, Permit Requirements, and as may be required by other laws and regulations. An action of the Approving Authority may be appealed pursuant to procedures set forth in Section 17.08.060, Appeals. (Ord. 423, §2, 2009)

**Table 17.08.050-1
Approving Authority**

Type of Permit or Decision	Designated Approving Authority ¹ "R" symbolizes the "Recommending Body" "F" symbolizes the "Final Decision Making Body"		
	City Planner	Planning Commission	City Council
Zoning Code Interpretation	F		
Plan Check	F		
Sign Permit	F		
Creative Sign Program	F		
Uniform Sign Program	R	F	
Temporary Use Permit	F		
Reasonable Accommodation(s)	F		
Variance	R	F	
Conditional Use Permit	R	F	
Site Plan Review	R	F	
Administrative Architectural Design Review	F		
Comprehensive Architectural Design Review	R	F	
Boundary Line Adjustment ²	R	F	
Tentative Map for Parcel Map ²	R	F	
Tentative Map for Final Map ²	R	F	
Development Agreement	R	R	F
Planned Development	R	R	F
Specific Plan	R	R	F
Prezoning	R	R	F
Zoning Amendment (Text and Map)	R	R	F
General Plan Amendment	R	R	F

Notes:

1. All listed actions are subject to appeal pursuant to Section 17.08.060.
2. The process for Boundary Line Adjustments and Tentative Maps (for Parcel Map or Final Map), and the process for recording Parcel Maps, Final Maps, grant/quitclaim deed, or record of survey are described in Title 16 (Subdivision) of the Municipal Code.

17.08.060 Appeals

- A. **Purpose.** This Section identifies the procedures for filing and processing an appeal consistent with California Government Code Section 65900 et. seq. The appeal provisions of this Section shall govern appeals of all planning and zoning matters, and other entitlement procedures in this Title.

- B. **Appeal Applicability and Authority.** Any person dissatisfied with a determination or action of the City Planner or Planning Commission made pursuant to this Article, may appeal such action to the designated Appeal Authority listed in Table 17.08.060-1 (Appeal Authority) below, within ten days from the date of the action. Actions by the City Council are final and no further administrative appeals are available.

**Table 17.08.060-1
Appeal Authority**

Approving Authority for Action Being Appealed	Appeal Authority	
	Planning Commission	City Council
City Planner	X	
Planning Commission		X

- C. **Filing an Appeal.** All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within ten days following the date of determination or action for which an appeal is made, accompanied by a filing fee established by City Council Resolution, and submitted to the City Clerk. The filing of an appeal shall stay the issuance of any necessary subsequent permit(s) associated with any right or entitlement that will be subject of the appeal (e.g., building permits).
- D. **Notice and Schedule of Appeal Hearings.** Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Section 17.08.040, Public Notices.
- E. **Appeal Hearing and Action.** Each appeal shall be considered a de novo (new) hearing and the Appeal Authority may reverse, modify or affirm the decision in whole or in part. In taking its action on an appeal, the Appeal Authority shall state the basis for its action. The Appeal Authority may modify, delete, or add such conditions as it deems necessary. The Appeal Authority may also refer the matter back to the original Approving Authority for further action. The action of the Appeal Authority is final on the date of decision and, unless expressly provided by the Chapter, may not be further appealed. A person may seek judicial review of a final decision of the City in accordance with applicable Sections of the California Government Code or Code of Civil Procedures. (Ord. 423, §2, 2009)

17.08.070 Effective Date

Generally, the action to approve, conditionally approve, or deny a permit or entitlement authorized by this Title shall be effective on the 11th day after the date of action, immediately following expiration of the ten-day appeal period. Legislative actions by the City Council (Zoning Amendment, General Plan Amendment, Specific Plans, Development Agreements) become effective 30 days from the date of final action and may not be appealed. In accordance with Section 17.12.030 (Rules of Interpretation), where the last of the specified number of days falls on a weekend or City holiday, the time limit of the appeal shall extend to the end of the next working day. Permit(s) shall not be issued until the effective date of required permit.

No application for a Variance, Conditional Use Permit, or Zoning Map Amendment which has been denied shall be considered by the Approving Authority within one year from the date of the action to deny, except on the grounds of new evidence of proof of changed conditions found by the Planning Commission. (Ord. 423, §2, 2009)

17.08.080 Permit to Run with Land

Unless otherwise conditioned, land use and development permits and approvals granted pursuant to the provisions of this Chapter shall be transferable upon a change of ownership of the site, business, service, use or structures, provided that the use and conditions of the original permit or approval are fully complied with, and the project is not modified or enlarged/expanded. (Ord. 423, §2, 2009)

17.08.090 Permit Time Limits and Extensions

- A. **Time Limits Conditioned.** As part of the conditions of approval, the designated Approving Authority may establish a time limit for the exercising of an entitlement. In the case of Tentative Maps, the time limits shall be as provided by State law.
- B. **Exercising Permits.** The exercise of a permit occurs when the property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon such permit(s). Such exercise of a permit constitutes the vested right to complete the work authorized by the permit. A permit may be otherwise exercised by a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitutes exercise of the permit. Unless otherwise provided, permits that have not been exercised prior to a Zoning Amendment, which would make the permitted use or structure nonconforming, shall automatically be deemed invalid on the effective date of the Zoning Amendment.
- C. **Permit Extensions.** The same Approving Authority that granted the original permit may extend the period within which the exercise of a permit must occur. An application for extension shall be filed not less than 30 days prior to the expiration date of the permit, along with appropriate fees and necessary submittal materials listed in this Title. The approval of an extension extends the expiration date for one year from the original permit date. The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved. The extension may be granted only when the designated Approving Authority finds that the original permit findings can be made and that there are changed circumstances or that there has been diligent pursuit to exercise the permit that warrants such extension. (Ord. 423, §2, 2009)

17.08.100 Modification

Any person holding a permit granted under this Title may request a modification or amendment to that permit. For the purpose of this Section, the modification of a permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit.

If the City Planner determines that a proposed project action is not in substantial conformance with the original approval, the City Planner shall notify the property owner of the requirement to submit a permit modification application for consideration and action by the same Approving Authority as the original permit. A permit modification may be granted only when the Approving

Authority makes all findings required for the original approval, and the additional finding that there are changed circumstances sufficient to justify the modification of the approval. (Ord. 423, §2, 2009)

17.08.110 Revocation of Previously Approved Entitlement

- A. **Purpose.** The purpose of this Section is to provide for the revocation of any permit or entitlement (e.g., Variance, Conditional Use Permit) granted under this Title.
- B. **Grounds for Revocation.** In the event a permit holder or the permit holder's successor in interest, fails to comply with any or all conditions of entitlement approval, the City Council, Planning Commission, or City Planner, may institute a revocation proceeding if it is determined that there is substantial likelihood that any of the following situations exist:
 - 1. The permit was obtained or extended by false, misleading, or incomplete information;
 - 2. One or more conditions of approval have not been implemented or have been violated; or
 - 3. The activities, or the use itself, are substantially different from what was approved.
- C. **Initiation of Action.** The revocation of a permit may be initiated by any of the City's designated planning agencies as identified in Section 17.06.020 (Composition of the Lone Planning Agency). The designated planning agency shall specify in writing to the permittee the basis upon which the action to revoke the permit is to be evaluated during the hearing to revoke.
- D. **Revocation Hearing.**
 - 1. A public hearing is required for any action to revoke a permit. The hearing shall be held by the original Approving Authority for the subject permit. The hearing shall be noticed in the same manner required for the granting of the original permit pursuant to Section 17.08.040 (Public Notices).
 - 2. In its discretion, the designated Approving Authority may modify or delete the conditions of approval or add new conditions of approval in lieu of revoking a permit in order to address the issues raised by the revocation hearing. The action on the revocation is subject to appeal in accordance with the provisions of Section 17.08.060 (Appeals). (Ord. 423, §2, 2009)

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17.10 Permits and Entitlements

Sections:

- 17.10.010 Purpose
- 17.10.020 Plan Check
- 17.10.030 Sign Permit
- 17.10.035 Creative Sign Program
- 17.10.040 Uniform Sign Program
- 17.10.050 Temporary Use Permit
- 17.10.060 Reasonable Accommodation(s)
- 17.10.070 Variance
- 17.10.080 Conditional Use Permit
- 17.10.090 Site Plan Review
- 17.10.100 Architectural Design Review for Historic Overlay District
- 17.10.110 Development Agreements
- 17.10.120 Planned Development
- 17.10.130 Specific Plans
- 17.10.140 Rezoning
- 17.10.150 Zoning Code Amendment
- 17.10.160 General Plan Amendment

17.10.010 Purpose

The purpose of this Chapter is to establish the procedures for administering all planning and zoning-related permits and entitlements required and regulated by the City in accordance with this Title. Such permits and entitlements generally fall into three categories based on the type of permit or action and the level of review:

- A. Ministerial permits and actions (e.g., Plan Check, Sign Permit, Temporary Use Permit);
- B. Quasi-judicial permits and actions (e.g., Variance, Conditional Use Permit); and
- C. Legislative actions (e.g., Zoning Code Amendment, General Plan Amendment).

