

## DIVISION III: CITYWIDE STANDARDS

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## Chapter 17.64 General Site Standards

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### 17.64.010 Purpose

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The purpose of this Chapter is to prescribe site standards that apply, except where specifically stated, to development in all zones. General site standards shall be used in conjunction with the base standards for each zone established in Division II. In any case of conflict, the more restrictive standard shall control.

### 17.64.020 Accessory Structures

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- A. **Purpose.** This Section establishes development standards for accessory structures. The purpose is to recognize accessory structures as desirable and beneficial and to provide for such uses under certain circumstances by providing standards to protect the public health, safety, and welfare by maintaining safe distances between structures, establishing architectural compatibility between primary and accessory structures, and minimizing potential impacts associated with lot coverage, privacy, and maintenance of light and air space.
- B. **Applicability.** The provisions of this Section apply to:
1. Detached accessory structures including, but not limited to, carports, detached garages, sheds, workshops, gazebos, greenhouses, and pool houses.
  2. Attached accessory structures including, but not limited to, patio covers, sunshades, porte-cocheres, and porches and decks that are over 18 inches in height measured from grade.

3. This Section does not apply to secondary or accessory dwelling units. Secondary or accessory dwelling units are governed by the requirements of Chapter 17.84.030, Accessory Dwelling Units.

**C. Permits Required.**

1. A Building Permit (see Section 17.100.130, Building Permit) is required for all accessory structures 120 square feet or greater and all accessory structures requiring utility hookups, regardless of square footage.
2. A Building Permit (see Section 17.100.130, Building Permit) is required for any accessory structure that is attached to an existing structure, including a deck or trellis.
3. A Building Permit (see Section 17.100.130, Building Permit) is required for decks over 30 inches in height.
4. A Development Review Permit Tier 1 (see Section 17.100.050, Development Review Tier 1: Minor) is required for accessory structures over 120 up to 800 square feet and under 12 feet in height in residential zones and for accessory structures over 1,200 square feet in all other zones, or where an exception as provided in this Section is requested.
5. A Development Review Permit Tier 2 (see Section 17.100.060, Development Review Tier 2: Major) is required for accessory structures over 800 gross square feet in gross floor area or over 12 feet in height in residential zones or and accessory structures over 1,200 gross square feet in gross floor area in mixed-use, commercial, or employment zones.

**D. Requirements for All Detached Accessory Structures.**

1. Accessory structures may not encroach into recorded utility easements.
2. Accessory structures must be appurtenant to and incidental to a primary structure.
3. The cumulative floor area of an accessory structure(s) may be a maximum of 30 percent of that of the primary structure.
4. Accessory structures may not be located within required front or street side setbacks, except as otherwise allowed in this Section or Section 17.64.060, Projections into Required Setbacks.
5. Accessory structures shall be setback a minimum of four feet from an alley or as required to provide a minimum 24-foot clear back-up space if the alley provides vehicular access to the detached accessory structure.
  - a. *Exception.* A setback less than four feet may be allowed, where there is no vehicular access required to the structure, and where there is adequate vehicular, pedestrian, and public safety access in the alley.
6. Accessory structures shall not contain a permanent indoor kitchen (combination of a sink, cooking apparatus, and refrigeration appliance) or a full bath and may not be designed for full-time living or rental purposes.

- 7. Carports shall be constructed out of durable materials, match or complement the architecture of the primary structure and be built on a permanent foundation. Temporary carports are prohibited.
- 8. Accessory structures shall be oriented and designed to minimize visual impacts on adjoining properties. Placement of doors and windows shall be located to ensure the greatest extent of privacy to adjacent neighbors.
- 9. Accessory structures located in residential zones shall be of a compatible size, scale, and appearance so as to be in harmony with the character and quality of surrounding development.

10. ***Detached Accessory Structures in Residential Zones.***

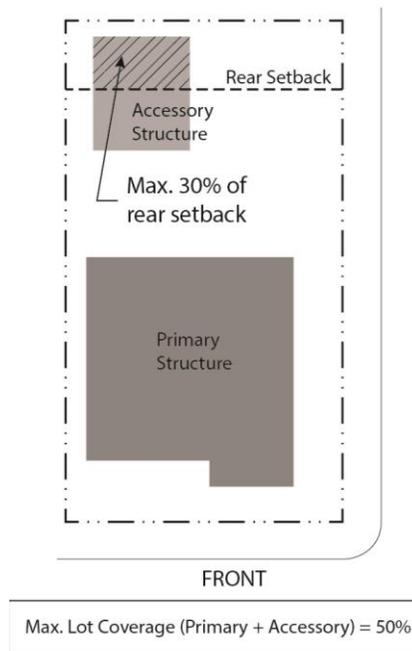
- a. *Placement.* All accessory structures shall be located on the rear one-half of the lot.
- b. *Building Separation.* All accessory structures shall be located at least six feet from any primary building or dwelling on the lot. An accessory structure closer than six feet to another structure may be considered through a Minor Modification request (see Section 17.100.110, Minor Modification).
- c. *Setbacks.* Accessory structures shall conform to the following setback requirements:

<b>Table 17.64.020.D-1: Accessory Structure Setbacks</b>	
<b>Eave Height at Point Closest to Property Line</b>	<b>Minimum Setback from Interior Side or Rear Property Line</b>
Less than 9 feet	3 feet
At least 9 feet but less than 10 feet	4 feet
At least 10 feet but less than 11 feet	5 feet
At least 11 feet but less than 12 feet	6 feet
12 to 16 feet (subject to review)	7 feet

- d. *Fire Access.* A minimum three-foot ingress/egress pathway into a backyard shall be maintained for fire access.
- e. *Height.* Accessory structures shall not exceed a maximum height of 16 feet.
  - i. *Exception.* A two-story accessory structure no greater than 25 feet in height may be allowed at the rear of a lot that abuts an alley but must comply with a minimum 10-foot side property line setback.
- f. *Roof Decks.* All roof decks along the project perimeter and abutting residential uses shall be stepped back a minimum of 5 feet from the roof edge and a minimum of 8 feet from the property line and shall include a minimum 42-inch solid rail or parapet, so that they are oriented away from and screened to prevent direct views of abutting residential neighbors. Roof decks facing/adjacent to a right-of-way or alley are not required to be stepped back.

- g. *Lot Coverage.* The total square footage of all accessory structures shall not occupy more than 30 percent of the required rear setback. Unless otherwise allowed in the base zone, maximum aggregate lot coverage by primary and accessory structures shall not exceed 50 percent.
- i. Roofless structures or structures with a latticed roof, such as pergolas, arbors, and trellises, are excluded from lot coverage but shall not occupy more than 60 percent of the required rear setback.

**FIGURE 17.64.020.D-1: ACCESSORY STRUCTURE LOT COVERAGE**



- 11. ***Detached Accessory Structures in Mixed-Use and Non-Residential Zones.***
  - a. *Height.* An accessory structure in a nonresidential zone shall not exceed the permitted height for principal buildings in the zone in which it is located.
  - b. *Setbacks.* Any accessory structures in a nonresidential zone shall conform to the building setback requirements for that zone.
  - c. *Building Separation.* Any accessory structure in a nonresidential zone over 120 square feet shall be located at least six feet from any building on the lot.
  - d. *Location.* Any accessory structure up to 120 square feet in a nonresidential zone shall be located to the side or rear of the primary building and not in front of the primary building.

**E. Requirements for Patio Covers.**

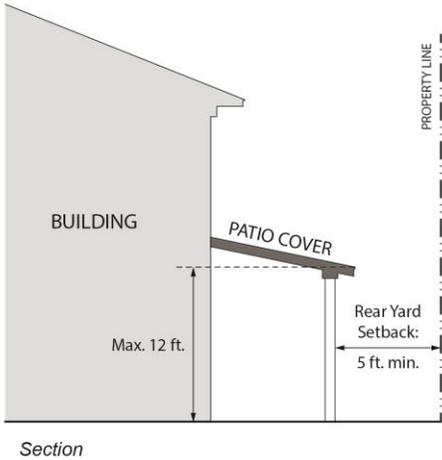
- 1. ***Setbacks.***
  - a. Front and street side setbacks of the base zone apply to patio covers.

- b. A minimum five-foot rear yard setback is required, measured from the nearest post/structural support to the property line.
- c. The minimum required interior side yard and rear yard setbacks shall be increased by one foot for every one-foot increase in patio cover height over 10 feet. If a patio cover is sloped or otherwise varies in height, the setback requirements for the side versus the front of the structure may vary depending on orientation to the nearest property line(s).
- d. Patio covers in residential zones shall conform to the following setback requirements:

Table 17.64.020.E-1: Patio Cover Setbacks	
Height at Point Closest to Property Line	Minimum Setback from Interior Side or Rear Property Line
Less than 11 feet	5 feet
At least 11 feet but less than 12 feet	6 feet
12 feet (Maximum Height)	7 feet

- 2. **Height.** Patio covers shall not exceed 12 feet in height. An exception to the 12-foot height limit may be granted by the Director if a taller cover is required to match the architectural style and roof pitch of the primary structure or as necessary to tie-in structurally to the primary structure as long as setbacks requirements are otherwise met and the Director finds that the increased height will not negatively impact adjacent residential properties.

FIGURE 17.64.020.E-1: PATIO COVERS AND SUNSHADE SETBACK AND HEIGHT

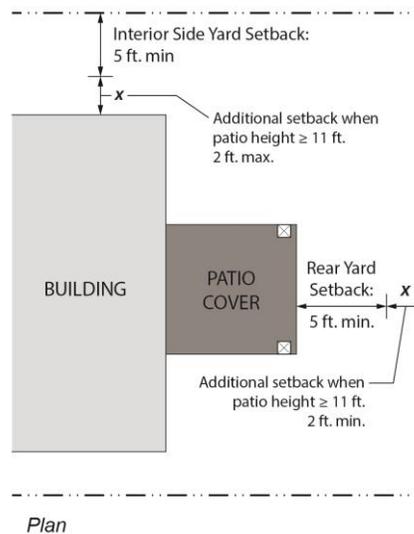


- 3. **Eaves and Projections into Required Setback Area.** Eaves, rain gutters, and other architectural features may project 24 inches into the required setback subject to applicable building and fire/life safety requirements as provided in Section 17.64.060, Projections into Required Setbacks.

4. **Yard and Lot Coverage.**

- a. Patio covers with a solid or impervious roof/cover shall count toward the lot coverage calculation.
- b. Patio covers with a permeable (i.e., open lattice style) or semi-transparent roof/cover are excluded from the lot coverage calculation.
- c. Solid cover residential patio covers may use up to 40 percent of the required rear setback as measured by the roof/covering dimensions.

**FIGURE 17.64.020.E-2: PATIO HEIGHT AND REAR AND SIDE SETBACK**



5. **Design.**

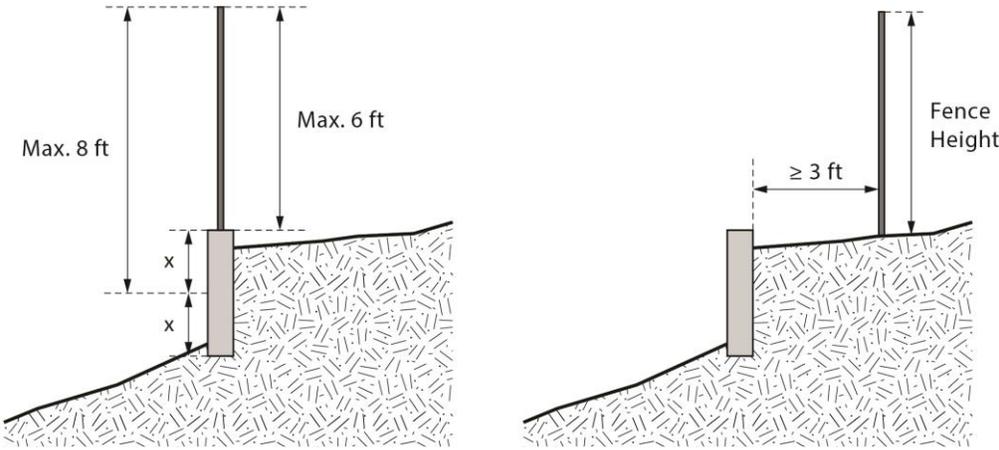
- a. Patio covers shall not be enclosed by any walls, partial solid panel wainscoting, and/or glazing, except for the walls adjoining primary and /or accessory building(s), which may not constitute more than two of the four sides of the patio structure.
- b. Patios shall be open structures that are at least 80 percent transparent.
- c. Patios shall not be conditioned space but may be fitted with removable clear plastic or screen mesh.
- d. Metal “lean-to” structures and similar metal structures are prohibited in residential zones.

**17.64.030 Fences, Walls, and Hedges (Updated)**

- A. **Purpose.** The purpose of this Section is to recognize well-designed fencing as a necessary site feature that can enhance the visual appearance of properties. Requirements ensure safe sight lines and minimize potential negative visual impacts or hazards of tall or unsightly fences, walls, and retaining walls.

- B. **Applicability.** The requirements of this Section apply to all fences, walls, hedges, and similar structures. For specific and modified fencing standards in the Spring Lake Specific Plan area, see the standards in the Spring Lake Specific Plan.
- C. **Permits Required.**
  - 1. All fences and walls over six feet in height and all retaining walls 36 inches or greater in height require a Building Permit (see Section 17.100.130, Building Permit).
  - 2. All fences and walls within the public right-of-way require an encroachment permit and shall be subject to all requirements of this Section in addition to any Public Works requirements.
- D. **Fence, Wall and Hedge Height and Placement.** Fences, walls, and hedges shall comply with the height and placement standards below, unless more restrictive standards are required by an operative plan, an adopted policy, or a condition of approval for a project or subdivision.
  - 1. **Fence and Retaining Wall Combinations.** Where a fence is located at the top of a retaining wall required to address grade differential, and a six-foot maximum height fence is normally applicable, the Director may allow a combined height of fence and retaining wall up to eight feet, as measured from the mid-point of the retaining wall to the fence top. Where the fence is offset from a retaining wall by at least three feet, the fence height shall be measured from finished grade to the fence top.

FIGURE 17.64.030.D-1: FENCE AND RETAINING WALL COMBINATIONS

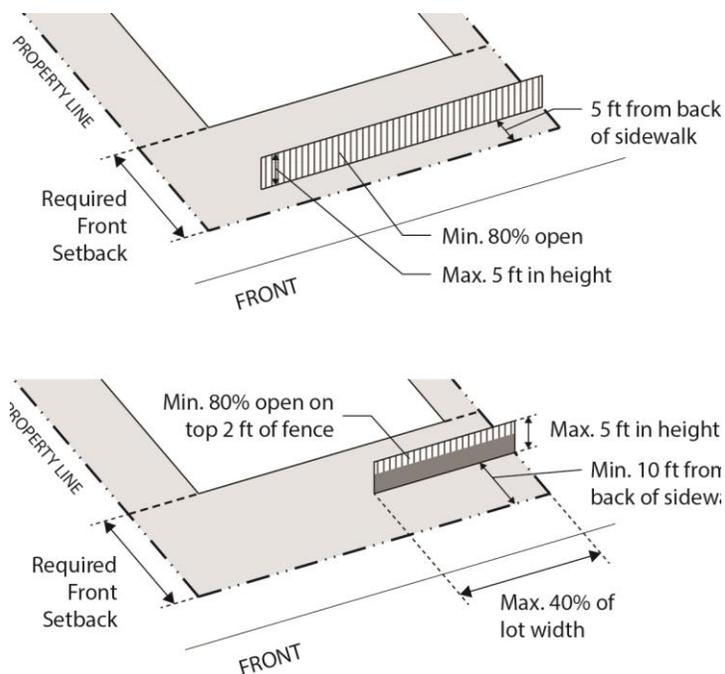


- 2. **Front Setback.**
  - a. Solid fences, walls, and hedges located within a required front setback or along the front yard property line may be a maximum of three feet six inches in height. See Section 17.64.040, Landscaping for landscaping requirements adjacent to street-facing walls and fences.
  - b. **Exceptions. (New)**
    - i. **Downtown Zones.** A wrought iron or powder coated/integral color tubular steel fence, or other equivalent material approved by the

Director (Tier 1 Development Review), up to five feet in height may be installed within a required front or street side setback provided the fence is a minimum of 80 percent open (no more than 20 percent opaque) and setback a minimum of five feet from the back of sidewalk.

- a) A landscaped and irrigated planting strip composed of groundcover, shrubs, and/or trees, shall be provided along the base of that portion of the fence that abuts the public street or public right-of-way. The remaining setback area between the fence and property line shall be landscaped and maintained in a healthy and growing condition. In no case shall fencing block required access or sight visibility.
- ii. Downtown and N-P Zones. In the Downtown and N-P zones, fencing may follow a historically established pattern and location of fencing provided sight visibility, safety and public welfare are not impacted, as determined by the Director.
- iii. Residential Zones RL, N-P, RLM. A fence up to five feet in height may be located five feet from the back of sidewalk provided the fence in its entirety is open a minimum of 80 percent (no more than 20 percent opaque), such as black and tubular steel. A fence up to five feet in height may be located a minimum of 10 feet from the back of the sidewalk provided the top 2 feet are open a minimum of 80 percent (no more than 20 percent opaque) and may not extend more than 40 percent across the front width of the property. The area between the fence and the public right-of-way- shall be landscaped and maintained.

**FIGURE 17.64.030.D-2: FENCE HEIGHT IN R-L, N-P, R-LM FRONT YARDS**



- iv. *Multi-unit (RM and RH), Mixed-use (CMU, CCMU), Commercial (RC, RCF) and Employment (IF, IG, and BP) Zones.* A decorative, wrought Iron, power coated/integral color tubular steel, or other equivalent material approved by the Director, fence up to six feet in height may be located 10-feet from the back of sidewalk, provided the fence is a minimum of 80 percent open (no more than 20 percent opaque) and set back a minimum of 10 feet from the back of sidewalk. In no case shall fencing block required access or sight visibility.
  - a) A landscaped and irrigated planting strip composed of groundcover, climbing vines, shrubs, and trees, shall be provided along the base of that portion of the fence that abuts the public street or public right-of-way. The remaining setback area between the fence and property line shall be landscaped and maintained in a healthy and growing condition.
  - b) If necessary for security purposes, as determined by the Director, tubular steel, or equivalent open welded metal fencing, may be placed at the back of sidewalk (or if no sidewalk, then property line) in the RCF, IF, IG, and BP zones as long as the required landscaping is visible through the fencing.
- v. Columns, pilasters, and support structures, and the decorative elements attached to them associated with a fence or gate located on

or within required setbacks may exceed the height limit provided they meet the following criteria:

- a) They do not exceed seven feet in height;
- b) They are not located closer than 12 feet on center;
- c) The fencing materials do not cumulatively exceed the see through fence standard, where applicable; and
- d) They do not interfere with the sight visibility area associated with any street or driveway.

3. **Street Side.**

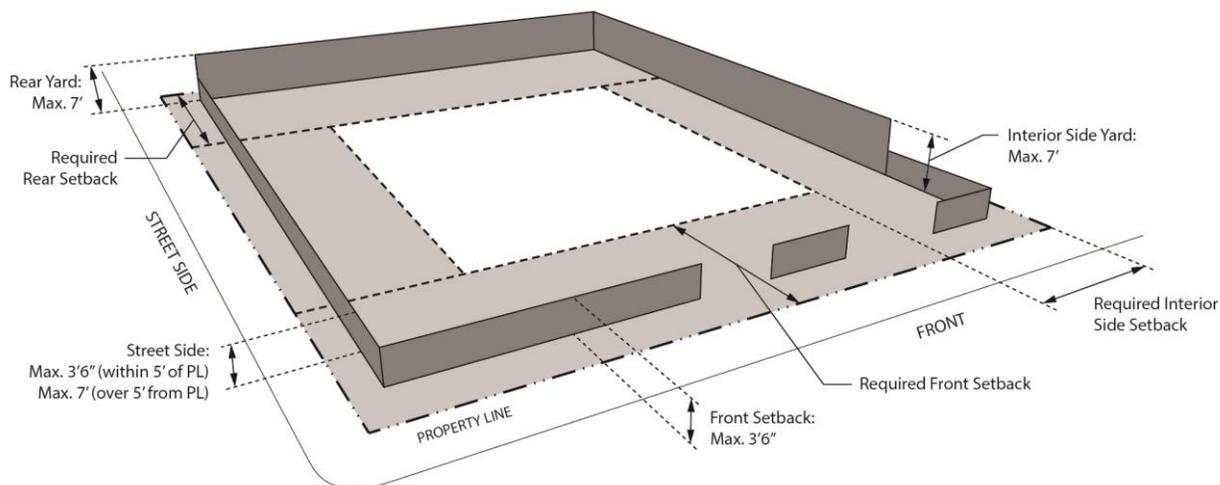
a. Fences, walls, and hedges within five feet of the street side property line may be a maximum of three feet six inches in height. Fences, walls, and hedges located more than five feet from the street side property line may be a maximum of seven feet in height.

i. *Exception.* When the primary structure is located within the five-foot setback, a fence up to seven feet is allowed where the fence is parallel to the street and represents an extension of the primary structure's façade.

b. See Section 17.64.040, Landscaping for landscaping requirements adjacent to street-facing walls and fences.

4. **Rear and Interior Side Setbacks.** Fences, walls, and hedges behind the required front setback within the interior side and rear setback areas may be a maximum of seven feet in height.

**FIGURE 17.64.030.D-3: FENCE, WALL, AND HEDGE HEIGHT**



5. **Intersection and Driveways.** Notwithstanding other provisions of this Section, fences, walls, and hedges shall comply with Section 17.64.110, Visibility at Intersections to ensure adequate site visibility.
  6. **Additional Fence Height.** In nonresidential zones, additional fence height up to eight feet may be considered by the Director (Development Review Tier 1) if located outside of a required front setback and more than five feet from a street side lot line, provided that the Director determines that the additional height is necessary due to specific circumstances related to on-site safety and security and the fence is designed appropriately to minimize negative visual impacts to neighboring properties.
- E. **Double Fence/Walls. (New)** Double walls or fences are prohibited unless the Director finds that:
1. The existing fence is not adequate to provide basic privacy, safety, security, and it is not possible to remove the established fencing material; and
  2. The new fence has been designed to allow access for maintenance and cleanout of the space between the two fences and minimizes the gap to the smallest extent possible to reduce the potential for rodents, debris accumulation, and other nuisance problems.
- F. **Fence and Wall Materials and Design. (New)**
1. Perimeter fencing utilized along a public street shall be constructed of material such as iron, pre-painted welded steel, brick, wood picket, or other similarly durable material.
  2. Fence posts shall be set in concrete.
  3. All wood fencing posts shall be either wood or galvanized metal covered in wood and stained with a semi-transparent or opaque treatment.
  4. Each fence or wall adjacent to the public right-of-way shall be stained, painted, or treated with a graffiti-resistant coating.
  5. **Limitations on Chain-Link Fencing.**
    - a. *Location.* Chain-link fencing is prohibited in Residential and Downtown Zones.
    - b. *Visibility.* Chain-link fencing shall not be located in a front or street side yard setback area, or where visible from the street, a state highway, or an adjacent Residential zone. Exceptions may be granted by the Director in the IG and IF zones for powder coated chain link.
    - c. *Exception.* Welded horizontal and vertical “hog” wire or steel cable, that is supported by either a decorative capped stained wood fence frame or decorative welded tubular steel posts and frame, or other similarly architecturally designed fence, may be allowed as a fencing material, subject to Tier 1 Development Review.