Each permit type is described in this Chapter in terms of purpose and applicability, approving authority, and unique processing provisions. See Chapter 17.08 (Application Processing Procedures) for general application submittal, review, noticing/hearing, and appeal provisions. The permit process for review, decision, and appeal of signs is listed in Chapter 17.42 (Signs). Exemptions to permit requirements are listed throughout this Title. Provisions for Tentative Maps, Parcel Maps, and Final Maps are listed in Title 16 of this Municipal Code. (Ord. 423, §2, 2009)

17.10.020 Plan Check

- A. **Purpose and Applicability.** The purpose of the Plan Check is to ensure that all new and modified uses and structures comply with applicable provisions of this Title, using simple administrative plan check procedures. Plan Check is required for the following actions:
 - 1. All structures that require a building permit;
 - 2. All planning entitlement applications to ensure compliance with applicable conditions of approval; and

3. For other City applications, including tree removal, business license, encroachment, and grading and improvement plans.
- B. **Approving Authority.** The designated Approving Authority for Plan Check is the City Planner. The City Planner may approve, conditionally approve, or deny the Plan Check in accordance with the requirements of this Title.
- C. **Process.** No separate application form is necessary for Plan Check. This process will be conducted by the City Planner as part of the Building Permit entitlement or other City application review. Plan Check clearance shall be granted only when the City Planner finds the proposal to be in conformance with all applicable provisions of this Title. The City Planner may modify plans in whole or in part, apply conditions of approval, or require guarantees to ensure compliance with applicable provisions of this Title. Any permit or application listed in Subsection A shall not be issued without approval of Plan Check. (Ord. 423, §2, 2009)

17.10.030 Sign Permit

- A. **Purpose.** Sign Permits provide a mechanism for administrative review and determinations to ensure that signs are consistent with the General Plan and provisions of the Zoning Code.
- B. **Applicability.** A Sign Permit shall be required for all permanent signs, as defined by this Title, prior to the establishment or erection of a new sign or the replacement, alteration, or relocation of an existing permanent sign, as specified in Section 17.42.040 (Permits and Review Procedures). Where a sign is proposed, no Building Permit may be issued until a Sign Permit has first been approved and issued.
- C. **Approving Authority.** The designated Approving Authority for a Sign Permit is the City Planner. The City Planner approves, conditionally approves, or denies Sign Permits in accordance with the requirements of this Title.
- D. **Procedures.**
 1. The City Planner, or his or her designee, shall be the designated Approving Authority for Sign Permits.
 2. Multiple sign applications. When an application proposes two or more signs on the same property and/or as part of the same tenant, the applications may be granted in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, a written notice shall specify the ground(s) for such denial.
 3. Revocation or cancellation. The City Planner shall revoke any approval or permit upon refusal by the permit holder to comply with the provisions of the permit after written notice of noncompliance and at least 30 days opportunity to correct. The opportunity to correct does not apply in the event that the sign, by nature of its physical condition, poses an imminent or significant threat to public safety.
 4. Permits issued in error. Any approval or permit issued in error may be revoked by the Approving Authority upon written notice to the permit holder of the reason for the revocation.

- E. **Submittal Requirements.**
1. **Timing.** An application for a Sign Permit for a permanent sign shall be submitted to the City Planning Department at the time the Building Permit application is submitted to the Building Department.
 2. **Application Contents.** The application for a Sign Permit shall be made on a form as prescribed by the City Planning Department and shall be accompanied by the information required by such form. The information shall include, but is not limited to, the following:
 - a. The name, address, contact information, and signature of the applicant, as well as the name, address, and contact information for the contractor or installer and property owner. If the applicant is someone other than the sign owner, then the sign owner's signature is also required on the application form;
 - b. Proof of consent of the property owner or other person(s) having the immediate right to possession and control of the property;
 - c. All required materials for issuance of a Building Permit;
 - d. Location, size, structure, and other descriptive information for the sign as required by the City Planning Department; and
 - e. Such other information as the City Planning Department may reasonably request to determine that the proposed sign is in full compliance with the provisions of this Title, the City Code, and other applicable law. The message proposed to be displayed on the sign is not required, but may be shown at the option of the applicant.
- F. **Approval Findings.** The Approving Authority may approve a Sign Permit when the Sign Permit application and the sign itself comply with the standards and requirements of this Title. A Sign Permit application may be approved subject to conditions, so long as those conditions are not in conflict with this Title or some other applicable law, rule, or regulation. (Ord. 423, §2, 2009)

17.10.035 Creative Sign Program

- A. **Purpose.** The purpose of a Creative Sign Program is to provide a process for property owners and businesses to propose, and the City to consider, special deviations from the regulations for on-site permanent signs provided in this Title under certain limited circumstances. The Creative Sign Program also provides a process for the City to review special signage types prior to issuance of a Sign Permit. The intent of the Creative Sign Program is to:
1. Encourage signs of unique design that exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
 2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the City, while mitigating the impacts of large or unusually designed signs.
- B. **Applicability.** An applicant may request approval of a Creative Sign Program in order to allow a sign that may require standards that differ from the signage provisions of this Title, but comply with the purpose and findings for Creative Sign

Program. Establishments that are eligible for Creative Sign Programs include any commercial, office, or industrial use in the City and specifically include any such use within the Historic (H) Overlay District.

C. Approving Authority and Procedures.

1. The City Planner, or his or her designee, shall be the designated Approving Authority for Creative Sign Programs.
2. Multiple Signs. One Creative Sign Program application may be submitted for multiple signs, provided all signs are on the same property and/or as part of the same tenant. In such instances, the application may be granted in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, a written notice shall specify the ground(s) for such denial.
3. Public Hearing. No public hearing shall be required for a Creative Sign Program, except as set forth below:
 - a. Notice of the filing of an application for a Creative Sign Program shall be mailed to persons owning property within 300 feet of the project site and posted on the property where the sign or signs are proposed to be located. The mailed notice of application shall advise persons that plans for the project are available for public review at City Hall. The notice shall also indicate that the Approving Authority will take final action on the application unless a written request for hearing is received by the City Planning Department on or before the date specified in the notice, which shall be at least ten working days from the date of mailing.
 - b. If no timely written request for hearing is filed, the application shall be administratively approved by the Approving Authority if it is deemed to be consistent with the deviations and considerations for Creative Sign Programs.
 - c. If a timely written request for hearing is filed, the application shall no longer be administratively processed and shall instead be decided at a public hearing of the Planning Commission.
 - d. Notwithstanding the foregoing, the Approving Authority may elevate any project to a Planning Commission decision if, in the opinion of the Approving Authority, such project is not in substantial conformance with the intent of the Creative Sign Program, or if the Approving Authority determines that the location, size, or design of the project warrants a hearing before the Planning Commission.
4. Revocation or cancellation. The City Planner shall revoke any Creative Sign Program upon refusal by the permit holder to comply with the provisions of the Creative Sign Program after written notice of noncompliance and at least 30 days opportunity to correct. In the event that the sign, by nature of its physical condition, poses an imminent or significant threat to public safety, the City Planner shall revoke the Creative Sign Program and order immediate correction of the safety hazard.

D. Submittal Requirements.

1. Timing. An application for a Creative Sign Program shall be submitted to the City Planning Department prior to submittal of an application for a Sign Permit.