6. **Limitations on Concrete/Masonry Block.**
  - a. Plain, concrete block is not permitted as a fencing or wall material along arterials and collectors, in any residential zone, or any area where walls are required as a condition of approval.
  - b. Concrete block must be finished with stucco or be of a decorative material and capped with a decorative cap. Other materials may be approved by the Director should the design provide an enhanced appearance.
7. **Prohibited Fencing Materials.** The following fence materials are prohibited in all zones
  - a. Barbed wire or electrified security fence, except for security purposes as outlined in Subsection 17.64.030.F.7.f, Exception below.
  - b. Razor or concertina wire, climb-proof spikes, or other hazardous fencing in conjunction with a fence or wall, or by itself.
  - c. Electrified fence for animal control.
  - d. Improvised security materials such as broken glass or nails.
  - e. Improvised materials such as plywood, particle board, paper, plastic tarp, cloth, or secondhand material not designed for fencing, or other similar material.
  - f. *Exception. (New)* An exception to fence types listed in Subsection A or B may be considered for sites in Employment Zones, in the CMU-Flex zone, and in the Regional Commercial Flex zone east of Quality Circle only, where the Director finds such fencing if necessary for security purposes. Exceptions shall be considered through a Development Review Tier 3, Zoning Administrator review process (see Section 17.100.070, Development Review Tier 3) and are subject to the following provisions:
    - i. Hazardous or electrified security fencing shall not be permitted within 100 feet of a residential property or facility where children are routinely present.
    - ii. Hazardous or electrified security fencing shall be setback a minimum of 75 feet from any segment of Main Street. A setback exception may be considered along E. Main Street, east of Quality Circle, where existing semi-truck/trailer parking areas are located closer to Main Street. (Non-electrified security fencing that resembles electrified security fencing shall similarly be setback a minimum of 75 feet from any segment of Main Street, unless the encroaching portion is equal height with the exterior fence.)
    - iii. The hazardous or electrified security fencing materials are located at the top portion of or behind a legally established fence which is at least five feet in height, but not more than eight feet in height, subject to fence height regulations described in this Chapter.

- iv. Electrified security fencing shall meet all applicable standards as established in California Civil Code § 835.
  - v. Required warning signs shall be set at the maximum separation requirements established in California Civil Code § 835.
  - vi. Electrified security fencing shall not extend taller than eight feet in height within 80 feet of the front property line; and may not extend taller than 10 feet in height if setback further than 80 feet from the front property line. Non-electrified security fencing that resembles electrified security fencing shall at no time exceed eight feet in height and shall meet otherwise applicable fence setback requirements.
- G. **Entry Gateway.** One entry gateway, trellis, arbor, or other entry or decorative feature is permitted in the required front yard or street facing side yard of each lot, provided that the maximum height or width of the structure does not exceed ten feet and the maximum depth or width does not exceed six feet.
- H. **Temporary Fencing.**
  - 1. **Temporary Construction Fencing.** Temporary construction fencing may be required by the designated approving authority where necessary to protect trees or other sensitive features and the general public from construction activity during site preparation and construction. Temporary fencing shall be removed after 90 days once construction is complete. See Section 12.48.130, Tree preservation of established trees, heritage oak trees, specimen trees and landmark trees as part of development projects or on vacant/undeveloped commercial and residential property.
  - 2. **Temporary Security Fencing.** Temporary security fencing (including chain link) with a maximum height of six feet may be installed around the property lines of vacant property with approval from the Director. Properties shall be maintained in a condition free from weeds and litter.
- I. **Gates.** All driveway gates shall be placed to allow adequate “throat depth” for all driveways to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. The installation of driveway gates requires Development Review Tier 1 approval (see Section 17.100.050, Development Review Tier 1), and if they are electrically operated, a Building Permit is required (see Section 17.100.130, Building Permit).
- J. **Swimming Pool Fences.** Swimming pools, spas, and other similar water features shall be fenced in compliance with the adopted Building Code.
- K. **Sound Walls.** Wherever sound walls are required to mitigate sound impacts adjacent to streets, the following standards shall apply. These standards do not preclude the use of other innovative methods of project design utilizing greater setbacks, building design, or mounding.
  - a. **Setbacks.** Walls shall be set back a sufficient distance from the ultimate public street right-of-way in accordance with sound attenuation and landscaping. The area between the right-of-way and the wall shall include a public sidewalk and landscaping, including canopy street trees.

- b. **Materials.** Walls shall be constructed of brick, concrete, or decorative masonry material. Walls and fences shall be made of durable materials, be graffiti resistant, and require limited ongoing upkeep and maintenance.
  - c. **Height.**
    - i. Walls shall be six feet in height along the roadway side, unless additional height is needed as documented by a noise study, required to conform to environmental mitigation measures, or the noise element of the General Plan.
    - ii. Walls required to be greater than 6 feet in height shall be constructed utilizing soil mounding, or other techniques, to reduce the apparent height from the roadway. The mounds shall not exceed a 3:1 slope. Drainage shall be contained so that there is no sheet flow of water onto the sidewalk.
  - d. **Maintenance.** A funding method to provide for the long term, ongoing maintenance of the wall and landscaped area shall be submitted and approved by the City prior to the construction of the wall.
  - e. **Walls adjacent to CalTrans Right-of-Way.** Walls located adjacent to CalTrans rights-of-way shall utilize the CalTrans sound wall design criteria and the CalTrans standard construction drawings of approved sound wall types.
- L. **Screening of Outdoor Uses.** All outdoor uses shall be adequately screened in accordance with Chapter 17.70, Screening Standards.

#### 17.64.040 Landscaping (Updated)

- A. **Purpose.** The purpose of this Chapter is to:
  1. Promote an attractive visual environment requiring permanently maintained landscaping;
  2. Promote a transition between land uses and minimize or eliminate conflicts between potentially incompatible uses through landscaping;  
Soften the appearance of parking lots and other development;
  3. Promote conservation and efficient use of water through proper plant selection and placement and to decrease high summer temperature by blocking heat and glare;
  4. Provide opportunities for carbon sequestration;
  5. Preserve existing established tree canopy; and
  6. Implement the Water Conservation in Landscaping Act.
- B. **Applicability.** The regulations of this Section apply to all new development and improvement of existing uses in the City, including any construction, expansion, or improvement on private property, which requires the issuance of a Building Permit (see Section 17.100.130, Building Permit) or other approval by the City. Specific applications are as follows:

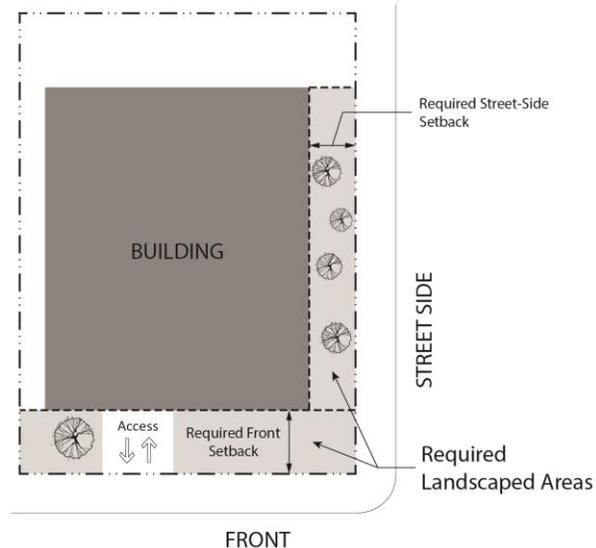
## Division III: Citywide Standards

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1. New nonresidential projects, multifamily residential projects, and single-family residential subdivisions.
  2. Modification to an existing nonresidential development project that proposes an increase in building square footage by 10 percent or more. In this case, the designated approving authority for design review shall evaluate the existing landscape to ensure compliance with applicable provisions of this Chapter as deemed necessary.
  3. New and rehabilitated nonresidential and multifamily residential landscaping projects that include new irrigated landscaping over 500 square feet.
  4. Change of occupancy of an existing building requiring a change of occupancy permit as defined by the Building Code.
  5. An unpaved area proposed to be used for parking.
  6. The removal of existing trees on vacant/undeveloped, multi-unit, or non-residential projects. See also Woodland Municipal Chapter 12.48, Trees.
  7. Any other permit when the Director deems it necessary.
- C. **Permits Required.**
1. A landscape plan is required in conjunction with project entitlement review identified in Section B above.
  2. Development Review Tier 1 (see Section 17.100.050, Development Review Tier 1) is required for any new or rehabilitated landscaping.
- D. **Other Applicable Requirements.** In addition to the provisions of this Section:
1. California Green Buildings Standards Code (CalGreen);
  2. California Model Water Efficient Landscape Ordinance (MWEL0);
  3. California Plumbing Code (CPC) may apply to landscape plans at the time of plan review submittal for building, landscaping and/or plumbing permits. Where there is a conflict between CalGreen, MWEL0, and CPC and this article, the state requirements prevail;
  4. Development Engineering Post Construction Standards Plan;
  5. Woodland Municipal Code Chapter 12.48, Tree Preservation; and
  6. Woodland Municipal Code Chapter 13.32, Water Conservation.
- E. **Areas to be Landscaped.** The following areas shall be landscaped and may count toward the total area of the site required to be landscaped by the zoning regulations.
1. **Landscape Area Requirements.** Minimum landscape area (net lot area) requirements by zone, inclusive of parking lot landscape requirements, are as follows:
    - a. *R-H Zone.* 20 percent.
    - b. *CMU-WM, CMU-E, CMU-K, CMU-G, and CMU-F Zones.* 10 percent.
    - c. *CMU-A, CCMU, and NMU Zones.* 15 percent.

- d. *RC-F Zone.* 15 percent.
  - e. *IF, IG, and BP Zones.* 15 percent.
2. **Required Front and Street-Facing Setbacks.**
- a. All required front and street-facing side setbacks, except for areas used for parking, exit and entry, shall be landscaped.

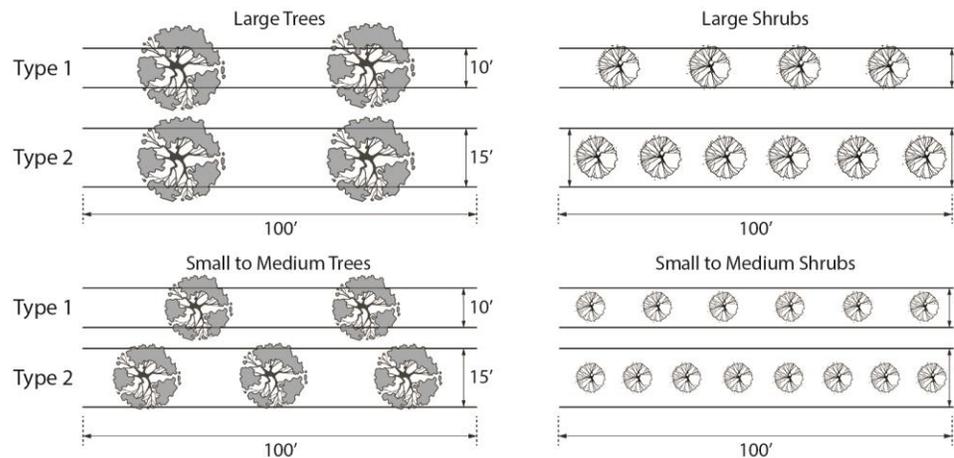
**FIGURE 17.64.040.E-1: AREAS REQUIRED TO BE LANDSCAPED**



- b. *Street Adjacent Walls and Fencing.* A landscaping area shall be installed adjacent to that portion of the wall or fence that fronts a public street between the fence or wall and the property line. All plants shall be properly planted, irrigated, and maintained in accordance with Section 17.64.040, Landscaping.
  - c. For additional landscape buffer requirements in the IF zone, see Section 17.56.0670.M, Additional Site Design Standards in Employment Zones (IF, IG, and BP).
3. **Interior Side and Rear Common Property Lines.**
- a. Whenever a development is located adjacent to a zone with a lower maximum intensity, a landscape buffer planted with a mix of trees and shrubs shall be provided along the interior property lines. Tables 17.64.040.E-1, Required Common Property Line Buffers and 17.64.040.E-2, Common Property Line Buffer Types indicate when a buffer treatment is required and what type, based on the abutting zone.
  - b. Required screen planting shall have a 75 percent summer opacity and 60 percent winter opacity within three years of planting.

Table 17.64.040.E-1: Required Common Property Line Buffers						
Zone	Adjoining Zone					
	Public or Open Space Zones	R-L or N-P Zone	R-LM, R-M, and R-H Zone	Downtown or Mixed-Use Zone	Commercial Zone	Employment Zone
Public or Open Space Zones	-	Type 1	Type 1	Type 1	-	-
R-L or N-P Zone	-	-	-	Type 1	Type 2	Type 2
R-LM, R-M, and R-H Zone	Type 1	Type 1	-	-	Type 1	Type 2
Downtown or Mixed-Use Zone	Type 2	Type 2	Type 2	-	-	Type 1
Commercial Zone	Type 2	Type 2	Type 2	Type 1	-	-
Employment Zone	Type 2	Type 2	Type 2	Type 2	Type 2	-

Table 17.64.040.E-2: Common Property Line Buffer Types

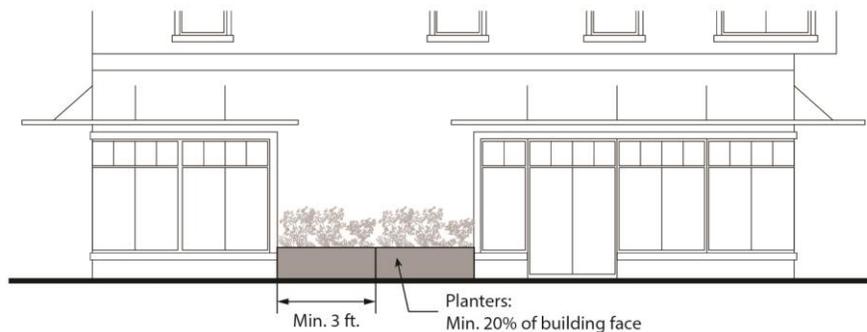


Buffer Yard Type	Minimum Width	Trees per 100 linear feet of Buffer		Shrubs per 100 linear feet of Buffer		Fencing
		Large	Small to Medium	Large	Small to Medium	
Type 1	10 ft	2	2	4	6	Wood or masonry

Type 2	15 ft	2	3	6	8	Masonry
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- c. **Alternative Buffering or Screening.** Alternative means of achieving buffering or screening as required in Tables 17.64.040.E-1, Required Common Property Line Buffers and 17.64.040.E-2, Common Property Line Buffer Types may be considered by the Director or applicable approval authority provided the alternative will achieve the intended purpose for the buffering or screening. Alternative screening measures include, but are not limited to landscaping, alternate window, and balcony placement, incorporating wing walls or louvers, using glass block or other translucent material, or building placement.
- 4. **Building Perimeters.** The portions of a nonresidential building that front a public street shall have one or more landscape planters installed along a minimum 20 percent of that building face. The minimum width of the planter shall be three feet or the entire distance between the building and the property line, whichever is less.
  - a. **Exception.** Not applicable to the DX zones.

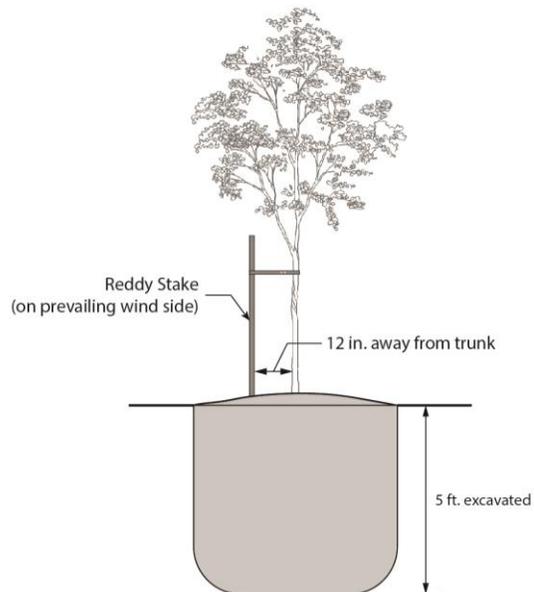
**FIGURE 17.64.040.E-2: BUILDING PERIMETER LANDSCAPING**



- 5. **Interior Areas.** All open areas in the interior of a project site shall be landscaped with appropriate plant materials and maintained in good condition as provided in this Code.
  - 6. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or hydro seeded. The Director may waive this requirement for areas planned for near-term future development.
  - 7. **Parking Areas.** Parking areas as required by Section 17.68.090, Parking Area Development and Design Standards.
- F. Required Parking Area Landscaping.**
- 1. **Minimum Landscaped Area in Parking Areas.** A minimum of six percent of the interior portion of a required parking area shall be landscaped in addition to any shading or other requirements.
  - 2. **Landscaping Between Parking Areas and Non-Residential Entrances.** A landscaped area at least three feet in width is required between a non-residential entrance and abutting parking area.

3. ***Parking Area Landscaping along the Public Right-of-Way.***
  - a. Along the public right-of-way adjacent to any street front parking there shall be a minimum landscape strip eight feet wide.
  - b. Portions of the right-of-way landscape strip may be reduced to five feet when in the opinion of the Director the following conditions are met:
    - i. The total amount of required landscaping, as calculated by applying the eight-foot width requirement, is met along the same street frontage;
    - ii. The reduction does not preclude the requirement for adequate shading or screening of the parking area; and
    - iii. The reduction in required width does not impede any other landscape requirement.
4. ***Minimum Planter Sizes Within Parking Areas. (Updated)***
  - a. For each tree, a minimum six-foot by six-foot tree well or a planting area a minimum six feet in width shall be provided in an island or finger.
  - b. A planter strip, perpendicular to the cars or any planter island/finger, shall be a minimum of five feet by eight feet.
  - c. Planter dimensions are measured from the interior side of the curb.
  - d. Where large shade tree species as defined in Subsection 17.64.040.G.16, Trees, below are proposed, fewer planter areas may be considered, subject to Director approval as long as resulting planter areas are larger, such as 12 feet in length by 12 feet in width, and provided that the shade tree requirements of Section 17.64.040.G, Landscape Plans are met.
5. ***Parking Lot Tree Planting Requirements.***
  - a. Trees shall be staked with “Reddy Stake” or equal set 12 inches away from trunk on the prevailing wind side. Nursery stakes shall be removed when setting Reddy Stake. Stakes shall be removed once trees can stand by themselves.
  - b. The entire tree planting area shall be excavated to a depth of five feet. Planter shall be backfilled with native soil and necessary amendment prior to planting.

FIGURE 17.64.040.F-1: PARKING LOT LANDSCAPING



G. **Landscape Plans.** A landscape plan showing compliance with the standards of this Chapter shall be submitted with the permit application for all projects for which landscaping is required. The following may be required, as clarified in the application requirements, as part of the plan set subject to application submittal requirements and the Director's determination; landscape plan, landscape grading plan, irrigation plan, and shading plan.

1. **Information Required.** Landscape plans shall be drawn to scale and shall at a minimum include the following:
  - a. Proposed plant locations, species type and common name, sizes, quantities, growth rate, and water consumption factor.
  - b. Plants with similar water needs shall be grouped together on the landscape plan. The plant factor, established in the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS) shall be identified for all landscaped areas on site.
  - c. Proposed landscape features (mounds, stepping stones, benches, sculptures, decorative stones, or other ornamental features) locations, dimensions, and materials.
  - d. Proposed landscape structures (sheds, trellises, arbors, gazebos, fire pits, fireplaces, built-in barbecues, decks, retaining walls, and seat walls) locations, dimensions, and materials.
  - e. Location and diameter of any existing trees over six inches in diameter, as measured at 48 inches above natural grade, and whether such tree is proposed for retention or removal.
  - f. Any erosion control or water runoff measures.

- g. Shade coverage as required in Section 17.64.040.H, General Landscaping Requirements and Section 17.64.040.I, Shade Requirements. At minimum shade plans shall include:
    - i. All surface areas, trees drawn to scale representing canopy size at 15 years;
    - ii. Percentage of the tree crown for each tree that will result in shading over the parking or right-of-way surface.
    - iii. Trees shall receive 25 percent, 50 percent, 75 percent, or 100 percent shading credit based on their location relative to paved surface. Where canopies overlap, they may not be counted twice.
    - iv. Include a table identifying the quantity and type of trees used and the percentage of shade credited to each.
  - h. Planting details and methods of application shall be shown.
  - i. Construction detail referencing shall be indicated.
2. **Preparation by a Qualified Person.** Landscaping for commercial projects and institutional projects and residential projects consisting of more than four units shall be prepared by a California Registered landscape architect. The architect shall indicate compliance with this Chapter with a written statement on all prepared landscape construction plan sets and intended compliance on all preliminary or conceptual plans.

H. **General Landscaping Requirements.**

- 1. **General.**
  - a. Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design, public views, and spaces, and providing buffers, transitions, and screening.
  - b. Planting design shall have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.
  - c. Required landscaped areas shall be planted with a combination of ground covers, shrubs, vines, and trees.
  - d. Landscaping may include incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscape setting.
  - e. Landscaped areas may include paved or graveled surfaces, provided they do not cover more than 30 percent of the area required to be landscaped.
  - f. Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
- 2. **Required Water Efficient Plants.** Plants shall be one of the following options to ensure that the landscape project meets water efficiency requirements as certified by a qualified landscape professional.