2. Application Contents. The application for Creative Sign Program shall be made on a form as prescribed by the City Planning Department and shall be accompanied by the information identified on the form. The information shall include, but is not limited to, the following:
 - a. The name, address, contact information, and signature of the applicant, as well as the name, address, and contact information for the contractor or installer and property owner. If the applicant is someone other than the sign owner, then the sign owner's signature is also required on the application form;
 - b. Proof of consent of the property owner or other person(s) having the immediate right to possession and control of the property;
 - c. Preliminary information indicating how the sign will be constructed and/or mounted to a building or structure;
 - d. Location, size, structure, and other descriptive information required by the City Planning Department; and
 - e. Such other information as the City Planning Department may reasonably request to determine that the proposed application is in full compliance with the provisions of this Title, the City Municipal Code, and other applicable law. The message proposed to be displayed on the sign is not required, but may be shown at the option of the applicant.
- E. **Deviations Allowed.** The following types of deviations from the signage standards of this Title may be requested by the applicant for a Creative Sign Program and may, upon written findings, be approved by the Approving Authority:
 1. Increases in maximum allowed area for permanent signs on the subject site;
 2. Allowances for types of lighting not otherwise permitted by this Title;
 3. Allowances for types of signs not specifically permitted by this Title; and
 4. Allowances for signs to exceed the maximum height requirement(s).
- F. **Considerations and Basis for Deviations.** In approving an application for a Creative Sign Program and any deviations from the signage standards of this Title, the designated Approving Authority shall ensure that the proposed sign meets the following criteria:
 1. Design quality. The sign shall:
 - a. Have a positive visual impact on the surrounding area;
 - b. Be of unique design and exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
 - c. Provide strong graphic character through the imaginative use of color, graphics, proportion, quality materials, scale, and texture.
 2. Contextual criteria. The sign shall contain at least one of the following elements:
 - a. Classic historic design style;
 - b. Creative image reflecting current or historic character of the City; or
 - c. Inventive representation of the logo, name, or use of the structure or business.
 3. Architectural criteria. The sign shall:

- a. Utilize or enhance the architectural elements of the building; and
 - b. Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the facade.
4. Impacts on surrounding uses. The sign shall be located and designed not to cause light and glare impacts on surrounding uses, especially residential uses.
- G. **Findings.** A Creative Sign Program shall be granted only when the designated Approving Authority makes all of the following findings:
1. The proposed Creative Sign Program is consistent with the objectives of the General Plan;
 2. The proposed signage is consistent with the purposes of the Creative Sign Program; and
 3. The proposed deviations from the signage standards of this Title are consistent with the considerations and basis for deviations listed in this Title. (Ord. 423, §2, 2009)

17.10.040 Uniform Sign Program

- A. **Purpose.** The Uniform Sign Program provides a process for the City's review of and decisions related to requests for signs for multi-tenant projects. The intent of the Uniform Sign Program is to allow the integration of a project's signs with the design of the structures involved to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects, as well as to encourage design flexibility without circumventing the intent of this Code.
- B. **Applicability.** A Uniform Sign Program shall be required for all new multi-tenant shopping centers, office parks, and other multi-tenant or mixed use developments of three or more separate tenants/uses that share either the same parcel or structure and use common access and parking facilities as specified in Section 17.42.040 (Permits and Review Procedures).
- C. **Approving Authority and Procedure.** Review and approval of a Uniform Sign Program is the responsibility of the Planning Commission. The City Planner may make a recommendation on the Program to the Commission, and the Commission may approve, approve with conditions, or deny the Program. Additionally, the Planning Commission shall be the Approving Authority for modifications and amendments to a Uniform Sign Program.
- D. **Standards and Content.** The Uniform Sign Program shall include criteria for building-attached and freestanding signs for tenants, anchors, and the integrated development itself to establish consistency of sign type, location, logo and/or letter height, lines of copy, illumination, and construction details of signs for the project. All signs within the development shall be consistent with the Uniform Sign Program adopted for the development. The message substitution policy of Chapter 17.42 shall be deemed incorporated in every Uniform Sign Program, even if the Uniform Sign Program documents do not explicitly so state. Maximum size, location, height, setback, and other development standards for signs in the Uniform Sign Program shall be consistent with the standards of this Title.
- E. **Approval Findings.** A Uniform Sign Program, or revisions thereto, may be approved, approved with conditions, or denied by the designated Approving Authority based

upon findings of fact that the proposed sign program (or revision thereto) is consistent with the standards for Uniform Sign Programs as established in the City's Zoning Code. (Ord. 423, §2, 2009)

17.10.050 Temporary Use Permit

- A. **Purpose.** Temporary Use Permits (TUP) provide a process for ministerial review and determinations to allow short-term activities that may not meet the normal development or use standards of the applicable Zoning District, but may be acceptable because of their temporary nature. The Temporary Use Permit applicant must demonstrate the application is consistent with code requirements.
- B. **Applicability.** A Temporary Use Permit allows the short-term activities listed in Chapter 17.66 (Temporary Uses).
- C. **Submittal Requirements.** Section 17.08.010 (Application Submittal) identifies the requirement for submittal of any application to the City for permit or entitlement. In addition to this general requirement, the City shall require, at a minimum, that the following be submitted for a Temporary Use Permit:
1. A completed City application for which the request is being made;
 2. Address of the property for which the request is being made;
 3. Detailed project description;
 4. A site plan showing the location of the proposed use in relation to surrounding properties and structures; and
 5. Such other relevant information as may be requested by the City Planner or his or her designee in order to provide the Approving Authority with adequate information on which to base a decision.
- D. **Procedure.** The City Planner shall be the designated Approving Authority for Temporary Use Permits.
- E. **Approval Findings.** The City Planner shall make the following findings to approve or conditionally approve a Temporary Use Permit application:
1. The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
 2. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
 3. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code.
 4. The approval includes provisions to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Zoning Code. The Approving Authority may require appropriate security before initiation of the use to ensure proper cleanup after the use is finished.

- F. **Conditions of Approval.** In approving a Temporary Use Permit, the City Planner may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the required findings. (Ord. 423, §2, 2009)

17.10.060 Reasonable Accommodation(s)

- A. **Purpose and Intent.** The purpose of allowing Reasonable Accommodation(s) is to provide a process for individuals with disabilities to make requests for Reasonable Accommodation(s) for relief from the various land use, zoning, or rules, policies, practices, and/or procedures of the City. It is the policy of the City, pursuant to the Federal Fair Housing Act (as amended), to provide people with disabilities Reasonable Accommodation(s) in rules, policies, and procedures that may be necessary to ensure equal access to housing.
- B. **Requesting Reasonable Accommodation(s):**
1. In order to make specific housing available to an individual with a disability, a disabled person or representative may request Reasonable Accommodation(s) relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the City.
 2. If an individual needs assistance in making the request for Reasonable Accommodation(s) or appealing a determination regarding Reasonable Accommodation(s), the City Planner will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative.
 3. A request for Reasonable Accommodation(s) with regard to City regulations, rules, policies, practices, and/or procedures may be filed on an application form provided by the City Planner at the time that the accommodation may be necessary to ensure equal access to housing.
- C. **Required Information.** The applicant shall provide the following information when requesting Reasonable Accommodation(s).
1. A completed City application indicating, among other things, the applicant's name, address, and telephone;
 2. Address of the property for which the request is being made;
 3. The current actual use of the property;
 4. The Zoning Code provision, regulation, or policy from which Reasonable Accommodation(s) is being requested;
 5. The basis for the claim that the person(s) for whom the Reasonable Accommodation(s) is/are sought is/are considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing available to the person(s);
 6. Such other relevant information as may be requested by the City Planner or his or her designee.

- D. **Approving Authority and Approval Process.**
1. Notwithstanding any other provision of this Zoning Code, the City Planner shall have the authority to consider and take action on requests for Reasonable Accommodation(s). When a request for Reasonable Accommodation(s) is filed with the City Planning Department, it will be referred to the City Planner for review and consideration as a ministerial action unless determined otherwise by the City Planner. A request for Reasonable Accommodation(s) shall be considered ministerial in nature when it is related to a physical improvement that cannot be constructed to conform to the City' s setbacks or design standards. Typical improvements considered to be "ministerial" in nature would include ramps, walls, handrails, or other physical improvements necessary to accommodate a person's disability. The City Planner shall issue a written determination of his or her action within 30 days of the date of receipt of a completed application and may:
 - a. Grant or deny the accommodation request; or
 - b. Grant the accommodation request subject to specified nondiscriminatory condition(s); or
 - c. Forward the request to the Planning Commission for consideration as a Conditional Use Permit and subject to the findings stated in Section 17.10.060.F (Required Findings for Reasonable Accommodation(s)).
 2. In the event the City Planner determines that the request for Reasonable Accommodation(s) is non-ministerial in nature, such request shall be forwarded to the Planning Commission in accordance with Section 17.10.080 Conditional use Permit) and shall be subject to the findings stated in Section 17.10.060.F (Required Findings for Reasonable Accommodation(s)).
 3. All written determinations of actions of the City Planner shall give notice of the right to appeal and the right to request Reasonable Accommodation(s) on the appeals process (e.g., requesting that City staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.
 4. If necessary to reach a determination or action on the request for Reasonable Accommodation(s), the City Planner may request further information from the applicant consistent with the City Planning Department specifying in detail what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.
- E. **Group Homes.** All requests for Reasonable Accommodation(s) relating to increased occupancy of a group home shall be filed first with the City Planner. At his/her sole discretion, the City Planner can act upon the request as described in Section 17.10.060.D (Approving Authority and Approval Process) or such request shall be forwarded to the Planning Commission as described in Section 17.10.060.D (Approving Authority and Approval Process). If a request is forwarded to the Planning Commission, it shall be processed as a Conditional Use Permit and shall be subject to the findings stated in Section 17.10.060.F (Required Findings for Reasonable Accommodation(s)).
- F. **Required Findings for Reasonable Accommodation(s).** In making a determination regarding the reasonableness of a Requested Accommodation(s), the Approving Authority shall make the following findings:

1. The housing which is the subject of the request for Reasonable Accommodation(s) will be used for an individual protected under the Fair Housing Act.
 2. The request for Reasonable Accommodation(s) is necessary to make specific housing available to an individual protected under the Fair Housing Act.
 3. The requested Reasonable Accommodation(s) does not impose an undue financial or administrative burden on the City and does not fundamentally alter City zoning, development standards, policies, or procedures.
- G. **Appeals.** Appeal of the City Planner or Planning Commission action on the request for Reasonable Accommodation(s) shall be made in accordance with the procedures specified in Section 17.08.060 (Appeals). (Ord. 423, §2, 2009)

17.10.070 Variance

- A. **Purpose and Applicability.** In accordance with California Government Code Section 65906, a Variance request allows the City to grant exception to the development standards and provisions of this Title in cases where, because of special circumstances applicable to the property, the strict application of this Title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning districts. A Variance approval is required to grant exception from any of the development standards and provisions of this Title. Variance applications may not be granted for uses or activities not otherwise permitted by zoning district regulations.
- B. **Submittal Requirements.** Section 17.08.010 (Application Submittal) identifies the requirement for submittal of any application to the City for permit or entitlement. In addition to this general requirement, the City shall require, at a minimum, that the following be submitted for a Variance:
1. A completed City application form indicating, among other things, the applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. Detailed project description describing the need for requested Variance;
 4. A site plan showing the location of the proposed structure(s) in relation to the surrounding properties and structure and location of the requested variance; and
 5. Such other relevant information as may be requested by the City Planner or his or designee in order to provide the Approving Authority with adequate information on which to base a decision.
- C. **Approving Authority.** The designated Approving Authority for a Variance is the Planning Commission. The Planning Commission may upon its own motion or upon the verified application of any interested parties initiate proceedings for the granting of a Variance. The City Planner provides a recommendation and the Planning Commission approves, conditionally approves, or denies the Variance in accordance with the requirements of this Title.
- D. **Findings.** The Planning Commission may approve and/or modify any Variance application in whole or in part, with or without conditions, only if the applicant can demonstrate to the Planning Commission that the circumstances of their particular case can justify making all of the following findings:

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this Title deprives such property of privileges enjoyed by other property owners in the vicinity and under identical land use zoning district classifications.
 2. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located.
 3. That granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
 4. That the granting of the Variance is consistent with the objectives of the General Plan and Zoning Code.
- E. **Conditions.** The Planning Commission may impose conditions for the Variance to ensure compliance with this Section and other applicable provisions of this Title.
- F. **Issuance.** The final action on the Variance by the Planning Commission shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed.
- G. **Appeals.** Appeal of the City Planner or Planning Commission action on the request for Variance shall be made in accordance with the procedures specified in Section 17.08.060 (Appeals).

17.10.080 Conditional Use Permit

- A. **Purpose and Applicability.** The purpose of the Conditional Use Permit is for the individual review of uses, typically having unusual site development features or operating characteristics, to ensure compatibility with surrounding areas and uses where such uses are deemed essential or desirable to the various elements of objectives of the General Plan. A Conditional Use Permit is required for all uses specifically identified as requiring a Conditional Use Permit in Article II, Zoning Districts, Allowable Land Uses, and Development Standards, and Article IV, Standards for Specific Land Uses, of this Title.
- B. **Submittal Requirements.** Section 17.08.010 (Application Submittal) identifies the requirement for submittal of any application to the City for permit or entitlement. In addition to this general requirement, the City shall require, at a minimum, that the following be submitted for a Conditional Use Permit:
1. A completed City application form indicating, among other things, the applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. Detailed project description;
 4. A site plan showing the location of proposed structure(s) in relation to surrounding properties and structures; and
 5. Such other relevant information as may be requested by the City Planner or his or her designee in order to provide the Approving Authority with adequate information on which to base a decision.

- C. **Approving Authority.** The designated Approving Authority for a Conditional Use Permit is the Planning Commission. The City Planner provides a recommendation and the Planning Commission approves, conditionally approves, or denies the Conditional Use Permit in accordance with the requirements of this Title.
- D. **Findings.** Conditional Use Permits are quasi-judicial and shall be granted only when the Planning Commission determines that the proposed use or activity complies with all of the following findings.
 - 1. The proposed use is consistent with the General Plan and all applicable provisions of this Title.
 - 2. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the City.
- E. **Conditions/Guarantees.** The Planning Commission may impose conditions and/or require guarantees for the Conditional Use Permit to ensure compliance with this Section and other applicable provisions of this Title and to prevent adverse or detrimental impact to the surrounding neighborhood.
- F. **Permit Issuance.** The final action on the Conditional Use Permit by the Planning Commission shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed.
- G. **Appeals.** Appeal of the City Planner or Planning Commission action on the request for Conditional use Permit shall be made in accordance with the procedures specified in Section 17.08.060 (Appeals).

17.10.090 Site Plan Review

- A. **Purpose and Intent.** The purpose of Site Plan Review is to provide a process for promoting the orderly and harmonious growth of the City; to encourage development in keeping with the desired character of the City; and to ensure physical and functional compatibility between uses. This Site Plan Review permit established by this Chapter is intended to provide a process for consideration of development proposals to ensure that the design and layout of commercial, retail, industrial or institutional uses or multifamily residential development will constitute suitable development and will not result in a detriment to the City of Lone or to the environment.
- B. **Applicability.** A Site Plan Review Permit is required for the following items:
 - 1. Multifamily residential development;
 - 2. Non-residential development (e.g., commercial, office, industrial, public/quasi-public);
 - 3. Additions to the above projects where 500 or more gross square feet is being added to existing structures;
 - 4. Fences and walls not otherwise exempt under Section 17.36.020 (Permit Requirements and Exemptions); and
 - 5. Any item not listed in Section 17.10.090.C, for which the City Planner determines that a Site Plan Review Permit is required.

- C. **Exemptions.** The following structures and activities are exempt from Site Plan Review. However, such structures may require additional permits and Plan Check, such as a ministerial building permit, to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.
1. Single family homes;
 2. Additions to single family residential homes;
 3. Additions to non-residential structures less than 500 square feet in size;
 4. Accessory structures consistent with the provisions of this Title;
 5. Installation of signs;
 6. Repairs and maintenance to the site or structure that do not add to, enlarge, or expand the area occupied by the structure, or the gross floor area of the structure.
 7. Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure (e.g., tenant improvements); and
 8. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment).
- D. **Submittal Requirements.** Section 17.08.010 (Application Submittal) identifies the requirement for submittal of any application to the City for permit or entitlement. In addition to this general requirement, the City shall require, at a minimum, that the following be submitted for a Site Plan Review:
1. A completed City application form indicating, among other things, the applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. Detailed project description;
 4. A site plan showing the location of proposed structure(s) in relation to surrounding properties and structures; and
 5. Such other relevant information as may be requested by the City Planner or his or her designee in order to provide the Approving Authority with adequate information on which to base a decision.
- E. **Approving Authority.** The designated Approving Authority for Site Plan Review is the Planning Commission. The City Planner provides a recommendation and the Planning Commission approves, conditionally approves, or denies the Site Plan Review application in accordance with the requirements of this Title. Site Plan Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action for corresponding development applications.

- F. **Considerations.** In conducting a Site Plan Review, the designated Approving Authority shall consider the following:
1. Considerations relating to site layout, the orientation and location of building, signs, other structures, open spaces, landscaping and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties;
 2. Considerations relating to traffic, safety, and traffic congestion, including the effect of the development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development;
 3. Considerations necessary to ensure that the proposed development is consistent with the General Plan and all applicable Specific Plans or Planned Development Master Plans, including but not limited to the density of residential units; and
 4. Considerations relating to the availability of City services, including, but not limited to, water, sewer, drainage, police and fire; and whether such services are adequate based upon city standards.
- G. **Findings.** A Site Plan Review Permit or any modification thereto shall be granted only when the designated Approving Authority makes all of the following findings:
1. The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Planned Development Master Plan or Specific Plan provisions, Improvements Standards, and other applicable standards and regulations adopted by the City;
 2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
 3. The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features are compatible with and complement the existing surrounding environment and ultimate character of the area under the General Plan.
- H. **Conditions.** The designated Approving Authority may modify plans in whole or in part and may condition the Site Plan Review Permit to ensure specific design features and conformance with all applicable provisions of this Title.
- I. **Permit Issuance.** The final action of the Site Plan Review Permit by the designated Approving Authority shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been complete as provided in Section 17.08.060 (Appeals). (Ord 416, §2, 2008)

17.10.100 Architectural Design Review for Historic Overlay District

- A. **Purpose and Intent.** The purpose of the Architectural Design Review for Historic Overlay District (hereafter referred to as Architectural Design Review) is to provide for the protection, enhancement, and perpetuation of the old and historical buildings of Downtown Lone; to ensure compliance with the architectural and design standards of Section 17.28.020 (Historic Overlay (H) District); and to help prevent the depreciation of land values by ensuring proper attention is given to site and architectural design. This permit is intended to provide a process for consideration of

- development proposals in which the site, architectural and overall project design is substantially improved by the consideration of design and architectural features of the project as provided in Section 17.28.020 (Historic Overlay District), while providing a significant City benefit. However, the flexibility does not apply to use of the land in that only those uses permitted within the underlying base zoning district are allowed.
- B. **Applicability.** An Architectural Design Review permit is required for the following activities on properties designated with the Historic Overlay (H) Zoning District:
1. Installation of new features on existing structures/facades;
 2. Additions to existing structures;
 3. Placement, alteration, or relocation of signs;
 4. New development;
 5. Changes to exterior architectural style; and
 6. Other actions identified in this Title.
- C. **Exemptions.** The following activities in the Historic Overlay (H) Zoning District are exempt from Architectural Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.
1. Repair and maintenance to the site or structure that does not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from Architecture Review;
 2. Interior alterations that do not increase the gross floor area within the structure;
 3. Construction, alteration, or maintenance by a public utility agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and other similar facilities and equipment); and
 4. Construction, alteration, and maintenance of buildings used exclusively and solely for residential uses (e.g., single family residential) are hereby exempted. Buildings that provide for the mixing of residential and non-residential uses in a single structure (e.g., mixed use) do not qualify for this exemption.
- D. **Approving Authority.** The designated Approving Authorities for Architectural Design Review are listed below. For any architecture review process not identified, the Planning Commission shall be designated Approving Authority. The Approving Authority shall approve, conditionally approve, or deny the proposed Architectural Design Review application in accordance with the provisions of this Chapter and Section 17.28.020 (Historic Overlay). Architectural Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Conditional Use Permit, Variance).
1. **Administrative Architectural Design Review.** For all administrative actions, the City Planner shall be the designated Approving Authority. Administrative actions refer to all actions except new development and wholesale changes to architectural style of any existing building. These types of projects typically do not require routing of applications to other departments or agencies. Issues related to Fire

and Building Code compliance are addressed at time of building permit issuance. Administrative actions include, but are not limited to, the following:

- a. Installation of new features on existing structures consistent with the existing architectural style of the building, such as new roof, trim, doors, windows, etc.; and
 - b. Placement, alteration, or relocation of signs.
2. **Comprehensive Architectural Design Review.** For all comprehensive actions, the Planning Commission shall be the designated Approving Authority. Comprehensive actions include:
- a. New construction and wholesale redevelopment of existing sites; and
 - b. Wholesale changes to the existing architectural style of a building (e.g., changing from Mother Lode to Commercial Vernacular).
- E. **Submittal Requirements.** Section 17.08.010 (Application Submittal) identifies the requirement for submittal of any application to the City for permit or entitlement. In addition to this general requirement, the City shall require, at a minimum, that the following be submitted for all Architectural Design Reviews:
1. A completed City application form indicating, among other things, the applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. Detailed project description;
 4. Plans showing the proposed physical improvements including either samples of the proposed materials or other information indicating the type of material, color, design, and/or fire rating; and
 5. Such other relevant information as may be requested by the City Planner or his or her designee in order to provide the Approving Authority with adequate information on which to base a decision.
- F. **Procedure.** The procedures for Architectural Design Review shall be as provided in Chapter 17.08 (Application Processing Procedures) except as provided below:
1. **Administrative Architectural Design Review.**
 - a. No public hearing shall be required unless required below.
 - b. Notice of the filing of an application for Administrative Architectural Design Review shall be mailed to persons owning property within 300 feet of the project site and posted on the property. The mailed notice of application shall advise persons that plans for the project are available for public review at City Hall and that the application will be decided unless a written request for hearing is received by the City Planning Department on or before a date specified in the notice which shall be ten working days after the date of mailing.
 - c. If no timely written request for hearing is filed, the application shall be administratively approved by the City Planner if it is deemed to be consistent with the provisions of the Historic Overlay (H) District.
 - d. If a timely written request for hearing is filed, the application shall no longer be administratively processed and shall instead be processed in

accordance with the procedures for Comprehensive Architectural Design Review.

- e. The City Planner may elevate any project to the Comprehensive Architectural Design Review process that, if in the opinion of the City Planner, such project is not in substantial conformance with applicable provisions for the Historic Overlay (H) District, or if the City Planner determines that because of location, size, or design of the project warrants a hearing before the Planning Commission.

2. **Comprehensive Architectural Design Review.**

- a. A public hearing shall be required by the designated Approving Authority.
- b. Public notice of the hearing shall be provided as specified in Section 17.08.040 (Public Notices) of this Title.

G. **Findings.** An Architectural Design Review Permit, or any modification thereto, shall be granted only when the designated Approving Authority makes all of the following findings:

1. The proposed project is consistent with the objectives of the General Plan, and complies with applicable zoning regulations and Improvement Standards adopted by the City;
2. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
3. The architecture, including the character, scale and quality of the design, relationship to the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signage and other similar elements establishes a clear design concept and is consistent with the architectural and design intentions of Section 17.28.020 (Historic Overlay).

H. **Conditions.** The designated Approving Authority may modify plans in whole or in part and may condition the Architectural Design Review Permit to ensure specific design features, construction materials, and conformance with all applicable provisions of this Title.

I. **Permit Issuance.** The final action on the Architectural Design Review Permit by the designated Approving Authority shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed. (Ord. 423, §2, 2009)

17.10.110 Development Agreements

A. **Purpose.** This Section establishes procedures and requirements for the review and approval of Development Agreements when applied for as part of a land use entitlement in compliance with the provisions of California Government Code Sections 65864 through 65869.5. The City Council finds and declares the use of Development Agreements is beneficial to the public, in that:

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

2. Development Agreements provide assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, thereby strengthening the public planning process, encouraging private participation in comprehensive planning, and reducing the economic costs of development.
 3. Development Agreements enable the City to plan for and finance public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, thereby removing a serious impediment to the development of new housing.
- B. **Qualified Applicant.** Only a qualified applicant, a person who has legal or equitable interest in the real property which is the subject of the development agreement (or his or her authorized agent) may submit an application for a development agreement.
- C. **Flexibility of Development Regulations.** Unless preempted by State or Federal law, any development agreement if adopted by the City may modify development rules, regulations, and policies governing permitted uses of land, and density, and governing design, improvements, construction standards and specification, and phasing applicable to development of the property involved in the agreement.
- Nothing contained in these regulations shall prevent the developer or the City from proceeding with normal tentative map or final map processes on any phase of a development which is the subject of a development agreement at any time during its term.
- D. **Submittal Requirement.** Section 17.08.010 (Application Submittal) identifies the requirement for submittal of any application to the City for permit or entitlement. In addition to this general requirement, the City shall require, at a minimum, that the following be submitted for a Development Agreement:
1. A completed City application form indicating, among other things, the applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. Detailed project description; and
 4. Such other relevant information as may be requested by the City Planner or his or her designee in order to provide the Approving Authority with adequate information on which to base a decision.
- E. **Approving Authority.** The designated Approving Authority for Development Agreements is the City Council. The Planning Commission shall hold a public hearing on the proposed Development Agreement and make a recommendation to the City Council.
- F. **Findings.** A Development Agreement may only be granted when the City Council makes all of the following findings specifying that the Development Agreement:
1. Is consistent with the objectives, policies, and general land uses specified in the General Plan and any applicable specific plans;
 2. Is compatible and in conformity with public convenience, general welfare, and good land use and zoning practice;
 3. Will not be detrimental to health, safety, and general welfare of the City;