- a. *Option A: All Low Water Plants.* Exclusive of edible garden areas, all plants and trees shall be low or very low water use (California Department of Water Resources, Water Use Classification of Landscape Species (WUCOLS) plant factor of 0.3). Option A is available for all residential, mixed-use, and non-residential areas.
  - b. *Option B: Primarily Low Water Plants.* Exclusive of edible and decorative garden areas, at least 85 percent of the landscape area shall contain low or very low water use plants (average WUCOLS plant factor of 0.3). Option B is only available for residential-only areas.
  - c. *Option C: Water Use Calculation.* The estimated total water use (ETWU) of the landscaping shall not exceed the maximum applied water allowance (MAWA), calculated pursuant to the State Water Efficient Landscape Ordinance (MWELO). Option C is available for all residential, mixed-use, and non-residential areas.
    - i. Department of Water Resources Model Water Efficient Landscape Ordinance Compliance Required. Where Option C is selected, all requirements of the Department of Water Resources Model Water Efficient Landscape Ordinance shall apply.
3. **Hydrozones.** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun, and light), and maintenance needs.
  4. **Drought-Tolerant Species.** Drought tolerant species and California native species are to be used to the maximum extent possible over non-drought tolerant and nonnative species.
  5. **Invasive Plants Prohibited.** Plant species that are listed by the California Invasive Plant Council (CAL-IPC) as invasive are prohibited. Existing invasive plants and noxious weeds shall be removed.
  6. **Landscaping Adjacent to Paved Areas.**
    - a. All landscaped areas located adjacent to driveways, loading areas, parking lots and sidewalks shall be protected along the parking lot side with curbs or wheel stops. Alternative treatments may be considered.
    - b. A six-inch high curb with a 12-inch wide concrete walkway shall be constructed along planters on end stalls adjacent to vehicle parking spaces.
  7. **Landscaping in Public Areas.** Public landscaping, including street trees, shall comply with City Standard Specifications.
  8. **Preservation of Mature Trees.** Existing mature trees on the site shall be preserved whenever it is possible and practical to do so. Site designs shall be prepared to preserve existing trees to the extent possible.
  9. **Heritage Oak Trees.**
    - a. Applicant shall take measures to keep drainage flow around existing Heritage Oak Trees as close to natural state as possible.

- b. Applicant shall take measures to preserve the area to at least one foot outside the dripline of existing heritage oak trees in a natural state.
  - c. Native oaks may be surrounded with a variety of shade-tolerant native plants or alternative planting, design, or materials at the Director's discretion and in consultation with the City's Arborist.
10. **Mulch.** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seedling applications where mulch is contraindicated.
11. **Compost.** Compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contraindicated by a soil test) shall be incorporated.
12. **Stormwater/Retention.** Subject to Development Review, landscaped areas and setbacks may be used for stormwater management practices provided tree planting and canopy shading requirements are met. Additional planter spacing may be required. Areas designated for landscape-based stormwater treatment must satisfy the Stormwater Permit requirements of Chapter 8.08, Urban Stormwater Quality Management and Discharge Control.
13. **Water Features.** Recirculating water shall be used for all decorative water features.
14. **Turf.** Turf defined as a ground cover surface of mowed grass is subject to the following limitations.
- a. No more than 25 percent of landscaped area may be turf.
  - b. Installation of turf on slopes greater than 25 percent is prohibited.
  - c. Prohibited in locations that are less than 10 feet wide.
  - d. Shall be heat tolerant and lowest water use species available.
  - e. Synthetic turf material may be used in place of any proposed turf areas provided synthetic material is located a minimum of six feet from any tree.
15. **Shrubs and Ground Covers.** Plants shall be of the following size and spacing at the time of installation:
- a. *Ground Covers.* Ground cover plants other than grasses must be at least a four-inch container size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of one per twelve inches on center.
  - b. *Shrubs.* Spacing of shrubs shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread and form. When planted to serve as a hedge or screen, shrubs shall be spaced at 75 percent of their mature length.
    - i. *Small Shrub.* A small shrub shall have a mature height of three to less than five feet and shall be planted at a minimum from one-gallon containers.

- ii. *Medium Shrub.* A medium shrub shall have a height of between five and eight feet and shall be planted at minimum from five-gallon containers.
  - iii. *Large Shrub.* A large shrub shall have a mature height of greater than eight feet and shall be planted at minimum from five-gallon containers.
16. **Trees. (Updated)**
- a. *Required Trees.* Trees shall be provided as follows:
    - i. *R-L, R-LM, and N-P Zones.* A minimum of two trees per frontage. If these are not provided in a landscaped parkway strip between the sidewalk and curb, they must be provided on private property and oriented to the street. Corner lots must provide four trees (two for each frontage) unless a lesser number is permitted by Director based on lot size/frontage limitations and/or dependent on mature canopy size of tree species.
    - ii. *R-M and R-H Zones.* A minimum of one tree per unit.
    - iii. *Downtown and Mixed-Use Zones.* A minimum of one tree per new residential unit.
    - iv. *Commercial Zones.* A minimum of one tree for every 2,000 square feet of lot coverage.
    - v. *Employment Zones.* Trees are only required in employment zones along the front or exterior side perimeter of a parcel. Trees required in other Sections of this Code, such as parking lot trees or street trees, may count toward this requirement provided the required shading is met.
  - b. *Cumulative Requirement.* Trees required in other parts of this Code, including shade requirements, shall apply in addition to these requirements.
    - i. Where it is determined that it is not possible to place all required trees, an applicant may request that the Director allow planting in a nearby public facility or through payment of an in-lieu fee.
  - c. *Tree Size.* All required trees shall be a minimum of fifteen-gallon size. Spacing of trees shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread and form. Newly planted trees shall be appropriately supported.
    - i. *Small Tree.* A small tree shall have a mature height less than 25 feet and shall be at least one-inch in diameter at six inches above ground level.
    - ii. *Medium Tree.* A medium tree shall have a mature height of between 25 and 45 feet and be at least 1.25 inch in diameter at six inches above ground level.

- iii. *Large Tree.* A large tree shall have a mature height of greater than 45 feet and be at least 1.5 inch in diameter at six inches above ground level.
  - iv. Trees shall be spaced between 12 to 15 feet apart, regardless of tree size.
  - v. Appropriate planter sizing will be determined based on proposed tree sizing at maturity. If larger trees are proposed which have a larger canopy, the planter area shall be increased as needed for the larger tree.
- d. *Stakes.* Trees shall be staked with metal stakes or equivalent as may be approved by the Director.

I. **Shade Requirements. (New)**

- 1. ***Along a Public Right-of-Way.*** Trees shall be planted and spaced in order to achieve a 50 percent canopy cover after 10 years. The maximum spacing between trees shall be 35 feet on center and trees shall be drawn to scale representing canopy size at 10 years on a shade tree plan. Existing street trees located in the public right-of-way may be counted to meet this requirement.
- 2. ***Surface Parking Areas.*** Shade tree planting shall be installed to provide shade over 50 percent of the auto parking area within 15 years. All required parking is included in the total auto parking area calculation. Areas excluded from the total auto parking area are limited to:
  - a. The surface parking area covered by solar photovoltaic shade structures, or shade structures;
  - b. Truck loading in front of overhead doors;
  - c. Truck maneuvering and main access roads and driveways not used as back-up areas are exempt; and
  - d. Surfaced areas for automobile dealerships and areas used for display, service and vehicle storage.
- 3. ***Other Interior Shade Requirements.*** All multi-unit residential and non-residential projects shall provide the following in addition to the requirements of Section 17.64.040.E, Areas to be Landscaped.
  - a. *General Landscape Areas.* Shade tree plantings shall be installed to provide shade of 50 percent of landscape areas within 15 years.
  - b. *Hardscape Areas.* Shade tree plantings shall be installed to provide shade of 50 percent of hardscape areas, not including parking areas, within 15 years.

J. **Soil Testing.** For landscape development projects of over 2,000 square feet a soil test shall be obtained to determine appropriate soil amenities and planting requirements.

K. **Irrigation Specifications.** An automatic irrigation system shall be installed that meets the following standards.

1. ***Irrigation of Parking Lot Shade Trees.*** All parking lot shade trees shall be irrigated with either a minimum of two deep watering tubes or drip rings, and in any case shall be on their own valve system separate from the general landscaping valves.
2. ***General Requirements.***
  - a. All irrigation equipment must meet American National Standards Institute (ANSI), American Society of Agricultural and Biological Engineers / International Code Council (ASABE/ICC) 802-2014 or equal, "Landscape Irrigation Sprinkler and Emitter Standard".
  - b. The following areas must be irrigated with subsurface irrigation or other means that produce no runoff or overspray.
    - i. Slopes exceeding 25 percent.
    - ii. Areas less than 10 feet wide in any direction.
  - c. The irrigation system must be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas such as adjacent property or hardscapes.
    - i. Irrigation systems must be designed for zero run-off onto paved surfaces unless that surface drains to another landscape area.
    - ii. Spray irrigation must be placed at least two feet from impervious surfaces unless that surface drains to another landscape area.
    - iii. Proper irrigation equipment and schedules, including features such a repeated cycle, must be used to closely match application rates to infiltration rates therefore minimizing runoff.
    - iv. Slopes greater than 25 percent must not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. Check valves shall be utilized.
  - d. ***Sprinkler Heads.*** Where used, sprinkler heads must be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.
    - i. Sprinkler heads and other emission devices must have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
  - e. ***Pressure Regulating Equipment.*** Pressure regulating valves or assemblies shall be installed to ensure that the dynamic pressure at each emission device is within the manufacture's recommended pressure range for optimal performance.
  - f. ***Controllers.*** Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.
    - i. Automatic irrigation controllers must utilize either evapotranspiration or soil moisture sensor data, or rain sensing override devices.

- ii. Irrigation controllers must be of a type which does not lose programming data in the event the primary power source is interrupted.
- g. *Control Valves.* Plants which require different amounts of water should be irrigated by separate valves.

L. **Installation and Completion.**

1. **Consistency with Approved Plans.** All landscaping must be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth.
2. **Timing of Installation.** Required landscaping must be installed prior to the issuance of a Certificate of Occupancy for the project.
3. **Certification of Completion.** Upon completion of the installation of the landscaping and irrigation system, a field observation shall be completed by the licensed project contractor. A certificate of completion shall be submitted to the City by the licensed project contractor. The certificate shall specifically indicate that the plants were installed as specified and that the irrigation system was installed as designed, along with a list of any deficiencies.
  - a. Where Required Water Efficient Plan Option C: Water Use Calculation, was installed, the applicant shall submit a Certificate of Completion pursuant to the Department of Water Resources Model Water Efficient Landscape Ordinance.

M. **Maintenance of Landscaping.**

1. All required landscaping and structural features must be maintained in a healthy and attractive condition as determined by the City, and consistent with the approved landscape plan and Landscape Maintenance Agreement. Maintenance must include, but is not limited to, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating.
2. Planting areas must be kept free from weeds, debris, undesirable materials which may be detrimental to public safety, drainage, or site appearance.
3. All plant materials must be maintained free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases. Dying, decayed, untrimmed, or plant materials showing such damage shall be remedied, or replaced in kind consistent with an approved landscape plan.
4. Prior to the re-occupancy of a building with existing landscaping all portions of damaged or defective irrigation systems, dead, dying, or damaged ground cover, shrubs, and trees must be replaced. Where trees are approved for removal due to maintenance concerns, all portions of the tree, including trunk and roots, shall be removed and stumps shall not be left in the landscape. Trees removed shall be replaced where feasible consistent with approved landscape plan or as otherwise approved by Director.
5. At the discretion of the Director, the City can require financial security, per year, to ensure the maintenance of landscaping.

6. All landscaped areas in a public street, sidewalk, or right-of-way that is abutting a residential property shall be maintained by the adjoining property owner, unless it is maintained through another mechanism such as a Home Owner's Association or Community Facilities or Landscape District.
7. Landscaping within a yard shall not obstruct a public street, intersection, sidewalk, or right-of-way either physically or visually.

### 17.64.050 Outdoor Lighting and Illumination (New)

- A. **Purpose.** The purpose of this Section is to control outdoor lighting in order to maintain adequate visibility and safety, conserve energy, and protect against glare and excessive lighting. This Section is intended to minimize outdoor artificial light that may have a detrimental effect on the environment, astronomical research, and enjoyment of the night sky. These provisions are also intended to reduce the unnecessary illumination of adjacent properties and the use of energy.
- B. **Applicability.** The standards of this Section apply to all new development and to exterior alterations and additions for multi-family residential, commercial, industrial, mixed use, and public/quasi-public uses that involve replacement light fixtures or systems, except as provided below.
  1. **Exemptions.** The following lighting is exempt from the provisions of this Section.
    - a. Public and private street lighting.
    - b. Athletic field lights used within a school campus or public park.
    - c. Safety and security lighting for public facilities.
    - d. Construction and emergency lighting provided the lighting is temporary and discontinued immediately upon completion of the construction work or abatement of the emergency.
    - e. Seasonal lighting displays related to cultural or religious celebrations.
- C. **Prohibitions.** The following types of exterior lighting are prohibited.
  1. **Searchlights.** The operation of searchlights for advertising purposes.
  2. **Mercury Vapor.** Mercury vapor lights.
  3. **Other Light Types.** Laser lights or any other lighting that flashes, blinks, alternates, or moves.
- D. **Outdoor Lighting Plans Required.**
  1. **When Required.** A preliminary outdoor lighting plan shall be submitted as part of each planning permit application, and a final plan shall be submitted as part of an application for a Building Permit (see Section 17.100.130, Building Permit) for a new structure, an addition of 25 percent or greater, or modification or replacement of existing lighting. A final outdoor lighting plan is required for all new outdoor lighting installations on commercial, mixed use, multi-unit residential, industrial, and

institutional properties. The Director may request outdoor lighting plans from applicants for other types of projects due to location, size, or proposed use, as necessary.

2. **Plan Content.** At a minimum, an outdoor lighting plan shall include the following:
  - a. Manufacturer specification sheets, cut sheets, and other manufacturer-provided information for all proposed outdoor light fixtures to show fixture diagrams and outdoor light output levels;
  - b. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures;
  - c. If building elevations are proposed for illumination, drawings of all relevant building elevations showing the fixtures, the portions of elevations to be illuminated, the illumination level of the elevations, and the aiming point for any remote lighting fixture;
  - d. Photometric data including computer generated photometric grid showing foot-candle readings every 10 feet within the property or site and 10 feet beyond the property lines; and
  - e. The existing or proposed location of all large shrubs and/or trees to be shown on separate and coordinated plan, which illustrates lighting distance from trunk, and impact of tree canopy size and height as existing or at maturity.

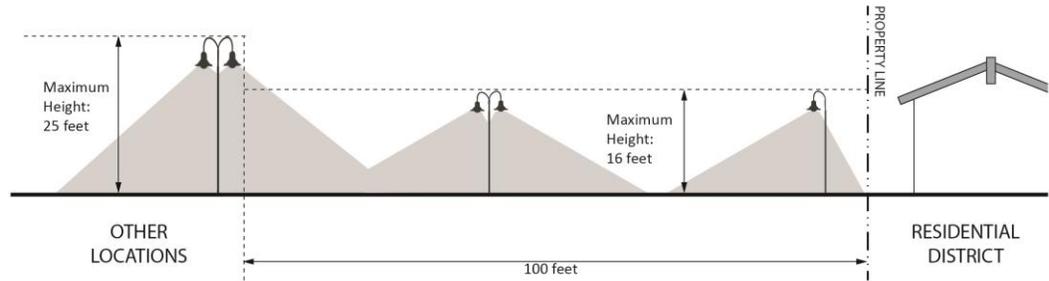
**E. Permits Required.**

1. An outdoor lighting plan, as determined by the Director, may be required for the projects identified in Subsection 17.64.050.B, Applicability above.
2. An outdoor lighting plan may be required as part of the submittal for Development Review to ensure safe and appropriate installation of outdoor lighting systems.

**F. General Requirements.** Outdoor lighting shall be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community. Lighting for commercial installations adjacent to or near residential uses shall be compatible with and not directly illuminate nearby residential uses.

1. **Maximum Height.** The maximum height of outdoor lighting shall be as indicated in Table 17.64.060.F-1, Maximum Height of Outdoor Lighting Fixtures.

**Table 17.64.050.F-1: Maximum Height of Outdoor Lighting Fixtures**



Location	Maximum Height
Any Residential zone or within 100 feet of and Residential zone	16 feet <sup>1</sup>
Downtown and Mixed Use zones	18 feet <sup>1</sup>
Commercial and Employment zones	25 feet <sup>1</sup>

Notes:

1. The approval authority may allow additional height for activities, uses, or development with unique lighting needs; accentuating historic architectural features of a building; accentuating signage and/or landscape features; or for security purposes.
2. **Trespass.** All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candles. Full cutoff shielding shall be used where adjacent to lower intensity residential uses.
3. **Pedestrian Scale Lighting.** Pedestrian-scaled lighting, less than 15-feet in height, shall be used to illuminate areas used for pedestrian circulation. Bollard-type light fixtures may also be used.
4. **Landscape Accent Lighting.** Landscape lighting fixtures shall be concealed-source fixtures.
5. **Coordination with Landscape Features.** All proposed individual lighting on poles, shall be coordinated with the location of existing or proposed trees and appropriate distances observed based on species and maximum growth habit.
6. **Lighting Design.**
  - a. All lighting shall meet the International Dark Sky Associations (IDA) and Illuminating Engineering Society of North America (IESNA) for “Cut Off” or “Full Cut Off” luminaire, as well as minimizing blue light emission (recommend a color temperature of no more than 3,000 Kelvins; S/P ratio less than or equal to 1.2).
  - b. Fixtures shall be appropriate to the style, material, colors, and scale of the architecture. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave

of roof. Lighting fixtures must be architecturally integrated with building style, material, and colors.

7. **Timing Controls.** All outdoor lighting in nonresidential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or, in the case of shopping centers, all buildings, are not in use and the lighting is not required for security.
8. **Temporary Seasonal Lighting—Exempt.** Temporary seasonal lighting installed between Thanksgiving and January 1 is exempt from this Chapter.

**G. Supplemental Requirements**

1. **Multi-Unit Residential Buildings.**
  - a. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground level during the hours of darkness.
  - b. Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.
2. **Nonresidential Buildings.**
  - a. Lighting in parking areas, garage areas, carport areas and pedestrian walkways shall be maintained with a minimum of one foot-candle of illumination at the ground level during the hours of darkness.
  - b. All exterior doors, during the hours of darkness, shall be illuminated with a minimum of 1.0 foot-candle of light.

**17.64.060 Projections into Required Setbacks (New)**

- A. Building projections may extend into required yards in accordance with the standards of Table 17.64.060-1, Allowed Building Projections into Required Setbacks.

<b>Table 17.64.060-1: Allowed Building Projections into Required Setbacks</b>			
<b>Projection</b>	<b>Front, Street Side</b>	<b>Interior Side</b>	<b>Rear Yard</b>
Cornices, eaves, sunshades, and similar architectural features supported from the structure; Chimneys	Max. 2 ft.	Max. 2 ft.	Max. 2 ft.
Bay Windows	Max. 3 ft.	Max. 2 ft.	Max. 3 ft.
Balconies, fire escapes, uncovered stairs that service upper stories <sup>1</sup>	Max. 2 ft.	Max. 0 ft.	Max. 1 ft.
Stoops, or landings, entry roof cover, portico, awning, or pergola <sup>2</sup>	Max. 3 ft.	Max. 2 ft.	Max. 3 ft.

Porches and Decks <sup>3</sup>	Max. 6 ft in residential zones; max. 3 ft in all other zones	Max. 2 ft.	Max. 2 ft.
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; See Section 17.100.160, Reasonable Accommodation for Housing.		

Notes:

1. Balcony may project up to 2-feet in a rear setback as long as the setback is at least 15 feet.
2. Typically a limited projection to provide cover over a doorway or entry.
3. Must be open on at least three sides. May not be closer than five feet to a street facing property line or three feet to an interior property line.

- B. All building projections are subject to all applicable requirements of the Building Code.
- C. In no cases may any building projection extend closer than three feet to an interior lot line or public utility easement.

**17.64.070 Public Art**

A. **Purpose.** The purpose of this Section is to establish clear guidelines, design standards, and procedures for integrating public art into construction projects throughout the City of Woodland. The City has determined that public art is a critical element in providing for a diverse and culturally rich environment for Woodland residents and visitors. Public art fosters economic development and activity and promotes cultural tourism by enlivening the public areas of buildings and expressing the vitality and heritage of the community. A well-conceived work of art can increase the value of a development project as well. Public art may enhance urban revitalization efforts as the overall image, beauty, and livability of the community are enhanced. Accordingly, to achieve these purposes, the City Council has determined that public art should be regularly integrated into new development projects Citywide, however, it is the intent of this Section that this be a collaborative process between the City representatives and the applicant at all stages of the process with substantial deference to the applicant for how he or she wishes to incorporate public art within the project.

B. **Public Art Requirement.**

1. **Public Art Obligation Calculation.** Developers of commercial construction projects, as defined and specified below, shall be subject to the public art requirement as outlined in this Section. The project specific public art obligation shall be based on project construction costs as defined in this Section and as further outlined below:
  - a. **Nonresidential Construction.** Private nonresidential developments with a construction cost exceeding \$350,000.00 and subject to site plan or design review approval shall devote an amount of not less than one percent of the construction cost for public art. Construction costs, as defined in this Section, shall not include any portion of the project that includes system and operational equipment costs, grading, sidewalk repair or reconstruction, landscape installation, or utility facilities. Any developer of a nonresidential

development project with construction costs that exceed \$350,000.00 may submit a request to the Review Authority for a less expensive public art contribution provided that developer also submits documentation showing that such a contribution would be prohibitively expensive for project delivery.

- b. *Public Construction.* Public construction projects with a construction cost exceeding \$350,000.00 shall devote an amount of not less than one percent of the construction cost for public art subject to determination of sufficient funding. The construction cost shall be verified by the City Engineer, and the cost shall not include the portion of any project that includes underground public works projects, tree planting, street or sidewalk repair or reconstruction, or utility facilities with the exception of administrative buildings. A maintenance plan shall be developed to ensure any public art constructed as a component of a public construction project is adequately maintained and preserved.
  - c. *Cell Towers/Monopoles.* Private construction of a new cellular tower or monopole to support wireless telecommunications antennas and connecting appurtenances shall pay \$10,000 for public art, unless public art is directly incorporated into the design and stealthing of the tower, as approved by the Director or Review Authority.
2. **Public Art Obligation Satisfaction Options.** A developer may choose one of the following options to satisfy his or her public art obligation subject to the review and approval of the Review Authority for the project, except as otherwise stated below:
- a. Install public art on the project site in a public place as approved by the Review Authority. The creator of the public art shall be an artist as defined in this Section.
  - b. Pay an in-lieu fee in an amount equal to one percent of the development project construction cost to the public art fund for the creation, acquisition, and placement of public art in the City. Payment of an in-lieu fee shall be subject to approval by the Director and not subject to further Review Authority approval; or
  - c. Place the required public art on an alternative project site in a location approved by the Review Authority.
- C. **Exemptions.** The following development projects shall not be subject to the requirements of this Section:
- 1. Repair or reconstruction of structures that have been damaged by fire, flood, wind, earthquake, or other calamity;
  - 2. Historic rehabilitation and/or preservation projects;
  - 3. Seismic retrofits or flood protection work performed on existing buildings and structures that do not otherwise qualify as new construction projects;
  - 4. Fire sprinkler installation work items as defined in Chapter 8.20, Fire Prevention and Emergency Services as part of an existing project;

5. Solar or other renewable energy installation and energy efficiency upgrades as part of an existing project; and
6. Infill development projects, either new construction or redevelopment of existing structures, that are located within the DX-1, DX-2, and DX-3 zones.