4. Will not adversely affect the orderly development of property or the preservation of property values.
- G. **Approval of Development Agreement.** A Development Agreement is a legislative act and shall be approved by the City Council by ordinance. The Mayor shall execute any Development Agreement approved by the City Council.
- H. **Amendment and Cancellation of Agreement.** Either party may propose an amendment to or cancellation in whole or part of the development agreement, the procedure for which is the same as the procedure for entering into the agreement initially. Where, however, the City initiates the proposed amendment or cancellation, it must first notice the property owner of its intent at least 15 days in advance.
- I. **Recordation.** Within ten days after the City enters into the development agreement, or any amendment thereof, the City Clerk shall cause the agreement or amendment to be recorded with the County Recorder. Additionally, the City Clerk shall be the official custodian of the Development Agreement file. Said file shall include an executed copy of the Agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the Development Agreement.
- J. **Periodic Review.** The City Manager shall review the Development Agreement every 12 months from the date the Development Agreement is entered into and provide a written report to the City Council. The burden of proof is on the applicant to provide necessary information verifying compliance with the terms of the Development Agreement. The applicant shall also bear the cost of such review in accordance with the fee established by City Council Resolution. If the City Manager finds that any aspect of the development project is not in strict compliance with the terms of the Development Agreement or may warrant consideration by the Approving Authority(s), the City Manager may schedule the matter before the appropriate Approving Authority(s) for review.

17.10.120 Planned Development

- A. **Purpose and Applicability.** The purpose of the Planned Development district is to provide procedures for the consideration and regulation of areas suitable for proposed comprehensive development with detailed development plans and of those areas that require special planning to provide for appropriate planned development in harmony with their natural features and other environmental consideration. In the event there is an inconsistency or conflict between an adopted Planned Development and comparable provisions of this Title, the Planned Development shall prevail. This Section describes the process for adoption, amendments, and subsequent development permitted under a Planned Development. Chapter 17.26 (Special Purpose Districts) describes Planned Development Districts and adopts it by reference. (Ord. 216 §2(part), 1980; Ord. 51 §15D (A), 1958)
- B. **Approving Authority.** The City Council is the Approving Authority for the application/zoning of property to Planned Development Districts and the establishment of Planned Development Master Plans. The City Planner and Planning Commission provide recommendations and the City Council approves, conditionally approves, or denies the Planned Development zoning and corresponding Master Plan in accordance with the requirements of this Section.
- C. **Initiation of Planned Development Zoning.** Proposals to establish a Planned Development or Planned Development District may be initiated by the City of Lone or

- by any person in the same manner as a Zoning Amendment as provided in this Zoning Code.
- D. **Application Contents.** Section 17.08.010 (Application Submittal) identifies the requirement for submittal of any application to the City for permit or entitlement. In addition to this general requirement, the City shall require, at a minimum, that the following be submitted for Planned Development:
1. A completed City application form indicating, among other things, the applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. Detailed project description indicating the request for the zone change to Planned Development;
 4. Either a request for a Conditional Use Permit for all proposed development or a Master Plan for the proposed development;
 5. The following required data:
 - a. Topographic map showing natural features of site and adjacent property, and location of proposed facilities and roads;
 - b. Description of existing site, including vegetation, wildlife, natural features, and present services, access, and land use;
 - c. Description of clearing, grading, excavating, filling, and other land alterations to be performed;
 - d. Description of proposed uses and structures, landscaping, fencing, services, streets, utilities, and other facilities;
 - e. Other information as required by the City Planning Department, City Planner, or Planning Commission, including but not limited to detailed construction, improvement, utility, and drainage plans and other data as is deemed necessary to adequately consider the proposed development. (Ord. 216 §2(part) 1980: Ord. 51 §15D(D), 1958); and
 - f. Such other relevant information as may be requested by the City Planner or his or her designee in order to provide the Approving Authority with adequate information on which to base a decision.
- E. **Public Hearing.** For each application for a Planned Development District, public hearings shall be held by the Planning Commission and City Council (Ord. 216 §2(part), 1980: Ord. 51 §15D (E), 1958).
- F. **Required Contents of a Master Plan.** When a Master Plan is being established for the Planned Development, the Master Plan shall set forth in text, maps, and diagrams the following items, at the level of detail appropriate for the Planned Development submittal:
1. A list of permitted, conditionally permitted, and prohibited uses;
 2. Performance and development requirements related to yards, lot area, intensity of development on each lot, parking, landscaping, and signs;
 3. Other design standards appropriate for the specific site and development;
 4. Legal description of property covered by the Master Plan; and

5. Reasons for establishment of a Planned Development Master Plan on the particular property.
- G. **Additional Contents of a Master Plan.** Additional contents may be required as determined by the City Planner including, but not limited to, the following:
1. Regulations relating to nonconforming lots, uses, structures, and signs;
 2. Time, phasing, and sequence of development projects;
 3. Infrastructure plan; and
 4. Circulation plan.
- H. **Findings.** The Approving Authority shall make the following findings to approve a Planned Development:
1. The proposed uses are so designed as to result in an appropriate overall development consistent with the purposes of Planned Development zoning;
 2. The site is physically suited for the proposed uses;
 3. The proposed uses do not significantly detract from the natural and scenic values of the site;
 4. Adequate services are available for the proposed uses, including but not limited to water supply, sewage disposal, roads, and utilities. (Ord. 216 §2 (part), 1980: Ord. 51 §15D (G), 1958)
- I. **Conditions.** The Approving Authority may attach such conditions to the Planned Development District as are deemed necessary to insure compliance with the intent and purpose of Planned Development zoning, including but not limited to height, area, lot and setback requirements; design standards; access, road and revegetation/landscaping requirements; dedications and use restrictions. (Ord. 216 §2(part), 1980: Ord. 51 §15D(H), 1958)
- J. **Action/Adoption.** Adoption of the Planned Development by Ordinance of the City Council shall constitute final action and approval of the Planned Development. Authorization for construction in accordance with the Planned Development may only be granted after the effective date of the action.
- K. **Delineation of Planned Development Areas.** On the Zoning Map, a Planned Development District shall be delineated in a manner similar to that of any other zoning district except that each Planned Development zoned area shall also bear a number, text, or other symbol which distinguishes it from other Planned Development areas. See Section 17.26.030 (Planned Development Zoning Districts).
- L. **Environmental Review.** It is anticipated, under the California Environmental Quality Act and Implementing Guidelines, that most Planned Development approvals will require preparation of either a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR). Once adopted or certified, the MND or EIR for a Master Plan may be relied upon for further entitlements sought subsequent to adoption of the Planned Development Master Plan (e.g., Site Plan Review). Unless otherwise exempt, an initial study shall be prepared for all subsequent entitlements to determine whether a supplement to the MND or EIR must be prepared. In the event that a supplement to the MND or EIR is determined not to be necessary, a Negative Declaration or Mitigated Negative Declaration for the project shall be prepared.
- M. **Subsequent Development in a Planned Development for Which There Is No Master Plan.** When a Master Plan was not established as part of the establishment of a

Planned Development Zone (e.g., when a request for the zone change to Planned Development and for a use permit for all proposed developments was approved) and a use is proposed that was not covered in the previous approval, a Conditional Use Permit shall be required for all subsequent development and uses (in addition to any other required entitlement, e.g., Site Plan Review), or a Master Plan providing for a range of uses shall be prepared and considered. The Master Plan shall be prepared consistent with the provisions of Section 17.10.120.F (Required Contents of a Master Plan). In approving subsequent development in a Planned Development for which there is no Master Plan, the designated Approving Authority shall make the following findings:

1. That the proposed uses are so designed as to result in an appropriate overall development consistent with the purposes of Planned Development zoning as applied to the subject site;
 2. That the site is physically suited for the proposed use(s); and
 3. That adequate services are available for the proposed uses, including but not limited to water supply, sewage disposal, roads, and utilities. (Ord. 216 §2 (part), 1980; Ord. 51 §15D (G), 1958).
- N. **Application for Amendment to the Planned Development Zone.** The procedures for amending a Planned Development Zone (including amendments to the Master Plan or establishing a Master Plan where one previously did not exist) shall be the same as for any amendment to the Zoning Code, as set forth in Section 17.10.150, including the necessary findings in Section 17.10.150.E (Findings for Zoning Amendment (Text or Map)).
- O. **Application of Planned Development Requirements.** Where specific conditions of the Planned Development (including Master Plan) are more restrictive than the Zoning Code development standards, the conditions of the Planned Development shall apply. Where a standard is not addressed in the Planned Development, the Zoning Code shall apply.