**D. Design and Installation Standards**

1. **General.** The public art shall relate in terms of scale, form, and material to the proposed project and adjacent buildings with regards to architecture and landscaping style to best complement the project site and its surroundings.
2. **Location.**
  - a. *Public Place.* The public art shall be located in an exterior area on public or private property that is clearly visible to the general public as determined by the Review Authority.
  - b. Public art commissioned by the City using the public art fund may be moved from time to time as part of a gallery collection placed in public buildings such as City Hall, the Library, or other publicly accessible facilities.
  - c. *Maintenance.* The developer shall submit a maintenance plan to the Review Authority for review and approval, shall maintain the public art, and shall be responsible for all maintenance costs for the duration of the public art's placement.

**E. Compliance.** Prior to obtaining a Certificate of Occupancy, the developer shall demonstrate compliance with this Section through one of the following:

1. Completed installation of the required public art that satisfies the provisions of this Section and any other conditions specified by the Review Authority's approval;
2. Payment of the applicable in-lieu fee as outlined in Subsection 17.164.070.C.2; or
3. Written proof submitted to the Director of a contract to commission or purchase and install the required public art that was approved by the Review Authority for the development project. A performance security, in an amount and form determined by the Director, shall accompany such contract to adequately secure performance of the required public art.

**F. Public Art Fund.** Public art in-lieu contributions shall be placed into the public art fund within the City's General Fund, and maintained, managed, and reviewed by the Director. The public art fund shall be used solely to acquire, commission, design, install, place, improve, and maintain public art throughout the City, consistent with the purpose and objectives of this Section. A reasonable percentage of the public art fund may be allocated for project administration, management, and curatorial services as well as the preservation and maintenance of artworks in the City art collection. The City Council shall review the public art fund as part of its annual budget review and approve allocations of public art funds upon the recommendation of the Director or the Review Authority. Allocation of public art funds shall consider available reserves for ongoing maintenance of City owned public art. City Council

shall be the final approval authority on all public art projects undertaken through the public art fund upon the recommendation of the Director or Review Authority.

G. **Developer's Pre-Application Proposal**

1. **Developer's Proposal.** For each construction project subject to this Section's requirements, the developer shall propose to the Director and the Review Authority one or more of the methods for the provision of public art described in Subsection 17.64.070.B, Public Art Requirement.
2. **Pre-Application Meeting.** Following submission of the developer's proposal, a pre-application meeting with the developer, Director and/or the Review Authority is recommended for newly proposed public art to review the proposal and development requirements and design and location standards for the type of public art proposed, and to ensure a qualified artist is used. When available, it is recommended that the applicant provide preliminary site plan and visual impact drawings to aide in the pre-applicant review process. These meetings are voluntary, and no fees shall be paid for the City's review of material provided at this stage.
3. **Review of Pre-Application Developer's Proposal.** The Director and/or Review Authority shall review and respond to the developer's proposal, if necessary, by recommending modifications to the proposed application.

H. **Applications for Public Art Review**

1. **Form and Content.** A proposal for all new public art installations shall be processed upon the application of the developer or its agent, subject to the following:
  - a. The developer shall file a completed application with the Director in a manner prescribed by the City.
  - b. The developer shall submit a vicinity map or site plan depicting the proposed public art installation location and dimensions.
  - c. The developer shall submit photographs and/or elevations of the buildings located on site or those approved for development on-site.
  - d. The Director will verify that the public art will not interfere with use of other adjacent buildings or facilities, pedestrian access to public sidewalks, or public safety.
  - e. When applicable, the developer shall submit material samples, color boards, photo simulations, or other graphic illustrations necessary for the Review Authority to determine potential visual impact of the proposed project, and the public art's style, scale, and design as compared to the project and surrounding buildings. The visual representation shall show the proposed public art as it would be seen from surrounding properties from various perspectives.
  - f. The developer shall submit the proposed artist's qualifications.
  - g. The developer shall submit a proposed maintenance plan for the public art.

- h. The developer shall submit all required processing and application fees. Such fees may be set and amended by resolution of the City Council.
- 2. **Approval for Public Art Applications.** The Review Authority shall review the public art component of the project as part of its consideration of the overall project in those cases where the applicant elects to submit an art installation for approval. The Review Authority shall determine if the proposed public art complies with the requirements of this Section and shall approve or require resubmission with recommended modifications or conditions for approval based on the findings for approval.
- 3. **Findings for Approval for Public Art Applications.**
  - a. The proposal meets or exceeds the criteria of this Section and is consistent with the General Plan and applicable land use designations.
  - b. The public art is consistent and compatible in its size, design, and appearance with the development and design of the proposed project and surrounding structures and neighborhood.
  - c. The public art will be adequately maintained so as to ensure and preserve its purpose as a permanent piece of public art in the City.
- i. **Appeals.** Any person dissatisfied with the decision to either approve, modify, or deny an application for public art, may file an appeal in accordance with the procedures set forth in either Section 17.96.160, Appeals, as applicable.

### 17.64.080 Refuse and Recycling Enclosures (New)

- A. **Purpose.** To ensure the appropriate collection and disposal of solid waste, recyclable materials, and organic waste.
- B. **Applicability.** All residential and non-residential properties shall have appropriate solid waste and recycling containers and enclosures to ensure the safe storage and access to the required facilities.
- C. **Other Applicable Requirements.**
  - 1. Woodland Municipal Code Chapter 13.08, Solid Waste, Recyclable Materials, and Organic Waste Service.
  - 2. Woodland Municipal Code Chapter 13.36, Recyclable Materials.
  - 3. Woodland Municipal Code Chapter 13.72, Organic Waste Disposal Reduction.
- D. **Trash Enclosures.**
  - 1. For projects that are comprised of individual units with individual trash pick-up, each unit shall be designed to accommodate the required number of trash containers. The project shall provide for the storage in a screened location during the week and provide for the adequate placement of such containers on trash pick-up day.
  - 2. Trash enclosures shall be required for multiple family, commercial and industrial uses. All of the following shall apply regarding materials, construction, and design:

- a. The walls of trash enclosure structures shall be constructed of solid masonry material with a decorative exterior surface finish compatible with the main structure(s). The trash enclosure walls shall be a minimum of six feet in height, and the minimum dimensions shall be adequate for the size and number of dumpster and recycling bins.
- b. The trash enclosure structure shall have solid heavy gauge metal gates. Decorative gates are encouraged in the Downtown Districts.
- c. The trash enclosure shall feature a floor and approach that is paved with a durable, all-weather surface.
- d. Trash receptacles shall be covered or a cover structure shall be constructed above the enclosure so as to protect its contents from the elements.
- e. The trash enclosure for residential developments should be designed to allow walk-in access by residents without requiring the main enclosure gates to be opened.
- f. Where compactors are installed, the compactor shall include plumbing directed to the sewer system to capture leaks and spills.
- g. Signage identifying the types of recyclable materials accepted for collection at the trash enclosure shall be conspicuously posted within the enclosure.
- h. The trash enclosure shall be designed so that adverse impacts such as noise, odor, vectors, or glare are minimized through the use of adequate separation, fencing, landscaping, or other means.
- i. If visible from public view, the perimeter of the trash enclosure structure shall be planted with landscaping, including a combination of shrubs and /or climbing evergreen vines consistent with screening requirements of Chapter 17.70, Screening Standards.
- j. All trash enclosures and compactors shall meet the standards for noise and odor as established in Chapter 17.76, Performance Standards.

### 17.64.090 Swimming Pools and Spas

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- A. **Applicability.** Swimming pools, spas, and any body of water having a depth of more than 18 inches and related equipment shall comply with the standards of this Section.
- B. **Water Containing Portions of Swimming Pools and Spas.** The outside wall of the water containing portion of any swimming pool or spa shall be located as follows.
  - 1. **Front Setback.** The outside wall of the water containing portion of any swimming pool or spa shall be located on the rear half of the lot as measured from the front property line.
  - 2. **Street Side Setback.** The outside wall of the water containing portion of any swimming pool or spa shall be located a minimum of 10 feet from the street side property line.

Where the lot is enclosed by a masonry subdivision perimeter wall, the street side setback is five feet.

3. **Rear and Interior Side Setbacks.** The outside wall of the water containing portion of any swimming pool or spa shall be located a minimum of five feet from the interior side and rear property line.
  4. **Dwelling Unit Setback.** The outside wall of the water containing portion of any swimming pool or spa shall be located a minimum of five feet from the exterior wall of any dwelling unit.
- C. **Filter, Heating, and Maintenance Systems.** All filter, heating, and maintenance systems and equipment shall not be located within any required setback adjacent to a public street, or within three feet of an interior side or rear property line, or within 10 feet of the living area of any dwelling unit on an adjacent parcel unless located within a soundproof enclosure.

### 17.64.100 Vehicle/Truck Parking and Storage (New)

- A. **Applicability.** This Section applies to commercial truck storage, recreational vehicles, boats, trailers, portable storage, inoperable vehicles, permanent trailers, and portable storage/ISO containers in all zones.
- B. **Truck Storage.**
  1. **Commercial Trucks.** The parking of commercial trucks, excluding semi-trailers, in support of and ancillary to a primary existing business is permitted in non-residential zones.
  2. **Semi-trailers/Eighteen-wheelers.**
    - a. Large scale semi-trailers are permitted in Commercial and Employment zones in support of and ancillary to a primary existing business. Limited term parking is permitted in Commercial zones and in the Industrial Flex zone for the delivery and pick up of goods.
    - b. Longer-term parking/storage is permitted only in the Industrial General zone, associated with and in support of large-scale manufacturing and distribution uses.
    - c. Freight/trucking facilities as a standalone or primary use are not permitted.
  3. **Landscaping and Screening.**
    - a. Trucks shall be located behind the primary building and away from any public right of way whenever feasible. If infeasible, there shall be a minimum 10-foot landscape area along all streets to provide screening, unless a greater setback is required elsewhere in this Code.
    - b. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on public view or adjacent properties.

4. **Operational Requirements.**
    - a. Truck or vehicle repairs shall be reviewed through an appropriate entitlement process and shall occur within enclosed buildings.
    - b. There shall be no dismantling of trucks.
    - c. Trucks oriented for the purpose of advertising is prohibited.
    - d. Retail sales of vehicles is prohibited unless part of an approved entitlement.
  5. **Surface Paving.** All parking and maneuvering areas shall be graded, prepared, and paved/surfaced per standards for parking lots. Truck parking on an unimproved surface is prohibited.
- C. **Recreational Vehicles, Boats, and Trailers.** Recreational vehicles, fifth wheel trailers, boats, trailers, etc., collectively referred to as Recreation Vehicles in this Section may be permitted per the provisions below, provided that they are not subject to Chapter 17.128, Enforcement. See "Indoor Warehousing and Storage," and/or "Storage Yard" provisions in the use tables for long-term storage of recreational vehicles.
1. **Habitation.** Recreational Vehicles may not be used for sleeping or habitation unless permitted per Section 17.84.240, Manufactured Home Parks, RV/Trailer Parks, and Manufactured Buildings.
  2. **R-L, N-P, and R-LM Zones. (Updated)**
    - a. One Recreational Vehicle may be stored off the street and on a residential property in the RL, NP, or RLM zone, as long as it is parked on an impervious surface.
    - b. Recreational vehicles shall not be parked in R-M, R-H, CMU, or CCMU zones.
    - c. The recreational vehicle must be registered to the current homeowner or long-term tenant.
    - d. Recreational vehicle parking may only be accessed by an approved driveway approach. Access to recreational vehicle parking shall not require driving a vehicle over a curb, parkway landscaping, or utility infrastructure and shall not require the removal of any required protected tree(s) as outlined in the City Tree Ordinance, including street trees, unless mitigation is approved by the City.
    - e. Second driveways shall only be allowed in accordance with Subsection 17.68.090.F, Driveways.
    - f. Recreational vehicles shall not be parked in a manner that is highly visible or unsightly, such as parallel to a front home.
    - g. Recreational vehicles must be parked a minimum of five feet from the back of a sidewalk in order to ensure adequate sight visibility. Additional setbacks may be required to ensure consistency with the sight visibility requirements of Section 17.64.110, Visibility at Intersections.

- h. Recreational vehicles shall be subject to the same side and rear setback standards as required for accessory structures, Subsection 17.64.020.D.1.
  - i. Recreational vehicles shall be operational. Flat tires, broken windows, tarp covering not made specifically for the vehicle shall not be permitted. Construction-related trailers shall be removed upon completion of the construction or repairs.
3. **All Other Zones.**
- a. No personal recreational vehicle may be parked for more than 12 hours in any month on a site and shall not encroach into the public right-of-way. Areas used for this purpose shall be located outside of any required yard and/or any landscape areas.
  - b. Recreational vehicles shall not be parked in R-M, R-H, CMU, or CCMU zones.
  - c. Off-site overnight parking may be permitted in Commercial and Employment zones where out of immediate view of the public right-of-way.
  - d. Camping is prohibited. Refer to Municipal Code Chapter 9.48, Camping Within the City Limits.
  - e. Parking areas shall be graded, prepared, and paved/surfaced per standards for parking lots. Parking on an unimproved surface is prohibited.
  - f. Trailers oriented for the purpose of advertising are prohibited.
  - g. Repair and/or retail sales of recreational vehicles is prohibited unless part of an approved entitlement.
4. **Recreational Vehicles at Hospitals.** Hospitals may provide recreational vehicle parking areas for hospital visitor overnight stays, provided the hospital provides utility connection areas.
- D. **Inoperable Vehicles.** In addition to the standards of Section 9.04.030, Acts Constituting a Nuisance, the following standards apply to inoperable vehicles.
- 1. **Residential Districts.** Inoperable vehicles in residential districts shall not be visible from the public right-of-way. Inoperable vehicles may only be stored on non-permeable surfaces in residential garages, or rear or side yards. Inoperable vehicles shall be limited to one per lot.
  - 2. **Non-Residential Districts.** In non-residential districts inoperable vehicles shall be screened from public streets. If staging for repair, as part of an approved entitlement, vehicles may only be visible for up to eight hours prior to being moved into the repair garage. Inoperable vehicles may not be stored in public view overnight unless the vehicle was transported to the site after business hours.
- E. **Permanent Trailers/Portable Storage/ISO Containers. (New)** Permanent Trailers, Portable Storage, or ISO Containers, collectively referred to as “prefabricated storage containers” in this Section, may be permitted per the provisions below, provided that they are not subject to Chapter 17.128, Enforcement.

1. ***R-L, R-LM, NP, and R-M and R-H Zones.***
  - a. In the R-L, R-LM, NP, and R-M zones, prefabricated storage containers are not permitted for storage purposes.
  - b. In the R-H zone, prefabricated storage containers that are not habitable, and intended as storage, shall comply with all accessory structure standards including height, setbacks, screening, lot coverage requirements; shall be properly anchored in place on a permanent foundation; shall be architecturally compatible with existing or approved on sit development; and are subject to a Development Review Tier 2 Permit (see Section 17.100.060, Development Review Tier 2: Major).
  - c. In all residential zones (R-L, R-LM, N-P, R-M, and R-H), prefabricated storage containers that are architecturally treated and designed consistent with applicable Building Code requirements to be habitable, may be considered as a building material with approval of a Development Review Tier 2 Permit (see Section 17.100.060, Development Review Tier 2: Major) or applicable entitlement process if discretionary review is required.
    - i. Structures shall be architecturally compatible with existing or approved on site development.
    - ii. Structures must include architectural features such as openings (door/windows) and architectural projections such as awnings, trellis, patio covers.
    - iii. Painting only does not meet the requirements of this Section.
2. ***All Other Zones.*** In all other zones, prefabricated storage containers (uninhabitable) intended to be permanent or on a parcel in excess of one year, shall require a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit) and are subject to Development Review Tier 3 (see Section 17.100.070, Development Review Tier 3) for design and placement of the container, including landscaping as appropriate to screen the facility, mitigate blank wall surfaces, and provide shade and reduce heat. The container shall be properly anchored in place on a permanent foundation or as otherwise required by Building Code. See also Subsection 17.84.370.B.4, Temporary Prefabricated Storage, Shipping, or Cargo Container.
3. ***Temporary and Portable Storage Units.*** Temporary and portable prefabricated storage containers may be parked on a driveway or in a parking space in all zones for the purposes of loading and unloading.
  - a. Units may not be on site for more than 96 hours in a month.
  - b. Units shall not encroach into the public right-of-way (sidewalk), nor be placed in the street or front lawn, unless the lot does not have a driveway, then it may be placed in the front yard.
  - c. Units that will be on site longer than 96 hours shall be subject to the Temporary Use provisions of Subsection 17.84.370.B.4, Temporary Prefabricated Storage, Shipping or Cargo Containers.

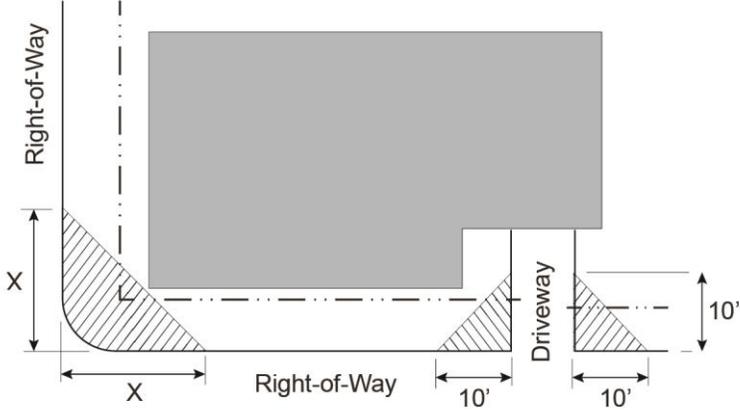
**17.64.110 Visibility at Intersections**

- A. **Sight Distance.** Sight distance is the length of roadway or driveway visible to a driver. No foliage, fences, or structural features shall extend into the cross-visibility area between three and one-half feet and seven feet above the surface of the public sidewalk or finished grade where the sidewalk does not exist.
- B. **Cross-Visibility Area.**
  - 1. **Intersection of Driveways or Alleys and Public Rights-of-Way.** The cross-visibility area at the intersection of a driveway and a public right-of-way is a triangle having two sides 10 feet long and running along the driveway and public right-of-way, with the two 10-foot sides beginning at the intersection and the third side formed by a line connecting the two ends. All measurements shall be from the back edge of the sidewalk, or the edge of the roadway pavement if no curb exists. Intersections of private non-residential driveways and alleys may be subject to stricter provisions at the discretion of the City Engineer.
  - 2. **Intersection of Two Public Rights-of-Way.** The cross-visibility area at the intersection of two public rights-of-way is a triangle having two sides "X" feet long and running along each public right-of-way, with the sides beginning at their intersection and the third side formed by a line connecting the two ends (See City of Woodland Engineering Standard 13.05 and Figure 13A). All measurements shall be from the back edge of the sidewalk, or the edge of the roadway pavement if no curb exists.

Table 17.64.110.B-1: Cross Visibility Triangle Side Lengths	
Zone	Length of Side "X"
Residential Zones	30 feet
Downtown Zones	16 feet
Mixed-Use Zones	18 feet
Commercial Zones	20 feet
Employment Zones	20 feet

- 3. **Modifications.** Sight visibility requirements may be modified depending on traffic safety considerations as determined by the City Engineer. Modifications may be required depending on roadway or alley classification, traffic speeds, obstructions, or other site visibility concerns.
- 4. **Conflicts in Standards.** Wherever there may be a conflict between two standards, the most restrictive shall apply.

FIGURE 17.64.110.B-1: CROSS-VISIBILITY AREAS



## Chapter 17.68 Parking and Loading

Sections:

17.68.010	Purpose .....	III-45
17.68.020	Applicability.....	III-45
17.68.030	Required On-Site Parking Spaces (Updated).....	III-46
17.68.040	General Provisions.....	III-51
17.68.050	Alternative Programs for Parking (New) .....	III-53
17.68.060	Electric Vehicle Charging Stations (New).....	III-55
17.68.070	Bicycle Parking (New).....	III-57
17.68.080	Loading.....	III-59
17.68.090	Parking Area Development and Design Standards .....	III-60

### 17.68.010 Purpose

The specific purposes of the parking and loading regulations are to:

- A. Minimize design impacts that can result from parking lots, driveways, and drive aisles within parking lots.
- B. Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in transit served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand.
- C. Reduce potential environmental impacts including urban runoff and the heat island effect.
- D. Ensure that adequate parking is provided for new land uses and alterations to existing uses.
- E. Ensure that adequate off-street bicycle parking facilities are provided and promote parking lot designs that offer safe and attractive pedestrian routes.
- F. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots and where appropriate, create buffers from surrounding uses.
- G. Provide loading and delivery facilities in proportion to the needs of allowed uses.

### 17.68.020 Applicability

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

- A. **All New Buildings and Land Uses.** On-site parking and loading in accordance with this Chapter shall be provided at the time any main building or structure is erected or any new land use is established.

**B. Change in Use or Occupancy or Reconstruction.**

1. When a change in use, expansion of a use, or expansion of floor area creates an increase of 20 percent or more in the number of required on-site parking or loading spaces, additional on-site parking and loading shall be provided for such addition, enlargement, or change in use and not for the entire building or site.
2. If the number of existing parking spaces is greater than the requirements for the change in use or occupancy, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use.
3. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
4. Additional parking and loading spaces are not required for the reconstruction of an existing building damaged by an act of nature where there is no increase in floor area.

- C. Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of the existing building or construction of an additional structure may require the provision of on-site parking to serve the new dwelling units in accordance with Table 17.68.030-A, Required Parking in the Downtown and Mixed-Use Zones and Table 17.68-030.B, Required Parking in the Residential and Non-Residential zones, below.

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**17.68.030 Required On-Site Parking Spaces (Updated)**

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- A. Required On-Site Parking in the Downtown and Mixed-Use Zones.** Required on-site parking spaces for the Downtown and Mixed-Use zones are indicated in Table 17.68.030.B-1, Required Parking in the Downtown and Mixed-Use zones. Required parking for any use not listed in Table 17.68.030.B-1, Required Parking in the Downtown and Mixed-Use Zones shall be the same as stated in Table 17.68.030.C-1, Parking Requirements for Residential and Non-Residential Zones.
- B. Existing Buildings In Downtown.** Existing buildings which currently operate in the Downtown zones are exempt from the parking requirements set forth in this Section, except that:
1. Off-street parking shall be required upon the expansion, addition, or change in use of existing buildings following accordance with Subsections 17.68.020.B.1 and 17.68.020.C, Alterations that Increase the Number of Dwelling Units above; and
  2. Where a residential unit did previously exist, no parking is required (for example, use of the upstairs portion of a downtown building).