17.10.130 Specific Plans

- A. **Purpose.** The purpose of a Specific Plan is to provide a vehicle for implementing the City's General Plan on an area-specific basis. The Specific Plan is intended to serve as a regulatory document, consistent with the General Plan. In the event there is an inconsistency or conflict between an adopted Specific Plan and comparable provisions of this Title, the Specific Plan shall prevail. This Section is consistent with California Government Code Section 65450, et. seq. This Section describes the process for adopting, amending, and subsequent development under a Specific Plan. Chapter 17.26 (Special Purpose Districts) describes the individual Specific Plan Districts and adopts them by reference.
- B. **Applicability.** The City's General Plan encourages preparation of Specific Plans and identifies certain areas of the City which require Specific Plans for development. Specific Plan zoning may be considered for other areas of the City.
- C. **Approving Authority.** The designated Approving Authority for Specific Plans is the City Council. The City Planner and Planning Commission provide recommendations and the City Council approves, conditionally approves, or denies the Specific Plan in accordance with the requirements of this Title.

- D. **Submittal Requirements.** Section 17.08.010 (Application Submittal) identifies the requirements for submittal of any application to the City for permit or entitlement. In addition to this general requirement, the City shall require, at a minimum, that the following be submitted for a Specific Plan:
1. A completed City application form indicating, among other things, the applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. Detailed project description;
 4. A draft of the proposed Specific Plan document and relevant map(s) that includes all of the necessary components as listed in Section 17.10.130.E (Contents); and
 5. Such other relevant information as may be requested by the City Planner or his or her designee in order to provide the Approving Authority with adequate information on which to base a decision.
- E. **Contents.** In addition to the State minimum content requirements of California Government Code Section 65451, the following items outline the City's content requirements for an application.
1. Statement of the relationship of the Specific Plan to the General Plan.
 2. Policies for development and standards for regulating development within the plan area.
 3. The proposed land uses for all areas covered by the plan.
 4. The types and configurations of buildings to be included in all developments within the plan area.
 5. The location of and types of streets.
 6. Public facilities and infrastructure required to serve developments within the Specific Plan area.
 7. A parking and circulation plan for off-street parking areas showing the location of parking lots, the approximate number of spaces, and the approximate location of entrances and exits.
 8. Proposed conservation, open space and/or recreation areas, if any.
 9. Any other programs, guidelines or standards appropriate for the area covered by the plan.
- F. **Environmental Review.** It is anticipated, under the California Environmental Quality Act and Guidelines, that most Specific Plans will require preparation of an Environmental Impact Report (EIR). Once certified, the EIR for a Specific Plan may be relied upon for further entitlements sought subsequent to adoption of the Specific Plan. Unless otherwise exempt, an initial study shall be prepared for all subsequent applications to determine whether a supplement to the EIR must be prepared. If a supplement to the EIR is determined not to be necessary, a Negative Declaration or Mitigated Negative Declaration shall be prepared.

- G. **Findings.** Specific Plans and any amendment thereto shall be approved/adopted only when the City Council makes the following findings:
1. The proposed Specific Plan is consistent with the General Plan goals, policies, and implementation programs.
 2. The land use and development regulations within the Specific Plan are comparable in breadth and depth to similar zoning regulations contained in this Title.
 3. The administration and permit processes within the Specific Plan are consistent with the administration and permit processes of the Zoning Code.
- H. **Adoption.** Adoption of the Specific Plan by Ordinance of the City Council shall constitute final action and approval of the Specific Plan. Authorization for construction in accordance with the Specific Plan may only be granted after the effective date of the adoption.
- I. **Delineation of Specific Plan Areas.** On the Zoning Map, a Specific Plan Zoning District shall be delineated in a manner similar to that of any other zoning district except that each SP-zoned area shall also bear a number, text, or other symbol which distinguishes it from other Specific Plan areas. See Section 17.26.020 (Specific Plan Zoning Districts).
- J. **Application of Specific Plan Development Requirements.** Where specific conditions of the Specific Plan are more restrictive than the Zoning Code development standards, the conditions of the Specific Plan shall apply. Where a standard is not addressed in the Specific Plan, the Zoning Code shall apply. (Ord. 423, §2, 2009)

17.10.140 Prezoning

- A. **Purpose.** The purpose of Prezoning is to establish the designation of land use by zoning district for unincorporated property adjoining the City, within the Sphere of Influence. This Section is consistent with California Government Code Section 65859.
- B. **Procedure.** The procedure, review, and action for Prezoning are the same as that established for a Zoning Code Amendment pursuant to Section 17.10.150 (Zoning Code Amendment). (Ord. 423, §2, 2009)

17.10.150 Zoning Code Amendment

- A. **Purpose.** The purpose of a Zoning Amendment is to allow modification to any provisions of this Title (including the adoption of new regulations or deletion of existing regulations) or to rezone or change the zoning designation on the Zoning Map for any parcel(s). This Section is consistent with California Government Code Section 65853.
- B. **Approving Authority.** The designated Approving Authority for Zoning Amendments is the City Council. The City Planner and Planning Commission provide recommendations and the City Council approves, conditionally approves, or denies the Zoning Amendment in accordance with the requirements of this Title.
- C. **Initiation of Amendment.** A Zoning Amendment to this Title may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by Zoning Amendment, or by recommendation

- of the City Planner to clarify text, address changes mandated by State law, maintain General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the City.
- D. **Submittal Requirements.** Section 17.08.010 (Application Submittal) identifies the requirement for submittal of any application to the City for permit or entitlement. In addition to this general requirement, the City shall require, at a minimum, that the following be submitted for a Zoning Code Amendment when initiated by the property owner(s) of parcel(s) to be affected by the Zoning Amendment:
1. A completed City application form indicating, among other things, the applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. Detailed project description;
 4. Maps showing the existing and proposed Zoning designations for the subject property(s) when the proposed Zoning Amendment is for a Map Amendment;
 5. The proposed text of the proposed Zoning Amendment when the proposed Zoning Amendment is for a Text Amendment; and
 6. Such other relevant information as may be requested by the City Planner or his or her designee in order to provide the Approving Authority with adequate information on which to base a decision.
- E. **Findings for Zoning Amendment (Text or Map).** Zoning Amendments shall be granted only when the City Council makes the following findings:
1. The proposed Zoning Amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.
- F. **Conditions/Restrictions.** When considering an application for a Zoning Amendment to rezone property, the City Council has the authority to impose restrictions on property including use restriction.
- G. **Action/Adoption.** Adoption of the Zoning Amendment by Ordinance of the City Council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon or after the effective date of the action.

17.10.160 General Plan Amendment

- A. **Purpose.** The purpose of a General Plan Amendment is to allow for modifications to the General Plan text (e.g., goals, policies, or implementation programs) or to change the General Plan land use designation on any parcel(s).
- B. **Approving Authority.** The designated Approving Authority for General Plan Amendments is the City Council. The City Planner and Planning Commission provide recommendations and the City Council approves, conditionally approves, or denies the General Plan Amendment in accordance with the requirements of this Title.
- C. **Frequency of Amendment.** Pursuant to Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.

- D. **Initiation of Amendment.** A General Plan Amendment may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by General Plan Amendment, or by recommendation of the City Planner to clarify text, address changes mandated by State law, maintain internal General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the City.
- E. **Submittal Requirements.** Section 17.08.010 (Application Submittal) identifies the requirement for submittal of any application to the City for permit or entitlement. In addition to this general requirement, the City shall require, at a minimum, that the following be submitted for a General Plan Amendment when initiated by the property owner(s) of parcel(s) to be affected by the General Plan Amendment:
1. A completed City application form indicating, among other things, the applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. Detailed project description;
 4. Maps showing the existing and proposed General Plan designations for the subject property(s) when the proposed General Plan Amendment is for a Map Amendment;
 5. The proposed text of the proposed General Plan Amendment when the proposed General Plan Amendment is for a Text Amendment; and
 6. Such other relevant information as may be requested by the City Planner or his or her designee in order to provide the Approving Authority with adequate information on which to base a decision.
- F. **Findings for General Plan Amendment (Text or Map).** In the event that a General Plan Amendment is requested by a private property owner, the applicant shall demonstrate to the City Council that there is a substantial benefit to be derived from such amendment.
- G. **Adoption.** Adoption of the General Plan Amendment by the City Council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon the effective date of the action. (Ord. 423, §2, 2009)

17.12 Interpretation

Sections:

- 17.12.010 Purpose
- 17.12.020 Applicability and Authority for Interpretations
- 17.12.030 Rules of Interpretation
- 17.12.040 Record of Interpretation
- 17.12.050 Appeals

17.12.010 Purpose

The purpose of this Chapter is to specify the authority and procedures for clarification of ambiguity in the regulations of this Title in order to ensure the consistent interpretation and application. (Ord. 423, §2, 2009)

17.12.020 Applicability and Authority for Interpretations

If ambiguity arises concerning the meaning or applicability of the provisions of this Title, it shall be the responsibility of the City Planner to review pertinent facts, determine the intent of the provision, and to issue an administrative interpretation of said provision(s) as specified in this Chapter:

- A. The classification of a particular use;
- B. The development standards applicable to a particular Zoning District or use; or
- C. Zoning boundaries. (Ord. 423, §2, 2009)

17.12.030 Rules of Interpretation

- A. **Terminology.** When used in this Title, the following rules apply to all provisions of this Title.
 - 1. **Language.** The words "shall", "must", "will", "is to", and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive. (Ord. 51 §2.00(part), 1958).
 - 2. **Tense and number.** The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
 - 3. **Conjunctions.** "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to..."
- B. **Zoning Regulations.** Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted.
- C. **Number of Days.** Whenever the number of days is specified in this Title, or in any permit, condition of approval, or notice issued or given as provided in this Title, the

number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.

- D. **Minimum Requirements.** When interpreting and applying the regulations of this Title, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

17.12.040 Record of Interpretation

Whenever the City Planner determines that an ambiguity in a zoning regulation exists or when an applicant requests an interpretation based on his or her judgment or understanding of the Chapter, the City Planner shall issue an official interpretation. Official interpretations shall be in writing and shall cite the provisions being interpreted together with an explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for interpretation. The City Planner shall make an interpretation based on his or her judgment and understanding of the current code.

Any provision determined by the City Planner to be ambiguous pursuant to this Chapter shall be clarified by amendment as soon as is practical. The City Planner shall maintain a complete record of all official interpretations available for public review, indexed by the Chapter number of this Title that is the subject of the interpretation, including all interpretations made by the Planning Commission and City Council. The applicant or property owner initiating the request for such interpretation shall receive a notice of action, including the record of interpretation and information regarding the City's appeal procedures. All recorded interpretations shall also be provided to the Planning Commission, City Manager, City Attorney, and City Council in writing. (Ord. 423, §2, 2009)

17.12.050 Appeals

Interpretations by the City Planner may be appealed to the Planning Commission as specified in Section 17.08.060 (Appeals). Following appeal, if the applicant disagrees with the Commission's determination, the applicant may appeal to the City Council. (Ord. 423, §2, 2009)

17.14 Enforcement

Sections:

- 17.14.010 Purpose and Intent
- 17.14.020 Enforcement Authority
- 17.14.030 Violation – Deemed Nuisance

17.14.010 Purpose and Intent

The purpose of these provisions is to identify enforcement authority and provisions for enforcement of this Title. (Ord. 423, §2, 2009)

17.14.020 Enforcement Authority

Enforcement of this Title shall be the responsibility of the City Planner or his or her designee. The City Planner shall investigate all matters of Zoning Code violations and, if a violation exists, the City shall take enforcement action pursuant to Chapter 1.10 (Administrative Enforcement Provisions) of the Municipal Code. (Ord. 423, §2, 2009)

17.14.030 Violation – Deemed Nuisance

Any building or structure, or any use of property contrary to or in violation of this Title is unlawful and is deemed a public nuisance. All nuisance abatement and enjoinder proceedings shall be conducted in accordance with Municipal Code Chapter 1.10 (Administrative Enforcement Provisions), as well as relevant provisions of State law. (Ord. 423, §2, 2009)

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17.16 Nonconforming Uses

Sections:

- 17.16.010 Purpose
- 17.16.020 Regulations to Apply
- 17.16.030 Building or Structure
- 17.16.040 Uses
- 17.16.050 Change to Conforming Use
- 17.16.060 Abandonment or Discontinuance
- 17.16.070 Change to Other Nonconforming Uses
- 17.16.090 Land
- 17.16.100 Signs, Billboards, Etc.
- 17.16.110 Nonconformance Due to Change of Regulations
- 17.16.120 Public Utilities
- 17.16.130 Building Under Construction
- 17.16.140 Reconstruction of Damaged and Nonconforming Buildings
- 17.16.150 Nonconformance Resulting from Amendments

17.16.010 Purpose

This Section provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Zoning Code or future amendments. It is the intent of this Zoning Code to discourage the long-term continuance of nonconformities, and provide for their eventual elimination, while allowing them to exist under the limited conditions outlined in this Chapter. (Ord. 423, §2, 2009)

17.16.020 Regulations to Apply

The regulations set forth in Sections 17.16.020 through 17.16.140 shall apply to all nonconforming buildings and structures, or parts thereof, and uses existing at the effective date of this Title. (Ord. 51 §16.05(part), 1958)

17.16.030 Building or Structure

Any nonconforming building or structure may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such building or structure, except as permitted in other Sections of this Title. (Ord. 51 §16.05 (A), 1958)

17.16.040 Uses

Any nonconforming use may be maintained and continued, provided there is no increase or enlargement of the area, space or volume occupied or devoted to such nonconforming use, except as otherwise provided in this Title. (Ord. 51 §16.05(B), 1958)

17.16.050 Change to Conforming Use

Any part of a building, structure or land occupied by a nonconforming use which is changed to or replaced by a use conforming to the provisions of this Title shall not thereafter be used or occupied by a nonconforming use. (Ord. 51 §16.05(0), 1958)

17.16.060 Abandonment or Discontinuance

Any part of a building, structure or land occupied by a nonconforming use, while use is abandoned, shall not again be used or occupied by such a nonconforming use. Any part of a building, structure or land occupied by such a nonconforming use, which use is discontinued for a period of one year or more, shall not again be used or occupied for a nonconforming use. (Ord. 51 §16.05 (D), 1958)

17.16.070 Change to Other Nonconforming Uses

If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification. (Ord. 51 §16.05(E), 1958)

17.16.090 Land

Every nonconforming use of land (where no main building is involved) existing at the time this Title becomes effective shall be discontinued within one year from the effective date of this Title or within one year from any amendments to this Title that cause a land use to be nonconforming. (Ord. 51 §16.05(G), 1958)

17.16.100 Signs, Billboards, Etc.

The City's policy for nonconforming signs, billboards, and other such structures shall be as defined in Chapter 17.42 (Signs on Private Property). (Ord. 423, §2, 2009)

17.16.110 Nonconformance Due to Change of Regulations

The provisions of Sections 17.16.010 through 17.16.090 shall also apply to buildings, structures, land or uses which here-after become nonconforming due to any reclassifications of zones under this Title or any subsequent change in the regulations of this Title; provided, that where a period of years is specified in Sections 17.16.010 through 17.16.090 for the removal of nonconforming buildings, structures or uses, said period shall be computed from the date of such reclassification or change. (Ord. 51 §16.05(2), 1958)

17.16.120 Public Utilities

The provisions of this Chapter shall not apply so as to prevent the modernization or replacement of public utility buildings, structures, equipment, and facilities where there is no change of use or increase in area of property so used. (Ord. 51 §16.05(J), 1958)

17.16.130 Building Under Construction

Any building or structure for which a building permit has been issued prior to the effective date of this Title may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within sixty days after the issuance of said permit and diligently prosecuted to completion. (Ord. 51 §16.06, 1958)

17.16.140 Reconstruction of Damaged and Nonconforming Buildings

If a nonconforming building or structure is damaged by fires, collapse, explosion, or acts of God, subsequent to the effective date of this Title, such building or structure may be reconstructed under the following terms: (1) all such reconstruction shall be performed under one building permit, (2) all such reconstruction shall be initiated within a period of one year from date of damage, and (3) all such reconstruction shall be diligently pursued to completion.

- A. If the expense of such reconstruction is less than or equal to 60 percent of the assessed value of the building or structure at such time just prior to the damage occurring, the building or structure may be reconstructed upon issuance of a ministerial building permit.
- B. If the expense of such reconstruction is more than 60 percent of the assessed value of the building or structure at such time just prior to the damage occurring, the building or structure may only be reconstructed upon issuance of a Conditional Use Permit from the designated Approving Authority. (Ord. 423, §2, 2009)

17.16.150 Nonconformance Resulting from Amendments

The provisions of this Title shall apply to uses which become nonconforming by reason of any amendment to this Title, as of the effective date of such amendment. (Ord. 51 §16.08, 1958)