Table 17.68.030.B-1: Required Parking in the Downtown and Mixed-Use Zones		
	Downtown Zones (DX-1, DX-2, DX-3, and DX-4)	Mixed-Use Zones (CMU-WM, CMU-E, CMU-K, CMU-A, CMU-F, CMU-G and CCMU)
<b>New Residential Uses</b>		
Studio and 1 bedroom	1 space per unit	1 space per unit plus 1 additional guest space for every 5 units for projects greater than 4 units
2 bedrooms	1.25 spaces per unit	1.25 spaces per unit plus 1 guest space for every 5 units for projects greater than 4 units
3 or more bedrooms	1.5 spaces per unit	1.5 spaces per unit plus 1 guest space for every 5 units for projects greater than 4 units
<b>Non-Residential Uses</b>		
Office		1 space per 500 square feet
Retail		1 space per 500 square feet
Restaurant		1 space per 500 square feet
All other non-residential uses		1 space per 400 square feet

- C. **Required On-Site Parking in the Residential and Non-Residential Zones.** Parking requirements for R-1, N-P, R-LM, R-M, R-H, RC-F, RC, IF, IG, BP, PF, OS, and FSA zones are indicated in Table 17.68.030.C-1, Required Parking in the Residential and Non-Residential zones.

Table 17.68.030.C-1: Required Parking in the Residential and Non-Residential Zones	
<b>Residential Uses</b>	
Single-Family Dwelling (Attached and Detached) and Duplexes	2 per dwelling unit, must be located in a garage.
Accessory Dwelling Unit	See Section 17.84.030
Multi-Unit Dwelling (See Section 17.68.050.A for Affordable Multi-Unit Dwellings)	
<i>Studio and 1 bedroom</i>	1.25 space per unit. At least 60% of all spaces must be covered. This requirement may be waived due to site constraints, costs, or other factors as determined by the Director.
<i>2 bedrooms</i>	1.5 space per unit. Covered parking spaces are encouraged where feasible.
<i>3 or more bedrooms</i>	1.5 spaces per unit. Covered parking spaces are encouraged where feasible.
<i>Single Room Occupancy</i>	0.5 spaces per unit
Family Day Care, Large	1 per employee, plus an area for loading and unloading children, on or off-site. Required spaces and residential driveway for the primary residential use may be counted toward meeting these requirements.
Live/Work	1 per unit, or 1 for every 1,000 sq ft of floor area, whichever is greater.

## Division III: Citywide Standards

**Table 17.68.030.C-1: Required Parking in the Residential and Non-Residential Zones**

Residential Care Facility, Large	2 spaces for the owner-manager; 1 for every 5 beds; and 1 for each non-resident employee
Residential Care Facility, Small	None beyond what is required for the residential housing type (Single-Family Dwelling, Duplex, or Multi-Unit Dwelling)
Supportive and Transitional Housing	None beyond what is required for the residential housing type (Single-Family Dwelling, Duplex, or Multi-Unit Dwelling)
<b>Commercial Uses</b>	<b>1 per 300 square feet, or as determined by the Review Authority, unless otherwise specified below.</b>
Automobile/Vehicle Sales and Services	
<i>Automobile Rental Office</i>	1 per 250 sq ft office area plus spaces for all vehicles for rent
<i>Automobile/Vehicle Sales and Leasing, New</i>	1 per 2,500 square feet of lot area plus 2 per service bay
<i>Automobile/Vehicle Service and Repair (Minor and Major)</i>	1 space plus 1.5 per service bay and 1 per 250 sq ft for of any retail or office on site
<i>Farm/Agricultural Equipment Sales, Service and Rental</i>	1 per 2,500 square feet of lot area plus 2 per service bay
<i>Fueling Station</i>	1.5 per bay if service bays are included on site; 1 per 250 sq ft of any retail and/or office on site. Parking spaces provided for fueling stations shall not count toward meeting parking standards.
<i>Large Vehicle and Equipment Sales</i>	1 per 2,500 square feet of lot area plus 2 per service bay
<i>Tire Retreading and Capping</i>	1 space plus 1.5 per service bay and 1 per 250 sq ft for of any retail or office on site
<i>Washing (Full Service)</i>	0.5 per service bay plus 1 per 250 per sq ft of indoor sales, office, or lounge area
<i>Washing (Self Service)</i>	0.5 per service bay
Eating and Drinking Establishments	
<i>Bar/Nightclub/Lounge, Brewpub, Microbrewery, Micro-Distillery</i>	1 per 100 sq ft of floor area
<i>Restaurant, Full Service</i>	1 per 150 sq ft of floor area plus 1 per 150 of outdoor dining areas over 300 square feet.
<i>Restaurant, Limited Counter Service/Fast Casual Food</i>	1 per 250 sq ft of floor area. For drive-through establishments, see Section 17.84.160.
<i>Tasting Room</i>	1 per 100 sq ft of floor area
Lodging	
<i>Bed and Breakfast</i>	1 per guest room and 1 manager's space
<i>Boarding House</i>	1 per sleeping room or 1 per 2 guest/resident beds, whichever is greater

**Table 17.68.030.C-1: Required Parking in the Residential and Non-Residential Zones**

<i>Hotel and Motel</i>	1 per guest room and 1 manager's space
Office Uses	
<i>Business, Professional, and Technology</i>	1 per 400 sq ft of floor area
<i>Medical and Dental Offices</i>	1 per 300 sq ft of floor area of lab, x-ray, or similar specialty plus five parking spaces per each doctor
Personal Services	
<i>General Personal Services</i>	1 per 400 sq ft of floor area, or 2 per service room or function plus 2 for administrative staff, whichever is greater
<i>Instructional Services</i>	1 per 250 sq ft of public or instruction area
Recreation, Fitness and Entertainment	
<i>Cinema/Theater</i>	1 per 5 seats in the main assembly area, or 1 for every 50 square feet of assembly area for group activities or where temporary or movable seats are provided, whichever is greater.
<i>Indoor Entertainment Facility</i>	1 space per 400 sq ft of floor area open to the public
<i>Indoor Sports and Recreation (Small-Scale and Large-Scale)</i>	1 space per 400 sq ft of floor area open to the public
<i>Outdoor Sports and Recreation Facility</i>	1 space per 400 sq ft of floor area open to the public
Retail	
<i>General Retail Sales</i>	1 per 400 sq ft, max. 1 per 300 sq ft
<i>Grocery Store</i>	1 per 400 sq ft, max. 1 per 300 sq ft
<i>Large Format Retail Sales</i>	1 per 400 sq ft, max. 1 per 300 sq ft
<i>Nursery and Garden Center</i>	1 per 500 square feet of floor area, plus 1 per 2,000 sq ft of outdoor display area
<i>Residential Limited Retail</i>	None
<b>Public/Institutional</b>	<b>1 per 250 square feet or as determined by the Review Authority, unless otherwise specified below</b>
Colleges and Trade Schools	1 per 5 members of the school population, (including students, faculty, and staff) based on maximum enrollment.
Community and Religious Assembly	1 per 5 seats in the main assembly area, or 1 for every 50 square feet of assembly area for group activities or where temporary or movable seats are provided, whichever is greater. For auxiliary classrooms, 1 space per classroom.
Community Garden	None
Cultural Facility	1 space per 400 sq ft of floor area open to the public

## Division III: Citywide Standards

**Table 17.68.030.C-1: Required Parking in the Residential and Non-Residential Zones**

Day Care Center	1 per employee, 3 per classroom/instructional care room, plus 2 loading spaces up to 100 students; greater than 100 students additional loading/unloading spaces required per the Zoning Administrator.
Emergency Shelter	1 per 500 square feet
Hospitals and Clinics	
<i>Hospitals</i>	1 per 1.5 beds, plus 1 per 300 square feet of area used for office, clinics, testing, research, administration, and similar activities associated with the principal use.
<i>Skilled Nursing Facility</i>	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.
<i>Clinic</i>	1 per exam room, plus 1 per 300 square feet of area used for office, clinics, testing, research, administration, and similar activities with the principal use.
School	To be determined by the Zoning Administrator based on use, facilities, and location
Social Service Center/Daytime Service Facility	1 per 350 square foot of floor area
<b>Industrial, Transportation, Communications, and Utilities Uses</b>	<b>1 per 2,000 square feet or as determined by Review Authority, unless otherwise specified below</b>
Building Materials and Supply	1 per 500 sq ft of floor area, plus 1 per 2,000 sq ft of outdoor display area.
Food Preparation	1 per 500 square feet of floor area
Industrial (Heavy, Light, and Medium)	1 per 2,000 sq ft of use area plus 1 per 300 sq ft of office area
Recycling Processing Facility	1 for each 2 employees on the maximum work shift, or 1 per 1,000 sq ft of floor area, whichever is greater.
Research and Development	1 per 600 sq ft of manufacturing and assembly, 1 per 300 sq ft of office, 1 per 2000 sq ft of warehouse, and 1 per 800 sq ft of laboratory.
Warehousing, Storage, Logistics and Distribution	
<i>Chemical or Mineral Storage</i>	1 per 2,500 sq ft up to 10,000 sq ft, plus 1 per 5,000 sq ft over 10,000 sq ft, plus 1 per 300 sq ft of office area.
<i>Indoor Warehousing and Storage, Logistics and Distribution</i>	1 per 2,500 sq ft up to 10,000 sq ft, plus 1 per 5,000 sq ft over 10,000 sq ft, plus 1 per 300 sq ft of office area.
<i>Personal Storage Warehouse Facility</i>	1 per 50 storage units plus one manager space
Light Fleet Based Services	1 per 300 sq ft of office plus 1 truck parking space for each delivery vehicle on-site

- D. **Parking Requirements for Uses Not Specified.** When parking requirements for a use are not specifically stated, the parking requirement for such use shall be determined by the Director, based on the requirement from the most comparable listed use in this Code.

## 17.68.040 General Provisions

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- A. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following:
1. **Fractional Spaces.** When calculations determining the number of required parking spaces result in a fractional space, any fraction over one-half shall require one additional parking space.
  2. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.
  3. **Employees.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
  4. **Bedrooms.** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.
  5. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 80 inches of bench type seating at maximum seating capacity is counted as one seat.
  6. **Queuing Area.** The number of parking spaces required does not include queuing space that may be required for vehicles and customers waiting in vehicles for service pump stations, drive-throughs, auto service bays, or similar uses.
  7. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required on-site parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 17.68.050, Alternative Programs for Parking.
- B. **Location of Required Parking.**
1. Parking shall not be located in a required front or street facing side yard except for driveways on residential lots, which may count toward required uncovered residential parking.
  2. Required parking for residential uses shall be on the same lot as the dwelling or use they serve or in an off-site facility as provided in Subsection 1.68.060.B.3, Off-Site Parking Facilities below.
  3. **Off-Site Parking Facilities.** Parking facilities for uses other than Single-Unit Dwellings, Two-unit Dwellings, and Accessory Dwelling Units may be provided off-site with Review Authority approval provided the following have been met:

- a. *Location.*
  - i. Residential Uses. Any off-site parking facility must be located within 300 feet, along a pedestrian route, of the unit or use served.
  - ii. Nonresidential Uses. Any off-site parking facility must be located within 600 feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.
  - iii. Off-site properties held under a long-term lease through a recordable covenant, or other security.
- b. *Parking Agreement.* A written agreement between the landowner and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:
  - i. A guarantee among the landowner for access to and use of the parking facility; and
  - ii. A guarantee that the spaces provided will be maintained and reserved for the uses served for as long as such uses are in operation.
  - iii. The Director shall be notified immediately if any change, termination, or default of the off-site parking agreement.
  - iv. Upon notification of possible termination of an off-site parking agreement, the Director shall determine a reasonable time in which one of the following shall occur:
    - a) Substitute parking shall be provided that is acceptable and secured; or
    - b) An in-lieu parking fee shall be paid for each space eliminated.

C. **Parking Accessibility and Availability.**

- 1. ***Accessible Parking.*** Where parking is provided for the public as clients, guests, or employees, it shall include parking accessible to persons with disabilities in accordance with the standards of the California Building Standards Code.
- 2. ***Parking to be Unrestricted.***
  - a. Parking required by this article shall be available to the public without charge. A fee for parking may only be charged for spaces that exceed the minimum requirements of this article.
  - b. Residential Parking. Where this article requires communal parking areas in residential areas, said parking shall not be restricted to individual units.
- 3. ***Access to Adjacent Sites.*** Whenever possible, new commercial and office development shall provide shared vehicle and pedestrian access to adjacent properties for convenience, safety, and efficient circulation. A joint access agreement shall be required. If either site is developed and there is no feasible location to gain access, the Director may waive this condition, however, the removal of excess parking may not be considered a barrier to gaining access.

- D. **Moved Buildings and Structures.** Any building or structure which is moved from one lot to another shall be provided with off-street parking in the amount required for a new building or structure as required by this Chapter.
- E. **Additional Parking Required Where There is Limited or No On-Street Parking. (New)** In those instances, where a multi-family residential project over four units, or small lot single family product does not have direct access to public on-street parking in the immediate vicinity, the project shall be required to provide more on-site parking to the equivalent of one additional space per unit.
- F. **On-Street Parking. (New)** On-street parking along a lot frontage may be counted toward the parking requirement subject to Review Authority approval.

**17.68.050 Alternative Programs for Parking (New)**

- A. **Affordable Units.** On-site parking requirements for affordable multi-unit dwellings of three or more units of moderate income or below may be reduced to the following, unless further reduced by AB 2345 or other state law:
  - 1. **Required Parking Spaces.**
    - a. Studios and one bedroom units: One space per unit.
    - b. Two bedroom units: 1.25 spaces per unit.
    - c. Three or More Bedrooms: 1.5 spaces per unit.
  - 2. **Guest Parking.** One additional uncovered guest parking space must be provided for every 5 units.
- B. **Parking Reductions.** The number of on-site parking spaces required may be reduced as follows:
  - 1. **Private Car/Van Pool Operations.** Office or Industrial developments which guarantee preferred parking spaces to employees who participate regularly in car or van pool may have their parking reduced by one space for every one space which is marked for car or van pool at a preferred location.
  - 2. **Transit Accessibility.** For any land use, except residential single unit, duplex, and triplex development, if any portion of the lot is located within one-quarter mile of a transit stop with a 15 minute or more frequent service during the hours of 7 AM to 9 AM and 5 PM to 7 PM, the number of required parking spaces may be reduced by 30 percent of the normally required number of spaces.
  - 3. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 40 percent, at the discretion of the Review Authority, if all findings are made:
    - a. The peak hours of uses will not overlap or coincide to a degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
    - b. The proposed shared parking provided will be adequate to serve each use;

- c. The use(s) will be adequately served by the proposed on-site parking;
  - d. A shared use parking analysis is provided to support the proposed shared parking arrangement;
  - e. When a shared parking facility serves more than one property, a parking agreement shall be prepared.
4. **Reduction for Bicycle Parking.** Developments which provide secured bicycle parking facilities exceeding the minimum requirement may reduce the number of required vehicle parking spaces by one vehicle space for each three bike spaces up to five percent of the required number of parking spaces in parking lots for commercial and industrial uses only.
  5. **Reduction for Motorcycle Parking.** Motorcycle parking spaces may substitute for up to five percent of required automobile parking for Commercial or Industrial Uses. Each space must be at least four feet wide and seven feet deep.
  6. **Other Parking Reductions.** Required parking for any use may be reduced at the discretion of the Review Authority, if the Review Authority finds that the use will be adequately served by proposed on-site parking or other approved off-site parking, subject to a parking use analysis, and parking demand.
- C. **In-Lieu Parking Fee.** In lieu of satisfying the requirements of Section 17.68.030, Required On-Site Parking Spaces, off-street parking requirements may be satisfied through the payment of an in-lieu parking fee. The in-lieu parking fee shall be administered as follows:
1. **Establishment of Amount of Fee.** The amount of the in-lieu parking fee shall be set by separate resolution following a public hearing of the City Council. The City Council may adjust the fee at their discretion as frequently as is deemed necessary based on factors including, but not limited to, inflation, the cost of providing new parking spaces, and the market value of the parking spaces.
  2. **Applicable to Geographic Area.** Only properties located within the downtown parking district shall be eligible to apply for the in-lieu parking fee. The City Council may, by resolution and following a public hearing, change or modify the boundaries for the in-lieu parking fee, or determine new boundaries.
  3. **Determination of Eligibility.** The Director may allow a payment of in-lieu parking fees as an alternative to providing all or a portion of the required parking spaces on-site if it can be adequately demonstrated to the Review Authority that one or more of the following conditions apply:
    - a. It is infeasible to provide the required parking spaces on-site due to the size, shape or topography of the site, or other special circumstances pertaining to the property.
    - b. Providing the required parking spaces on-site is detrimental to the pedestrian nature of the downtown parking district.
    - c. The uses proposed for the project do not require parking to be on the project site.

- d. Encouraging users of the project site to walk from off-site parking to the project site would be beneficial to the downtown parking district.
  - e. The existing and planned parking supply in the vicinity of the project site is adequate.
  - f. Public assembly uses may not exempt more than 50 percent of the required parking for that use utilizing an in-lieu of parking fee.
4. **Payment of Fee.** Should the Director approve an in-lieu parking fee request, payment shall be made to the City in one lump sum prior to the issuance of a Building Permit or, if a Building Permit is not required, within 45 days of written request by City for payment. The in-lieu parking fee shall be a one-time only, nonrefundable payment and shall be considered full satisfaction of the off-street parking requirement for the number of parking spaces for which the in-lieu parking fee was paid.
5. **Effect of Payment.** In-lieu parking fees shall be used exclusively to make available additional parking spaces for public use within the downtown parking district and do not guarantee the construction of spaces in any particular area of the downtown parking district or within any particular period of time. In-lieu parking fees are solely an alternative means of satisfying the applicant’s obligation to provide off-street parking as required by this Section. Payment of the in-lieu parking fee does not carry any other guarantees, rights, or privileges to the applicant.

**17.68.060 Electric Vehicle Charging Stations (New)**

Electric vehicle (EV) charging stations and EV-capable parking spaces shall be provided for all new buildings erected as required by this Section. All such spaces shall be included in the calculation of parking demands of Section 17.68.030, Required On-Parking Spaces.

- A. **Required EV Charging Stations.** The total number of required EV charging stations spaces are specified in Table 17.68.060.A-1: Required EV Charging Stations.

Table 17.68.060.A-1: Required EV Charging Spaces	
Total Number of Required Parking Spaces	Minimum EV Charging Spaces
0 - 9	0
10 - 25	1
26 -50	2 for residential uses; 2 for nonresidential uses
51+	6% of total

- B. **Exceptions.** Exceptions to Table 17.68.060.A-1: Required EV Charging Spaces may be made on a case-by-case basis where the Planning and Building Director and the Building Official determine that EV charging infrastructure is not feasible based upon one or more of the following conditions:

- 1. There is insufficient electrical supply;

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2. There is evidence that additional local utility infrastructure design requirements directly related to the implementation of this Section may adversely impact the construction cost of the project; or
  3. Providing the EV charging infrastructure creates an economic hardship for an affordable housing project.
- C. **Size.** The size of EV charging station parking spaces and EV-capable parking spaces shall be as specified in Section 17.68.090, Parking Area Development and Design Standards. EV supply equipment shall not reduce the size of the parking space.
- D. **Accessible EV Spaces.** Where accessible parking requirements are required, at least one EV space or EV charging station shall meet current van accessible dimensions, as defined by the California Building Code, and be connected to a barrier-free accessible route of travel to the building. No accessible markings shall be made on the EV space or EV charging station with van accessible dimensions. The EV space with van accessible dimensions shall be the first EV charging station established on the property.
- E. **EV Charging Stations.** EV charging stations shall be allowed within any zone subject to all applicable requirements of the Municipal Code in addition to the following:
1. Construction shall comply with California Green Building Standards Code § 5.106.5.3.1 and 5.106.5.3.2 to facilitate future installation of EVSE.
  2. EV parking spaces shall be equipped with electric vehicle supply equipment (EVSE), which shall be Level 2 or higher.
  3. The EV charging station shall be protected as necessary to prevent damage by automobiles.
  4. Any EV charger shall be listed and labeled by an approved testing agency.
  5. Installation of mechanical equipment shall not conflict with existing infrastructure and will not result in pedestrian or vehicular traffic hazards.
  6. All existing trees that may be impacted or required to be removed as a result of the installation of the new charging facility shall be identified.
  7. The EV charging station shall have complete instructions and appropriate warnings posted in an unobstructed location next to each EV charging station.
  8. **EV Stations for Public Use.** EV charging stations for public use must be visible from the right-of-way and illuminated during nighttime business hours.
    - a. One standard non-illuminated sign, not to exceed four square feet in area and eight feet in height, may be posted for the purpose of identifying the location of each cluster of EV charging stations.
    - b. The EV charging station may be on a timer that limits the use of the station to the normal business hours of the use(s) that it serves to preclude unauthorized use after business hours.
    - c. The following information shall be posted at a public EV charging station:
      - i. Voltage and amperage levels;

- ii. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;
- iii. Usage fee;
- iv. Safety information; and
- v. Contact information for reporting when the equipment is not operating or other problems.

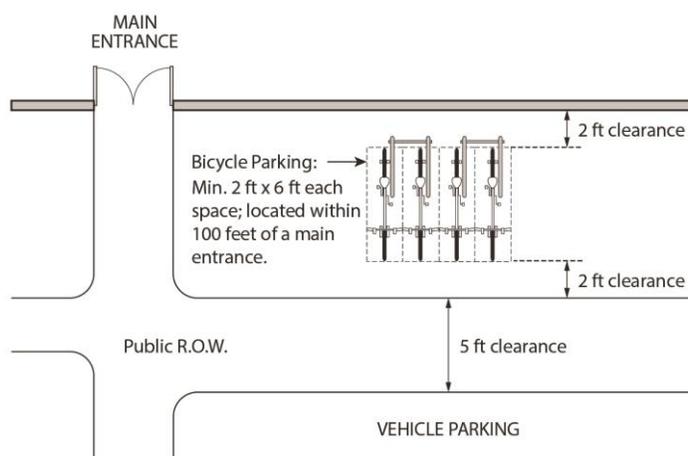
**17.68.070 Bicycle Parking (New)**

- A. Secured bicycle parking shall be incorporated into each project for use by employees, residents, and visitors.
- B. **Bicycle Parking Classifications.**
  - 1. **Class I.** A stationary bicycle rack designed to secure the frame and one wheel of the bicycle, where the bicyclist supplies only a padlock.
  - 2. **Class II.** An enclosed box with a locking door, typically called a bicycle locker, where a single bicyclist has access to a bicycle storage compartment, or other fenced/secured storage area as provided in this Section.
- C. **Class I Bicycle Parking.** Bicycle racks shall be placed near building entrances, in safe, well-lit locations, and permanently anchored to a hard, dust free surface, and installed in a manner which allows adequate space for access to the bicycle and locking device.
  - 1. **Spaces Required.** For the following uses, the number of Class I secure bicycle parking spaces shall be at least 10 percent of the requirements in Section 17.68.030, Required On-Site Parking Spaces, with a minimum of four secure bicycle parking spaces provided per establishment.
    - a. Multi-Unit Residential, Group Residential, and Single Room Occupancy.
    - b. All Public/Semi-Public Uses.
    - c. All Commercial Uses, except Automobile/Vehicle Sales and Services, Short-term Rentals, and Mobile Vendors.
  - 2. **Location.**
    - a. Class I secure bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of a main entrance to the building it serves.
    - b. Class I secure bicycle parking shall be located outside of the public right-of-way except as allowed through an encroachment permit.
    - c. Where the secure bicycle parking area is not visible from the main entrance of the buildings, signs located at the main entrance of the building shall identify the location of bicycle parking.
  - 3. **Anchoring and Security.** For each Class I bicycle parking space required, a stationary, securely-anchored object shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if

both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.

4. **Size and Accessibility.** Each Class I bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

**FIGURE 17.68.070.C-1: CLASS I BICYCLE PARKING**

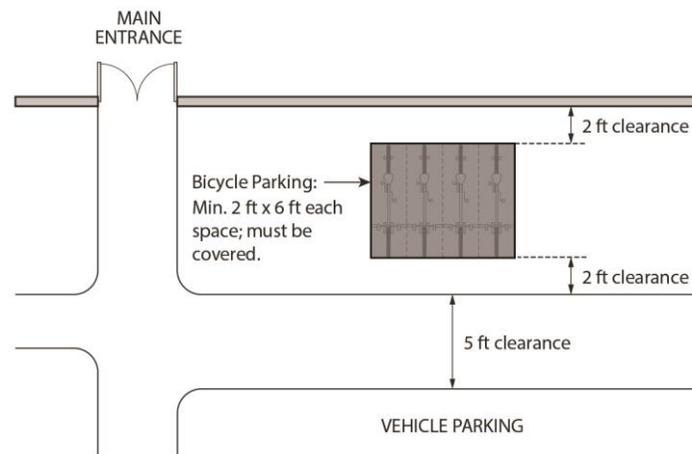


- D. **Class II Bicycle Parking.** Class II bicycle parking must be provided to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

1. **Spaces Required.**
  - a. *Multi-Unit Residential, Group Residential, and Single-Room Occupancy.* A minimum of one Class II bicycle parking space, or other secured indoor bicycle parking, shall be provided per every five dwelling units for projects over 10 units.
  - b. *Parking Structures.* Class II bicycle parking shall be provided at a minimum ratio of one bicycle parking space per 25 vehicle parking spaces.
  - c. *Other Non-Residential Uses.* Any establishment with 25 or more full-time equivalent employees shall provide Class II bicycle parking at a minimum ratio of one bicycle parking space per 20 vehicle parking spaces.
2. **Location.** Class II bicycle parking must be located on the same lot as the use it serves and near the facility entrance. In parking structures, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.

3. **Cover.**
  - a. 100 percent of required Class II bicycle parking for multi-unit residential development shall be covered.
  - b. A minimum of 50 percent of Class II bicycle parking required for other land uses shall be covered.
  - c. Covered bicycle parking can be provided inside buildings, garages, bike lockers, or under roof overhangs, or awnings.
4. **Anchoring and Security.** Class II bicycle parking must be in:
  - a. An enclosed bicycle locker;
  - b. A fenced, covered, locked, or guarded bicycle storage area;
  - c. A rack or stand inside a building that is within view of an attendant or security guard, visible from employee work areas, or within a secure/restricted bicycle storage room; or
  - d. Other secure areas approved by the Director.
5. **Size and Accessibility.** Each Class II bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

**FIGURE 17.68.070.D-1: CLASS II BICYCLE PARKING**



**17.68.080 Loading**

Every building or structure used for industrial uses, commercial uses except offices, or any other building where goods are received or shipped, or require pick up and drop off activities, shall be provided with loading and unloading space as follows:

## Division III: Citywide Standards

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- A. One permanently maintained truck loading and unloading space for buildings having a gross floor area of 7,500 square feet or more, plus one additional space for each additional 20,000 square feet or major fraction thereof.
- B. Each loading space shall be not less than 10 feet in width, 25 feet in length and 14 feet in height.
- C. Loading space, exclusive of driveway or corridors leading thereto shall be in addition to required parking space.
- D. Loading space, unless otherwise specified, shall be on site. No on-street loading spaces will be permitted.
- E. Industrial, commercial, and office uses having need for only occasional receiving or shipping of goods may use a portion of the driveway or parking area for temporary loading and unloading.
- F. Special uses, such as day care, adult care, kennels, hospitals, schools, have specific loading and unloading requirements, as specified in Chapter 17.84, Standards for Specific Uses and Activities.

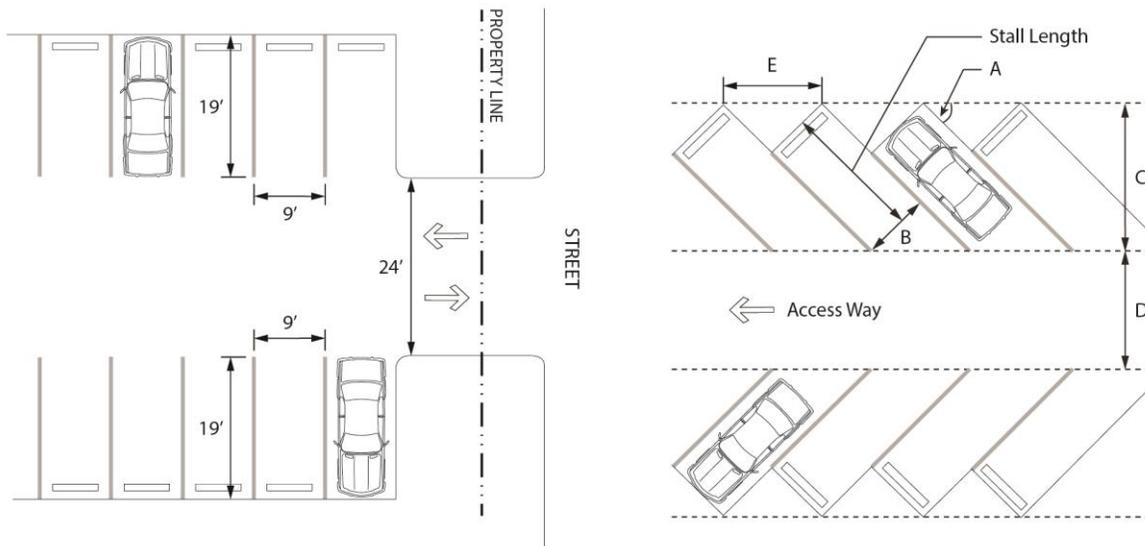
### **17.68.090 Parking Area Development and Design Standards**

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- A. **Location of Parking Areas.**
  - 1. Parking areas shall not be located such that vehicles back onto a public street except for driveways and off-street parking areas serving dwelling structures of three units or fewer on one parcel of land.
  - 2. Locations of all parking, loading, and unloading facilities are subject to the approval of the Director and the Traffic Engineer.
  - 3. Parking arrangements not consistent with the standards of Division II may be considered through site plan and development review with approval by the Zoning Administrator or Planning Commission as appropriate to the proposed use.
- B. **Parking Space Size and Access.**
  - 1. ***Minimum Parking Space Dimensions.***
    - a. *Standard Spaces.* Nine by 18 feet
    - b. *Compact Spaces.* Eight feet by 16 feet.
  - 2. ***Single Family and Duplex Garages and Carports.***
    - a. A single car garage or carport shall have a minimum inside dimension of 10 feet in width by 20 feet in length.
    - b. A two-car garage or carport shall have a minimum inside dimension of 20 feet in width by 20 feet in length.
    - c. The vertical clearance for garage or carport parking spaces shall not be less than seven feet six inches.

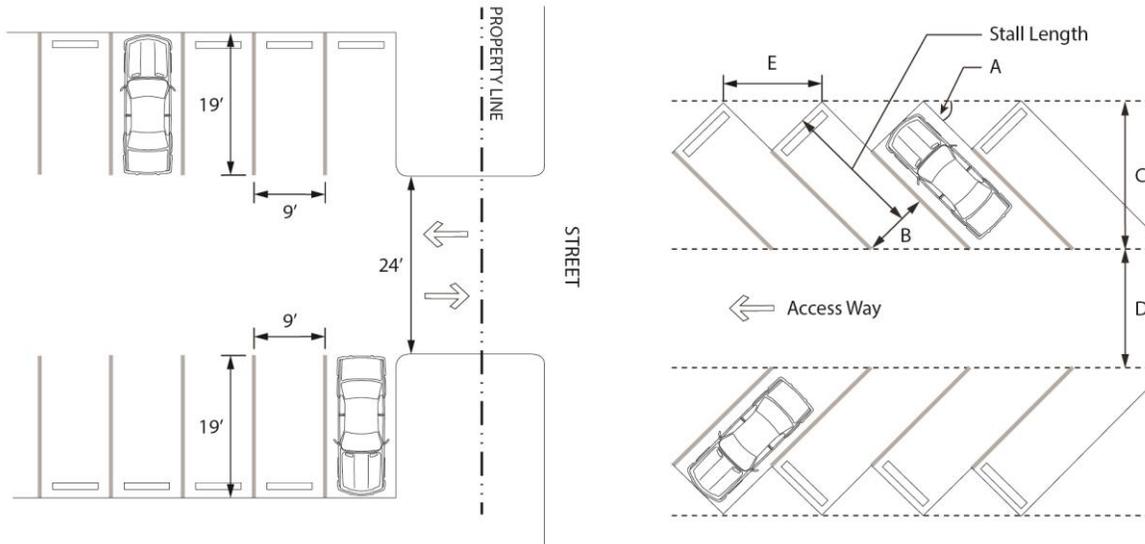
- d. Required uncovered parking spaces for single family and duplex dwellings located in the front yard shall not be used for, or obstructed by, storage of material, equipment, or inoperable vehicles.
- C. **Tandem Parking.** Tandem parking may be permitted to satisfy the off-street parking requirement in accordance with the following:
- a. No more than two vehicles shall be placed one behind the other;
  - b. For a residential project, both spaces shall be assigned to a single dwelling unit;
  - c. For a non-residential establishment, both spaces shall be assigned as employee only parking and shall be for the same establishment and may not exceed 20 percent of the total required spaces; and
  - d. Tandem parking may not be used to satisfy the parking requirement for guest parking.
- D. **Parking Lot Area Dimensions.** All off-street parking facilities required by this Chapter shall comply with the dimensions in Table 17.68.090.D-1: Parking Lot Dimensions.

**Table 17.68.090.D-1: Parking Lot Dimensions**



A	B	C	D	E	F	G
Stall Angle (degrees)	Stall Width (ft)	Vehicle Projection for 19 ft. stall length	One-Way Aisle Depth	Curb Length Per Car	Width for Aisle, Wall to Wall	Width for Double Aisle, Overlap Center to Overlap Center
0	9	9	12	23	30	0

**Table 17.68.090.D-1: Parking Lot Dimensions**



A	B	C	D	E	F	G
Stall Angle (degrees)	Stall Width (ft)	Vehicle Projection for 19 ft. stall length	One-Way Aisle Depth	Curb Length Per Car	Width for Aisle, Wall to Wall	Width for Double Aisle, Overlap Center to Overlap Center
45	9	19.8	13	12.7	52.5	46.5
60	9	21	18	10.4	60	55.5
90	9	19	24 (two-way aisle); 26 feet where buildings are 3+ stories	9	62	0

1. The Zoning Administrator and the Traffic Engineer shall have the authority to establish and/or approve parking stall and maneuvering area dimensions for parking facilities other than those specified in this Code.
2. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the required maneuvering space.
3. A walkway, if provided, shall be in addition to the required parking and maneuvering space.
4. Where off-street parking facilities are provided in excess of the amounts required, or when off-street parking facilities are provided, but not required by this Chapter, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space specified by this Code.

- E. **On-Site Drainage.** At locations where street drainage facilities are inadequate, do not exist or where unusual topographic conditions exist, the City Engineer may specify such on-site drainage measures as he or she deems necessary to adequately dispose of the drainage water (see City of Woodland Engineering Standards).
- F. **Driveways. (Updated)**
1. **Number of Driveways.**
    - a. In the Downtown and N-P zones, new or additional driveways and curb cuts shall be avoided in order to maintain the historic character of the block.
    - b. The number of driveways and curb cuts along streets shall be minimized to limit unsafe conditions and enhance the experience of walking and bicycling.
    - c. For single-family residential land uses (R-L, N-P, R-LM), only one driveway per parcel will be permitted.
    - d. Exceptions, subject to approval of the Director:
      - i. Circular driveways based on adjacent right of way traffic speed, volume, and visibility.
      - ii. When a property has a street front 80-feet or wider.
      - iii. When a property is on a corner, a second driveway may be considered if there will be no impact to existing utilities or removal of required City street trees and if the minimum distance from intersection requirements are met in accordance with the City of Woodland Engineering Standards.
      - iv. Parking in the required rear yard of single family and duplex dwellings shall be permitted only where the minimum usable open space requirement is met and where coverage requirements inclusive of an accessory structures and areas surfaced for parking are met and do not exceed thirty percent of the required rear yard area. Parking for recreational vehicles shall meet the standards of Section 17.64.100, Vehicle/Truck Parking and Storage.
    - e. Driveway access to major streets shall be spaced to provide reasonable access to properties while maximizing traffic safety and traffic flow. Emphasis should be placed on maximizing on-site reciprocal access and minimizing the number of street access points.
  2. **Driveway Throat Depth.** The length of driveways or “throat depth” shall be designed to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Entrance designs shall be designed in accordance with Section 3.18 of the City of Woodland Engineering Standards and subject to approval by the City Engineer.

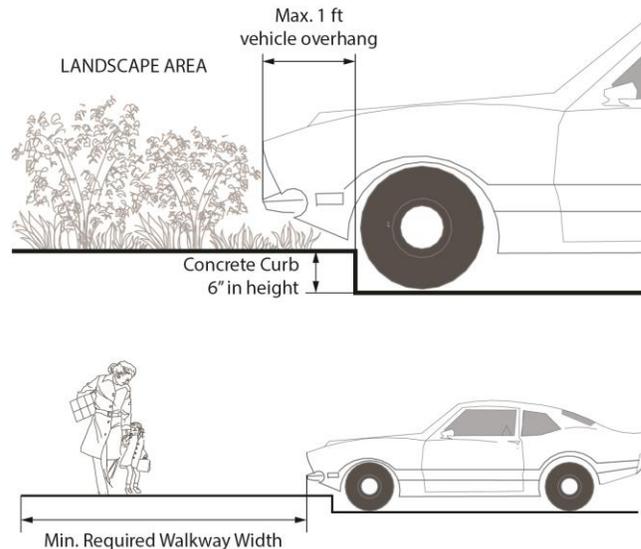
3. ***Driveway Width and Length.***

- a. Shared single family and duplex residential driveways, where the driveway cut through the curb is shared by multiple parcels, shall be a maximum of 24 feet wide at the property line.
- b. Shared multiple family and commercial industrial driveway shall have a maximum throat width of 40-feet at back-of-walk, in accordance with the City of Woodland Engineering Standards, Section 3.19.B.
- c. Residential driveway length providing direct access to a garage or carport shall be 20 feet in depth. Reductions up to 18 feet may be considered by the Director for access to private alleys through Development Review.
- d. If designated as a Fire Lane, the minimum width shall be 20 feet, unless a greater width is required by the Fire Marshall.

G. **Development and Maintenance of Parking Areas.**

- 1. ***Parking Lot Striping.*** All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.
- 2. ***Wheel Stops.*** Concrete bumper guards or wheel stops shall be provided for all unenclosed parking spaces on a site with four or more unenclosed parking spaces. A six-inch high concrete curb surrounding a landscape area may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.
  - a. The entire parking space includes the wheel stop and overhang.
  - b. A maximum one-foot vehicle overhang is allowed. When overhang parking is utilized, the depth of the parking stall may be reduced by one foot. Landscaping in the one-foot overhang area does not count toward required landscaping.
  - c. The area at the front of the required parking space may be landscaped with low growing plants rather than paving. Any required planter space or width is in addition to the overhang area.

FIGURE 17.68.090.G-1: WHEEL STOPS



3. **Surfacing.**

- a. All parking areas shall be graded, paved, improved, and properly drained in accordance with the following standards and subject to approval of the City Engineer:
  - i. *Permeable Paving.* Permeable paving may be used if approved by the City Engineer.
  - ii. *Turf Grids/Grassy Pavers.* Turf grids or grassy pavers may be installed in areas of low traffic or infrequent use, such as emergency vehicle lanes, if approved by the Fire Marshall and City Engineer.
  - iii. *Alternate Parking Area Surface.* Concrete, asphalt, grouted continuous brick, cobblestone, turf block, or any similar durable and dustless surface may be used upon approval of the Director.

H. **Forward Entry.** Parking lots shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.

I. **Other Uses.** Parking areas shall be used for vehicle parking only with no sales, dead storage, repair work, dismantling or servicing of any kind permitted.

J. **Covered Parking.** When covered parking is provided, landscape areas between covered parking structures shall be planted with appropriate landscaping. Where the covered parking is adjacent to a property boundary, landscaping shall be provided behind each covered parking area.

K. **Carport and Garage Design.** Garages and carports shall be architecturally designed to be integrated with the main buildings. Solar panels are allowed as roof material for garages or carports.

L. **Additional Considerations for All Off-Street Parking Areas.** The following requirements shall apply to the uncovered portions of all off-street parking and loading areas:

### Division III: Citywide Standards

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1. A clearly defined, lighted and landscaped pedestrian route shall be provided between parking areas and primary pedestrian entrance.
2. When an off-street parking area and a public right-of-way are continuous, a landscaped area shall be provided as described in Section 17.64.040, Landscaping, which effectively screens the parking area to a height of three and one-half feet.
3. Any portion of an off-street parking area which abuts a Residential zone shall be screened by a fence or wall not less than six feet in height, except within the front setback area where the fence shall be no higher than three and one-half feet (see Section 17.64.030, Fences, Walls, and Hedges and Chapter 17.70, Screening Standards).
4. Landscaping shall be provided along alleys, paths, and private streets when they are adjacent to parking and loading areas. See also Section 17.64.040, Landscaping.
5. Not less than six percent of the interior area of all auto parking lots shall be devoted to permanent landscaping and except for trees shall not exceed a height of four feet. Main access roads and driveway not used as back-up areas are exempt from this requirement. See also Section 17.64.040, Landscaping.
6. Edges of the parking lot must be clearly defined with trees, low walls, hedges, and/or berms.
7. Screening and orientation must prevent lights from cars in a parking lot from shining onto surrounding properties.
8. Subject to approval by the City, permanent landscaping in off-street parking and loading areas may be used for stormwater management practices. See also Section 17.64.040, Landscaping.
9. In locations where plants will be susceptible to injury by pedestrian or automobile traffic, the plants shall be protected by appropriate curbs, tree guards or other devices.
10. Paving, grading, and other parking area improvements shall conform to the City of Woodland Engineering Standards and this Chapter.

## Chapter 17.70 Screening Standards (New)

Sections:

17.70.010	Purpose and Applicability .....	III-67
17.70.020	Mechanical and Electrical Equipment and Utilities .....	III-67
17.70.030	Service Areas .....	III-68
17.70.040	Outdoor Storage Areas .....	III-69

### 17.70.010 Purpose and Applicability

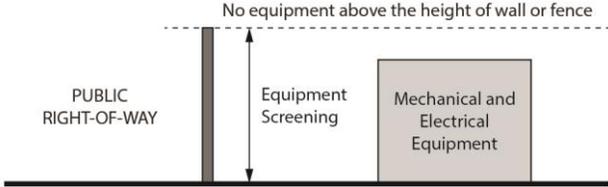
- A. **Purpose.** The specific purposes of the screening regulations are to minimize the visual impacts of on-site service, storage, and equipment.
- B. **Applicability.** This Chapter applies to the following:
  - 1. All on-site ground-mounted and roof-mounted mechanical, electrical, and other equipment related to utilities. Equipment to be screened includes but is not limited to, heating and/or air conditioning units, water tanks, valves, all back flow prevention devices, solar and photovoltaic panels, and transformers.
  - 2. All on-site outdoor service yards and work areas.
  - 3. Open storage of goods, materials, machines, equipment and vehicles, or parts outside of a building for more than 72 hours.
  - 4. **Exceptions.**
    - a. Temporary storage of materials reasonably required for construction work on the premises pursuant to a valid building or grading permit.
    - b. Outdoor sales or uses that by their nature provide outdoor storage, such as auto, trailer, and boat dealers, and equipment rental specified as an allowed land use in the applicable base zone.

### 17.70.020 Mechanical and Electrical Equipment and Utilities

- A. **Location of Equipment.**
  - 1. Utilities, particularly if noise producing, shall be located away from private and common open space areas, and shall not be located within the front setback of any Residential zone, excluding public utilities, unless sufficiently screened to the satisfaction of the Director.
  - 2. Backflow prevention devices shall not be located within the public right-of-way or along primary pedestrian streets unless required by the Fire Department or Public Works Department.

- B. **Screening and Visibility Requirements.** All exterior mechanical and electrical equipment and utilities shall be screened or incorporated into the design of buildings so as not to be visible from public rights of way or adjacent Residential zones.
- C. **Rooftop-Mounted Equipment Screening.** Roof mounted mechanical equipment shall be screened in compliance with the following standards:
  - 1. To the extent possible equipment shall be placed in wells, or behind parapet walls.
  - 2. Screening materials may be solid concrete, wood, or other opaque material and shall effectively screen the mechanical equipment so that it is not visible from a public street;
  - 3. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural styles;
  - 4. Mechanical equipment must be screened from the perspective of the adjacent public streets, right-of-way, and/or sidewalk.
- D. **Ground-Mounted Equipment Screening.** Equipment shall be located underground where feasible or screened from the public right-of-way by landscaping, berms, decorative fencing and/or masonry walls, and/or solid building elements that are architecturally compatible and complementary with the structure and overall project in terms of materials, color, shape, and size rather than after-the-fact add-on screening (e.g., metal slats). Exceptions may be granted by the Director where screening is infeasible due to health and safety or utility requirements. See Subsection 17.84.070.B.4 for location requirements for ground-mounted solar equipment.

FIGURE 17.70.020.D-1: SCREENING OF MECHANICAL AND ELECTRICAL EQUIPMENT



**17.70.030 Service Areas**

- A. **Commercial Loading Docks and Service Areas.** Loading docks and storage areas shall be screened from public view and adjoining streets and rights-of-way and residentially zoned areas. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style. Exceptions may be considered through Development Review for sites with unique characteristics (e.g., shallow depth, narrow lot).
- B. **Screening of Outdoor Trash Enclosures/Recycle Containers.** Trash receptacles including recycling and green waste containers shall not be stored within a required front or street side yard, when feasible, and shall be screened from the public right-of-way. See Section 17.64.080, Refuse and Recycling Enclosures for trash enclosure design standards.

- C. **Outdoor Equipment and Work Areas.** Work bays and related equipment for materials other than plants shall be enclosed and screened from view from the public right-of-way and abutting property by a solid fence or wall. All gates provided for ingress and egress in any required fence or wall shall be at least six feet in height and shall be of view obstructing construction in compliance with Section 17.64.110, Visibility at Intersections.

### 17.70.040 Outdoor Storage Areas

- A. All uses or activities shall be conducted wholly within completely enclosed buildings, and no outdoor storage shall be allowed between the primary building and the sidewalk or street, except as may be provided as a specified land use in allowed use tables of Division II, Zone Regulations.
- B. All allowed on-site outdoor storage areas shall be screened from view from any public street or freeway; existing or planned Residential zone; or publicly accessible open space area, parking area, access driveway, or similar thoroughfare.
- C. **Location of Outdoor Storage Areas.**
1. Outdoor storage may only be allowed in conjunction with and as an accessory use to an existing business with an active business license. Primary use outdoor storage or truck parking lot is not permitted.
  2. Outdoor storage may not be located within any required front or street side yard.
  3. If outdoor storage is adjacent to a residential district, a Zoning Administrator Permit is required (see Section 17.100.090, Zoning Administrator Permit).
- D. **Surfacing.**
- Outdoor storage areas must be surfaced (paved and/or treated) to mitigate potential dust, and debris on public roadways. In making a determination regarding the type of surfacing, the following shall be taken into consideration:
1. The type of product being stored and frequency of use and movement of goods, vehicles, and materials.
  2. Surrounding sensitive uses, such as residential, schools, day care, industrial food preparation, research and technology uses requiring clean facilities.
  3. If the surfacing will conform to all applicable federal and state air and water quality standards.
  4. Driveway access and employee parking must be paved and landscaped as required in Chapter 17.68, Parking and Loading.
- E. **Screening.** All materials and outdoor storage areas must be fully screened so as not to be visible from any rights-of-way and shall be located below fence height, wall, or building.
1. All outside industrial storage areas must be screened from all public rights-of-way and adjacent commercial or residential properties to a height of eight feet. Screening height and location may be modified for security reasons with the concurrence of the Director and the Police Chief.

### **Division III: Citywide Standards**

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2. The screening shall be a combination of appropriate wall or fence materials and landscaping, or of a substantially equivalent material appropriate to the district and location. See Section 17.64.030, Fences, Walls, and Hedges.
3. Where applicable, screen planting shall be designed to achieve a 75 percent summer opacity and 60 percent winter opacity within three years of planting.

## Chapter 17.72 Signs

Sections:

17.72.010	Purpose .....	III-71
17.72.020	Applicability.....	III-72
17.72.030	Sign Permits.....	III-73
17.72.040	General Standards for All Signs .....	III-74
17.72.050	Standards for Permanent Signs .....	III-86
17.72.060	Standards for Temporary Signs .....	III-109
17.72.070	Standards for Nonconforming Signs.....	III-113
17.72.080	Enforcement .....	III-113
17.72.090	Severability.....	III-114

### 17.72.010 Purpose

This Chapter regulates signs in a manner that expresses the character and environment of the City of Woodland and implements the General Plan, consistent with state and federal law. These regulations recognize the importance of business activity to the economic vitality of the City as well as the need to protect the visual environment. This Chapter promotes the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:

- A. Ensure that all signs are compatible with the unique character and environment of the City, and that they support the desired ambience and development patterns of the various districts and historic areas within the City;
- B. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
- C. Allow signs to serve as an effective channel of communication while preventing signs that may create visual clutter, or nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians and drivers;
- D. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or maintained;
- E. Protect and improve property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape;
- F. Encourage creative and innovative approaches to signage within an established framework; and
- G. Provide clear and unambiguous sign design standards that enable the fair and consistent enforcement of these sign regulations, and

- H. Ensure that the constitutionally guaranteed right of free speech is protected.

**17.72.020            Applicability**

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- A. This Chapter applies to all signs within the City regardless of their nature or location, unless otherwise specifically exempted in Subsection 17.72.020.F, Exempt Signs.
  - 1. Standards for permanent signs are found in Section 17.72.050, Standards for Permanent Signs.
  - 2. Standards for temporary signs are found in Section 17.72.060, Standards for Temporary Signs.
- B. The provisions of this Chapter shall be applied in a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Chapter. “Non-communicative aspects” include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.
- C. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.
- D. All regulations included in this Chapter shall apply unless a Master Sign Program is approved by the Planning Commission; see Subsection 17.72.030.C. Entry into an agreement between the City and a developer for a Master Sign Program may supersede this Chapter, except for matters of public safety.
- E. **Substitutions and Interpretations.**
  - 1. This Chapter is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different noncommercial message, without the need for any approval or permit, provided that the size of the sign is not altered and the sign otherwise complies with the provisions of this Chapter. To the extent any provision of this Chapter is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.
  - 2. This Chapter applies to all signs within the City. When there is any question regarding the interpretation of a provision of this Chapter, or its application to any specific case or situation, the Director shall interpret the intent of this Chapter.
  - 3. All regulations included in this Chapter shall apply unless a Master Sign Program is approved by the Planning Commission; see Section 17.72.030, Sign Permit – Permanent Signs. Entry into agreement between the City of Woodland and a

developer for a Master Sign Program may supersede this Chapter except for matters of public safety.

- F. **Exempt Signs.** The following are not regulated under this Chapter, do not count toward the maximum total sign area for all permanent signs, and do not require a Sign Permit:
1. **Government Signs.** Any sign, posting, notice or similar signs placed, installed, or required by law by a City, County, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:
    - a. Numerals and letters identifying an address from the street to facilitate emergency response and compliant with City requirements;
    - b. Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense;
    - c. Traffic signs erected and maintained by an authorized public agency;
    - d. Signs required to be displayed by any applicable federal, State, or local law, regulation, or ordinance;
    - e. Signs directing the public to points of interest; and
    - f. Signs showing the location of public facilities.
  2. **Incidental Signs.** Incidental signs not to exceed a total of three-square feet in sign area for all permanent signs in the R-1 and N-P zones and six square feet in all other zones;
  3. **Signs not Readable from the Public Right-of-Way.** Signs not readable from the public right-of-way, including:
    - a. Signs or displays located entirely inside of a building, within a courtyard, open-air pedestrian space or similar open area and not visible from the building's exterior;
    - b. Signs intended to be readable from within a parking area or City park but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way; and
  4. **Historic Plaques and Commemorative Signs.** Historic plaques, memorial signs or tablets, or signs indicating the names of buildings and dates they were erected, either attached to or cut into the surface of buildings, provided that no such sign exceeds four square feet in area.

### 17.72.030 Sign Permits

The procedures for submittal, review, and approval of permanent signs and for a Master Sign Program, inclusive of any required fees, are established in the following Sections:

- A. Section 17.100.140, Sign Permit – Permanent Signs, for all permanent building mounted and freestanding signs;
- B. Section 17.100.150, Sign Permits – Master Sign Program, for all Master Sign Programs; and

- C. A Sign Permit is not required for a sign on property used exclusively for a single-family residence or duplex.
- D. **Nonstructural Modifications and Maintenance.** A Sign Permit is not required for the following:
  - 1. Changes to the face or copy of changeable copy signs;
  - 2. Changes to the face or copy of an existing single-tenant or multi-tenant freestanding or building mounted non-illuminated sign from one business to another with no structural or lighting modifications to the sign; and
  - 3. The normal repair and maintenance of conforming or legal nonconforming signs, except as identified in Subsection 17.72.040.K, Sign Maintenance.

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### 17.72.040 General Standards for All Signs

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- A. **Sign Message.** Any permitted sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Chapter.
- B. **Location Standards.** All signs may not be placed in the following locations or manner, except where specifically authorized in this Chapter:
  - 1. **Architectural Features.** Areas where a sign would cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, windows, or another architectural feature;
  - 2. **Accessory Structures.** Tacked, painted, pasted, or otherwise affixed, to the walls of any building, barn or shed, accessory structure, or on trees, poles, posts, fences, ladders, or other structures that are visible from a public way. Signs may be attached to a fence or freestanding wall only when a ground sign is not present in the development and must be maximum three square feet in sign area;
  - 3. **Clearance Standards.** Within the horizontal or vertical clearance standards from communications lines and energized electrical power lines prescribed by the laws of the State of California;
  - 4. **Fences and Walls.** A fence or freestanding wall if a freestanding sign is present on the development;
  - 5. **Fuel Tanks, Storage Containers, and Solid Waste Receptacles.** Painted, attached, or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification sign, appropriate warning signs and placards, and information required by law;
  - 6. **Off-premises.** Off the premises to which the sign refers, except as provided in Section 17.72.060, Standards for Temporary Signs;
  - 7. **Public Utilities and Infrastructure.** Any sign attached to any public utility pole, structure or streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved

as part of a Special Event Permit on City property or banner signs permitted by the City on light poles within the City;

8. **Right-of-Way.** Within, on, or projecting over public property including City rights-of-way, except as specifically provided in this Chapter;
  9. **Signs Mounted on a Roof.** Except as allowed in Table 17.72.050.C-9: Standards for Roof-mounted Signs; and
  10. **Vehicles.** Mounted, attached, or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises in a manner intended to attract attention of the public for the purpose of advertising or identifying the business premises. This provision excludes signs indicating the name of the owner or business that are permanently painted or wrapped on the surface of the vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of the business. Vehicles must be operable and parked in a lawful or authorized manner.
- C. **Parking of Mobile Billboards Prohibited.** No person shall park or convey any mobile billboard advertising display as defined by this Code, either standing alone or attached to a motor vehicle, upon any public street or public lands in the City.
1. **Removal of Mobile Billboard Advertising Displays Authorized.** Pursuant California Vehicle Code § 22651(v) and 22651(w), a peace officer, or any regularly employed and salaried employee of the City, who is authorized to engage and is engaged in directing traffic or enforcing parking laws and regulations may remove, or cause to be removed, the mobile billboard, or anything that the mobile billboard is attached to including a motor vehicle, located within the territorial limits of the City when the mobile billboard is found upon any public street or any public lands, if all of the following requirements are satisfied:
    - a. When a mobile billboard either standing alone or attached to a motor vehicle, is parked, or left standing in violation of the Code, and the registered owner of the vehicle or display was previously issued a warning notice or citation for the same offense;
    - b. A warning notice or citation was issued to a first-time offender at least 24 hours prior to the removal of the vehicle or display. The City is not required pursuant to California Vehicle Code § 22651(v)(2) and 22651(w)(2) to provide further notice for a subsequent violation prior to enforcement; and
    - c. The warning notice or citation advised the registered owner of the vehicle or display that he or she may be subject to penalties upon a subsequent violation of this Code that may include removal of the vehicle or display.
  2. **Permanent Advertising Signs Excepted.** Pursuant to California Vehicle Code § 21100(p)(2) and (p)(3), this Section does not apply to advertising signs that are permanently affixed in a manner that is painted directly upon the body of a motor vehicle, applied as a decal on the body of a motor vehicle, or placed in a location on the body of a motor vehicle that was specifically designed by a vehicle manufacturer

for the express purpose of containing an advertising sign, such that they are an integral part of, or fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.

3. **Post Storage Impound Hearing.** California Vehicle Code § 22852 of the California Vehicle Code applies to this Section with respect to the removal of any mobile billboard advertising display vehicle. California Vehicle Code § 22852 is incorporated by reference as if set forth in full by this Code and provides, in summary, that whenever an authorized employee of the City directs the storage of a vehicle, the City shall direct the storage operator to provide the vehicle's registered and legal owner(s) of record, or their agent(s), with the opportunity for a post-storage hearing to determine the validity of the storage. Notice of the storage shall be mailed or personally delivered to the registered and legal owner(s) within 48 hours, excluding weekends, as specifically provided for under California Vehicle Code § 22852. To receive a post-storage hearing, the owner(s) of record, or their agent(s), must request a hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice. The City may authorize its own officer or employee to conduct the hearing as long as the hearing officer is not the same person who directed the storage of the vehicle.
  4. **Violations and Penalties.** A violation of this Section is a misdemeanor, punishable upon conviction by a fine of not less than \$250, nor more than \$1,000, or by imprisonment in the County jail for not more than six months, or by both fine and imprisonment. At the discretion of any person authorized by the Chief of Police to issue a citation for any violation of this Section, or the City Attorney's Office, a violation of this Section may be an infraction enforced through the parking penalty process set forth in California Vehicle Code § 40200 et seq.
- D. **Display Standards.** This Subsection regulates the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the City. Signs with the following display features are prohibited:
1. **Devices Affected by Movement.** Any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, including strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means;
  2. **Exposed Light Source.** Any sign with an exposed light source, except for neon LED strip lights incorporated into the design of the sign;
  3. **Flashing Lights.** Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking, or strobe light illumination, including search lights;
  4. **Florescent Colors.** Any sign which uses florescent colors;
  5. **Rotating Signs and Barber Poles.** Any sign in which the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in

position of the sign body or any portion of the sign, whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter, and clocks, are excepted from this restriction;

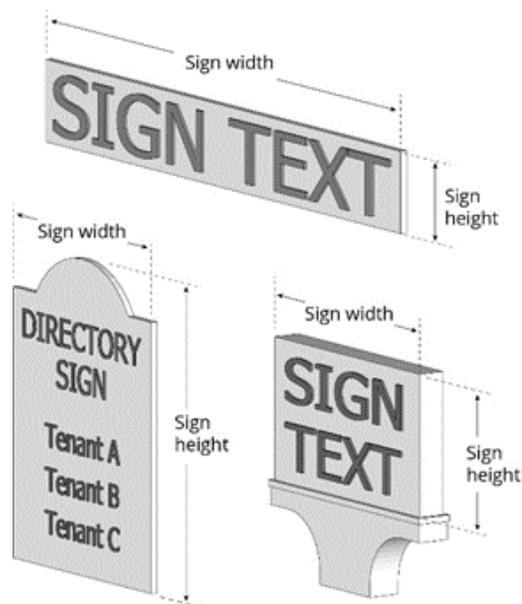
6. **String of Lights.** Strings of lights arranged in the shape of a product, arrow, or any commercial message; and
  7. **Visible Matter and Motion Picture Projection.** Any sign which emits sound, odor, smoke, laser or hologram lights, or other visible matter, including any sign that uses motion picture projection.
- E. **Signs that Create a Traffic Hazard or Affecting Pedestrian Safety.** All signs may not be placed in locations or manner that constitute a safety hazard or to impede the public use of the public right of way, except where specifically authorized in this Chapter:
1. **Conflict with Traffic Signs.** Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;
  2. **Exits and Entrances.** Any sign which is placed in a manner that would prevent or inhibit free ingress to or egress from any door, window, vent, or any exit way required by the Building Code or by Fire Department regulations;
  3. **Intersections.** Any sign erected or maintained at or near any street intersection that will obstruct the free and clear vision of drivers and pedestrians.
  4. **Sidewalks.** Any sign mounted or displayed in such a manner that it blocks or impedes the normal pedestrian use of public sidewalks. A minimum width of four feet must be maintained on sidewalks at all times; and
  5. **Site Visibility Triangle.** Within the site visibility triangle as defined in Section 17.64.110, Visibility at Intersections, that must be observed at all street intersections and the intersections of dedicated alleys or driveways with streets.
- F. **Prohibited Sign Types.**
1. Any sign which advertises a business that is a prohibited use or no longer in existence or a product or service no longer being sold;
  2. Bandit signs;
  3. Cabinet signs;
  4. Feather banner signs;
  5. Electronic message signs, except gas price display on service station monument signage, and except as allowed in Subsection 17.72.050.D.2, Digital Billboard Signs;
  6. Non-digital billboards;
  7. Pole signs;
  8. Signs installed on the roof of a building or structure, except as allowed in Subsection 17.72.050.C.9, Roof-Mounted Signs;

- 9. Signs which bear or contain statements, words, or pictures of an obscene nature;
- 10. Sign walkers;
- 11. Statutory signs; and
- 12. Stuffed or inflated animals or characters used as signs.

G. **Rules of Measurement.**

- 1. **Sign Area Measurement.** Sign area is measured as follows:
  - a. *Signs on Background Panel.* Where the sign copy is mounted, affixed, or painted on a background panel or distinctively painted, textured, or constructed surface, the sign area is measured as the sum of the smallest rectangle(s) that will enclose both the sign copy and the background, as shown in Figure 17.72.040-G.1: Signs on Background Panel.

**FIGURE 17.72.040.G-1: SIGNS ON BACKGROUND PANEL**



- b. *Signs with Individual Letters.* Where the sign has individual letters or graphics mounted against a wall, fascia, mansard, parapet, or other building surface that has not been distinctively painted, textured or constructed as a background panel, the sign area is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign except for the descending elements of lower case letters, as shown in Figure 17.72.040.G-2: Signs with Individual Letters. Sign area for individual letters or graphics shall be counted as 75 percent of the area enclosing the sign copy.

**FIGURE 17.72.040.G-2: SIGNS WITH INDIVIDUAL LETTERS**



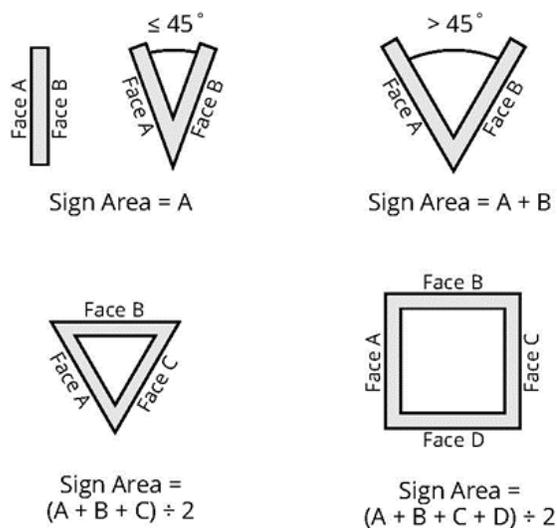
- c. *Irregular Shaped Signs.* Sign area for irregular shaped signs is determined by dividing the sign into the smallest squares, rectangles, triangles, circles, or arcs that enclose each word or graphic in the sign, as shown in Figure 17.72.040-G.3: Irregular Shaped Signs.

**FIGURE 17.72.040.G-3: IRREGULAR SHAPED SIGNS**



- d. *Multi-Face Signs.* The sign area for multi-face signs, as shown in Figure 17.72.04-G.4: Multi-Face Signs, are measured as follows:
  - i. *Two-Face Signs.* Where the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is measured as the area of one sign face only. Where the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.
  - ii. *Three- or Four-Face Signs.* The allowable sign area is measured as 50 percent of the sum of the areas of all sign faces.

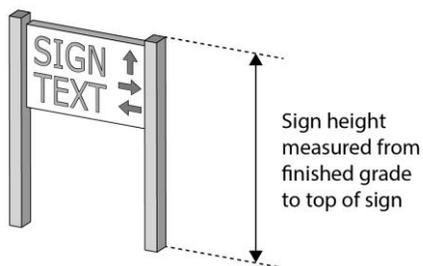
FIGURE 17.72.040.G-4: MULTI-FACE SIGNS



2. **Sign Height Measurement.**

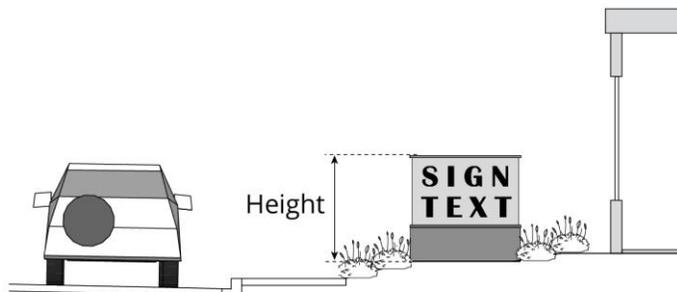
- a. *Freestanding Signs.* Sign height for freestanding signs is measured as the vertical distance from the finished grade to the top of the sign.

FIGURE 17.72.040.G-5: FREE-STANDING SIGN HEIGHT



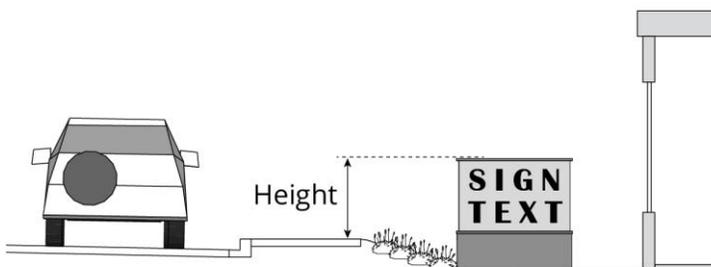
- i. *Higher Than Adjacent Grade.* Where the grade at the base of a sign is higher than the grade of the adjacent road right-of-way, sign height is measured from the base of the sign, as shown in Figure 17.72.040-G.6: Freestanding Sign Height, Higher Than Adjacent Grade.

**FIGURE 17.72.040.G-6: FREESTANDING SIGN HEIGHT, HIGHER THAN ADJACENT GRADE**



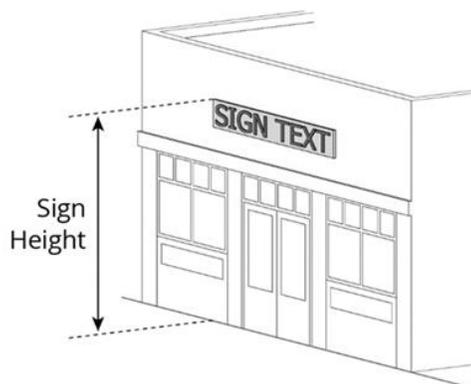
- ii. *Lower Than Adjacent Grade.* Where the grade at the base of a sign is lower than the grade of an adjacent road right-of-way, the height of the sign is measured from the top of curb elevation, as shown in Figure 17.72.040-G.7: Freestanding Sign Height, Higher Than Adjacent Grade (the portion of the sign below the grade at the edge of the right of way shall not be included in determining the sign’s overall height).

**FIGURE 17.72.040.G-7: FREE-STANDING SIGN HEIGHT, LOWER THAN ADJACENT GRADE**



- b. *Wall Signs.* The height of building-mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure, as shown in Figure 17.72.040.G-8: Wall Sign Height.

FIGURE 17.72.040.G-8: WALL SIGN HEIGHT



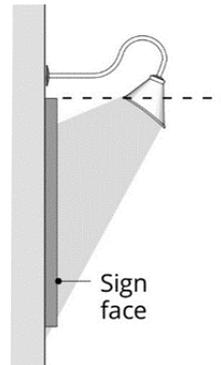
3. **Building Frontage.**

- a. The wall length and sign area shall be calculated separately for buildings with two or more frontages.
- b. Projections and recesses on a building wall may not exceed 10 feet for a continuous building frontage.

H. **Sign Illumination**

1. **Internal Illumination.** Internally illuminated signs include single- or two-color LED signs, signs constructed with pan channel letters, or indirect halo illuminated channel letters (e.g., a reverse panel channel letter sign) are on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.
2. **External Illumination.**
  - a. Externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
  - b. The light source for externally illuminated signs shall be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties as illustrated in Figure 17.72.040-H.1: External Illumination.

**FIGURE 17.72.040.H-1: EXTERNAL ILLUMINATION**

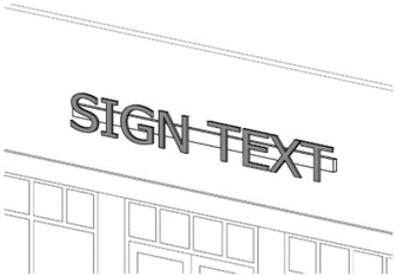


3. **Direct Illumination.**
  - a. Direct illumination may not be used in Residential zones and is limited to letters, numbers, symbols, and accents on a marquee sign.
  - b. Exposed lamps must not exceed an output of 25 watts and must only have a steady light output.
4. **Neon.**
  - a. Exposed neon sign lighting is only allowed on permanent monument and wall signs in the non-residential zones.
  - b. Each business is only allowed one neon sign and it must be placed on the primary frontage of the building.
  - c. Neon is allowed on no more than 25 percent of the total sign area of a permanent building mounted sign
  - d. Neon signs placed in a window are exempt from the total sign area limitations for all window signs (Refer to Table 17.72.050.C-12: Standards for Window Signs).
  - e. Neon signs must be turned off daily at the close of business or 10:00 pm, whichever occurs last.
5. **Single-Color or Two-Color LED Signs.**
  - a. Single-color or two-color LED signs are exempt from the sign area limitations for wall signs and window signs established in Table 17.72.050.C-11: Standards for Wall Signs and Table 17.72.050.C-12: Standards for Window Signs.
  - b. Any individual single-color or two-color LED sign must not exceed four square feet in area.
  - c. Single color or two-color LED signs are not allowed in Residential zones.
  - d. Single-color or two-color LED signs must be turned daily at the close of business or 10:00 pm, whichever occurs last.

I. **Sign Structure and Installation**

- 1. The installation of signs shall be enforced and administered by the Building Inspector. All signs and sign structures must be designed to comply with the provisions of this Chapter, the applicable provisions of the Building and Electrical Codes, and constructed to withstand wind loads, dead loads, and lateral forces.
  - a. Any angle iron, bracing, guy wires, or similar features used to support a sign shall not be visible to the extent technically feasible.
  - b. Where electrical service is provided to freestanding signs or landscape wall signs, the electrical service shall be placed underground and concealed. Electrical service to building mounted signs, including conduit, housings, and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A Building Permit shall be issued prior to installation of any new signs requiring electrical service.
  - c. All permanent signs allowed by this Chapter shall be constructed of durable materials capable of withstanding continuous exposure to the elements and the conditions of a built-up environment, and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- 2. Raceway, as illustrated in Figure 17.72.040.I-1: Raceway, shall only be used in building mounted signs when access to the wall behind the sign is not feasible, or when the Zoning Administrator determines that a benefit exists to preserve a historic or architectural feature of a building. In such cases, the raceway shall not extend in width and height beyond the area of the sign and shall match the color of the building to which it is attached.

**FIGURE 17.72.040.I-1: RACEWAY**



- 3. Signs shall be designed so that all frameworks for the support of the sign are an integral part of the design of the sign or within the structure of the building to which it is attached so as to not be visible.
- J. **Signage Design and Materials in the DX-1 and DX-2 Zones.** Appropriate sign materials for the Downtown area are dependent on the style, age, and materials used in the building. Materials may include the following:

1. **Wood.** Carved, etched, and painted or stained;
2. **Metal.** Formed, etched, cast, engraved, and painted; and
3. High-density preformed foam or similar material.

K. **Sign Maintenance.**

1. All signs shall be maintained by any property owner, lessor, lessee, manager, agent, or other person having lawful possession or control over a sign, building, structure, or parcel of land, in a condition or state of equivalent quality to which was approved or required by the City.
2. All signs together with their supports and appurtenances shall be maintained in good structural condition, in compliance with applicable Building and Electrical Codes, and in conformance with this Chapter. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the Sign Permit issued for its installation and provisions of this Chapter.
3. All signs and supporting structures shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted and clean. The immediate surrounding premises shall be maintained free of weeds and rubbish. The Zoning Administrator is authorized to order the painting, cleaning or repair of signs which become dilapidated and the cleaning of the immediate premises. Such maintenance shall be completed within 30 days of receiving written notice.
4. **Landscape Maintenance.** Required landscaped areas contained by a fixed border, curbed area, wall, or other perimeter structure shall receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within three months.
5. The Building Inspector has the authority to order the repair, maintenance, or removal of any sign or sign structure that has not been maintained and is dangerous or in disrepair, or which is erected or maintained contrary to the requirements of this Section.
6. Failure to maintain a sign constitutes a violation of this Chapter and will be subject to enforcement action, in which case the Building Inspector may order the removal of any sign that is determined to be in disrepair or dangerous.
7. Any owner of a sign victimized by graffiti shall remove, repair, or repaint sign(s) within 10 days of the graffiti being applied or within 10 days of notification by the Director, whichever event comes first, or the sign shall be subject to removal by the City at the owner's expense.

## 17.72.050 Standards for Permanent Signs

### A. Applicability.

1. This Section establishes the standards for permanent building mounted and freestanding signs that are applicable in all zones. Standards for each allowed sign type are provided in Tables 17.72.050.C-1 through Table 17.72.050.C-12 and Tables 17.72.050.D-1 through 17.721.050.D-4, respectively. These tables are organized as permanent building-mounted and freestanding signs for each sign type. All permanent signs must comply with the standards for sign area, height, number, type, and other requirements provided in these tables.
2. A sign type not specifically included in this Section may be allowed by the Director provided the sign meets the intent of the zone in which it is proposed.

**Table 17.72.050.A-1: Allowed Sign Types by Zones**

Sign Type	R-1, N-P	R-LM	R-M, R-H	CMU-E, CMU-K, CMU-F, CMU-A, CMU-G	DX-2, DX-3, CCMU	DX-1, DX-4, CMU-WM	RC	RC-F	IF, IG, BP	OS, PF, FSA
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"•" = Permitted

Building-Mounted Signs										
Awning Sign	• <sup>1</sup>	•	•	•	•	•	•			
Blade Sign	• <sup>1</sup>		•	•	•	•	•			
Canopy Sign			•	•	•	•	•			
Directional Sign	•	•	•	•	•	•	•	•	•	•
Directory Sign	•	•	•	•	•	•	•	•	•	•
Hanging Sign	• <sup>1</sup>			•	•	•	•			
Marquee Sign					•	•				
Projecting Sign			•		•	•	•			
Roof-Mounted Sign					•	•		•	•	
Service Island Canopy Sign					•	•		•	•	
Wall Sign	• <sup>1</sup>		•		•	•	•	•	•	
Window Sign	• <sup>1</sup>		•		•	•	•	•	•	
Freestanding Signs										

**Table 17.72.050.A-1: Allowed Sign Types by Zones**

Sign Type	R-1, N-P	R-LM	R-M, R-H	CMU-E, CMU-K, CMU-F, CMU-A, CMU-G	DX-2, DX-3, CCMU	DX-1, DX-4, CMU-WM	RC	RC-F	IF, IG, BP	OS, PF, FSA
Digital Billboard Sign							•	•	•	•
Directory Sign	•	•	•	•	•	•	•	•	•	•
Directional Sign	•	•	•	•	•	•	•	•	•	•
Freeway Oriented Sign							•	•	•	
Monument Sign			•	•	•	•	•	•	•	•

Notes:

1. Limited to residential limited retail uses only.

**B. Standards for Permanent Building-Mounted and Freestanding Signs.**

1. Businesses with frontage and primary vehicle access on a through lot may consider each frontage separately when determining maximum sign area. The area for each frontage is not transferable to the opposite frontage.
2. Businesses with direct alley access are permitted an additional one square foot of sign area per linear foot of building facade facing the alley. The sign area for the alley frontage is not transferable to the main street frontage.
3. If a business frontage is only on the alley, then the total permitted sign area is allowed for the business, and all sign(s) shall be located on the alley frontage.
4. Where several businesses are developed as a unit, such as a shopping center, one sign which identifies the development is allowed. The area of this sign shall not exceed the maximum allowable area for the largest business sign permitted in the development but in no case shall it exceed 100 square feet. Where the development identification is placed on a monument sign, Subsection 17.72.050.D.6, Monument Signs is applicable.
5. The maximum total area for all building-mounted and freestanding signs is established in Table 17.72.050.B-1, Standards for All Permanent Signs, including additional regulations for sign area, height, and setback from a property line.
6. The area of all building-mounted signs is included in the maximum total sign area, except when specifically exempted.
7. All permanent building-mounted and freestanding signs must comply with the corresponding sign type standards provided in Tables 17.72.050.C-1 to Table 17.72.050.D-4.

Table 17.72.050.B-1: Standards for All Permanent Signs				
Zone(s)	Max. Sign Height, Building-Mounted	Max. Sign Height, Freestanding	Total Sign Area per Business or Development	Min. Distance from Property Line
R-1, N-P, R-LM	10 ft	5 ft	4 sf per residential business; 24 sf per residential limited retail use <sup>1</sup>	R-1, R-LM: 15 ft N-P: 5 ft Residential limited retail use: 0 ft.
RM, RH	20 ft	8 ft	20 sf for residential uses; 24 sf per residential limited retail use	5 ft
CMU-E, CMU-K, CMU-F, CMU-A, CMU-G, DX-2, DX-3	30 ft	8 ft	2.0 sf per linear foot of building frontage; not to exceed 175 sf	CMU zones: 5 ft DX-2 and DX-3: 0 ft
DX-1, DX-4, CMU-WM	30 ft	8 ft	2.0 sf per linear foot of building frontage; not to exceed 175 sf	0 ft
CCMU	20 ft	8 ft	1.5 sf per linear foot of building frontage; not to exceed 125 sf	5 ft
RC, RC-F	40 ft	8 ft plus 1 ft for every 5 feet of setback from property line, not to exceed 15 ft <sup>2</sup>	2.0 sf per linear foot of street frontage; not to exceed 200 sf	5 ft
IL, IG, BP	40 ft	8 ft plus 1 ft for every 5 feet of setback from property line, not to exceed 15 ft	2.0 sf per linear foot of street frontage; not to exceed 200 sf	10 ft
OS, PF	20 ft	8 ft	20 sf <sup>1</sup>	OS and PF: 25 ft FSA: 15 ft

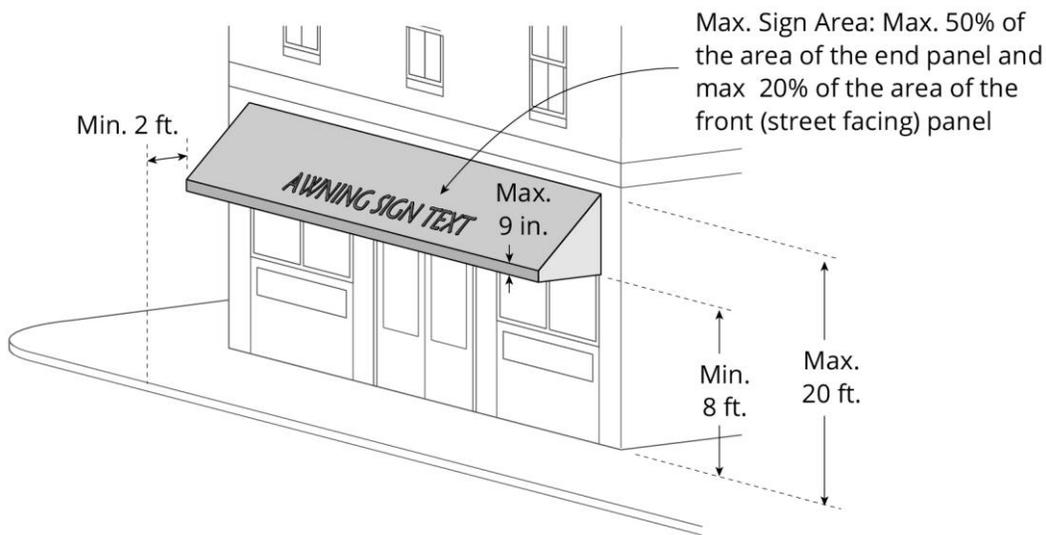
Notes:

1. The Zoning Administrator may grant by Zoning Administrator Permit an increase in the maximum total sign area for all permanent signs in these zones for public parks and recreation facilities, public schools, governmental facilities, public cultural facilities, and nonprofit hospitals. See Section 17.100.090, Zoning Administrator Permit.
2. Refer to Section 17.72.050.D.5, Freeway-Oriented Signs.

C. **Standards for Permanent Building-Mounted Signs**

1. **Awning Sign.** Awning signs must comply with the standards provided in the table below.

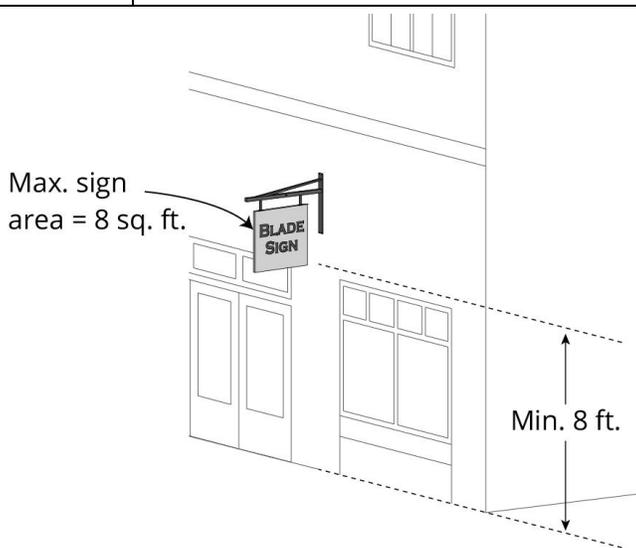
Table 17.72.050.C-1: Standards for Awning Signs	
Standards	Requirements
<i>"sf" = square feet ; "lf" = linear feet</i>	
Sign Area	Sign area is max. 50% of the area of the end panel and max 20% of the area of the front (street facing) panel of the awning or valance. Included in the total allowable sign area for all building-mounted signs (see Table 17.72.050.B-1: Standards for All Permanent Signs).
Mounting Height	Max. 8 ft from the bottom of the awning to the nearest grade or sidewalk. Max. 20 ft.
Sign Placement	Must only be placed above the doors and windows of the ground floor. May project into public right-of-way with approval of an Encroachment Permit.
Valance Height	Max. 9 in.
Horizontal Distance from Back of Curb	Min. 2 ft.
Illumination	Non-illuminated or illumination allowed under the awning.



**Division III: Citywide Standards**

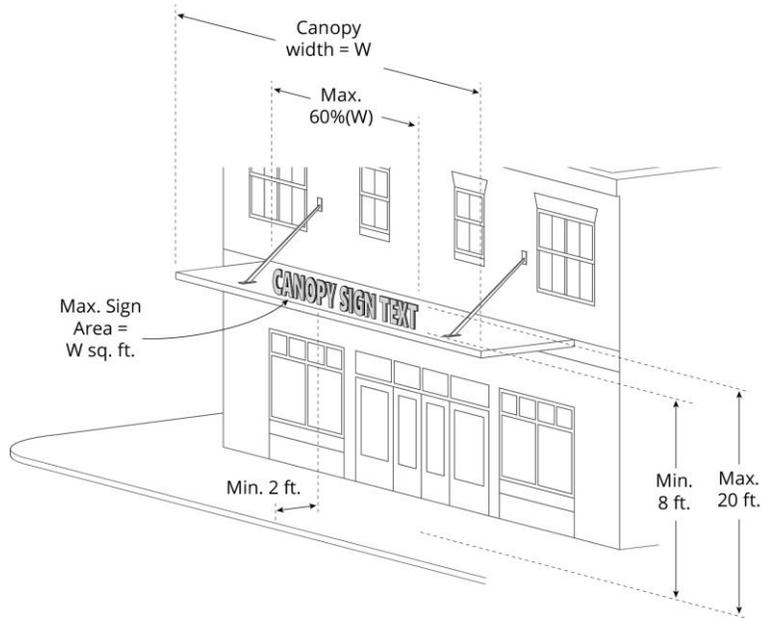
2. **Blade Sign.** Blade signs must comply with the standards provided in the table below.

Table 17.72.050.C-2: Standards for Blade Signs	
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 8 sf. Included in the total allowable sign area for all building-mounted signs (see Table 17.72.050.B-1: Standards for All Permanent Signs).
Mounting Height	Min. 8 feet from the bottom of the sign to the nearest grade or sidewalk. Must be mounted perpendicular to the building face or at the corner of the building.
Number of Signs	Max. 1 per frontage, except on a corner where two signs are allowed, i.e., 1 per frontage.
Sign Placement	Sign must not extend beyond the edge of the structure on which it is located if mounted below the walkway or overhead structure. May project into public right-of-way with approval of an Encroachment Permit.
Horizontal Distance from Back of Curb	Min. 2 ft.
Illumination	Non-illuminated or internal illumination.



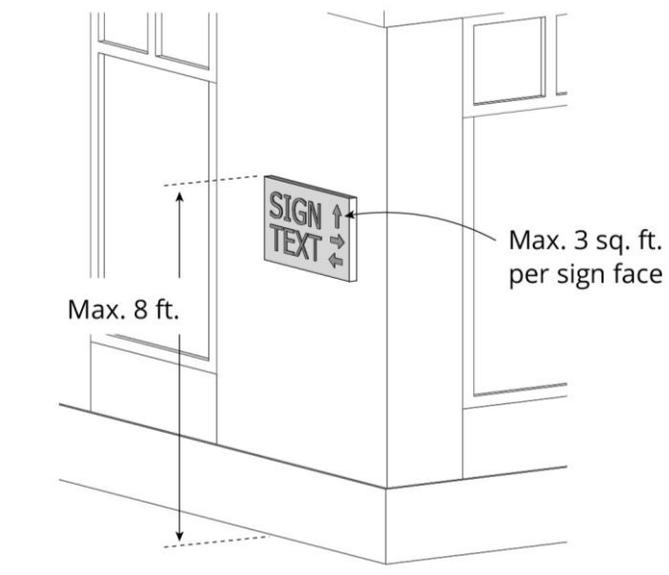
3. **Canopy Signs.** Canopy signs must comply with the standards provided in the table below.

Table 17.72.050.C-3: Standards for Canopy Signs	
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 1 sf per 1 lf of canopy width.
Mounting Height	Min. 8 ft from the bottom of the canopy to the nearest grade or sidewalk. Max. 20 ft. Included in the total allowable sign area for all building-mounted signs (see Table 17.72.050.B-1: Standards for All Permanent Signs).
Sign Placement	Must be placed above the doors and windows of the ground floor of a building. Sign area is max. 60% of the store width or tenant space per business when canopy is placed on multiple store fronts. May project into public right-of-way with approval of an Encroachment Permit.
Horizontal Distance from Back of Curb	Min. 2 ft.
Illumination	Non-illuminated or internal illumination.
Other Requirements	Max. height of sign letters is 2 ft measured from the top of the canopy.



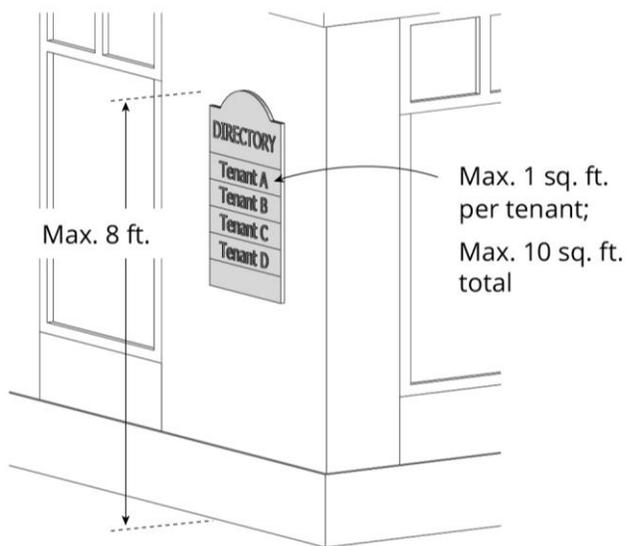
4. **Directional Signs (Building-Mounted).** Directional signs must comply with the standards provided in the table below.

Table 17.72.050.C-4: Standards for Directional Signs	
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 3 sf. Excluded from the total number of allowed signs for all building-mounted signs.
Mounting Height	Max. 8 ft.
Sign Placement	Max. 1 per driveway entrance.
Illumination	Non-illuminated or external illumination.



5. **Directory Signs (Building-Mounted).** Directory signs must comply with the standards provided in the table below.

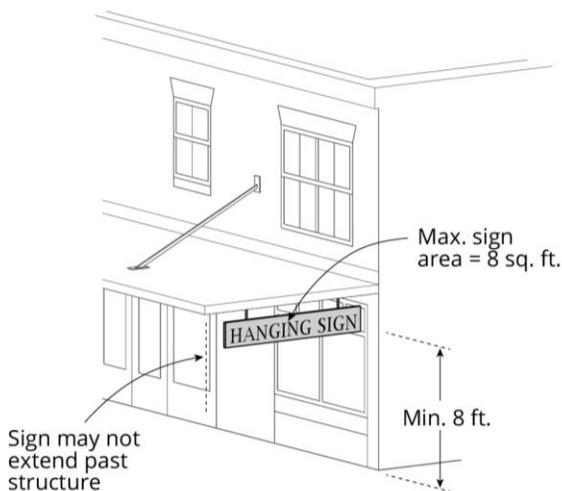
Table 17.72.050.C-5: Standards for Directory Signs (Building-Mounted)	
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 1 sf per tenant space; Max. 10 sf total sign area. Excluded from the total number of allowed signs for all building-mounted signs.
Mounting Height	Max. 8 ft from nearest grade.
Number of Signs	Max. 1 per primary building entrance.
Illumination	Non-illuminated, internal illumination, or external illumination.



**Division III: Citywide Standards**

6. **Hanging Signs.** Hanging signs must comply with the standards provided in the table below.

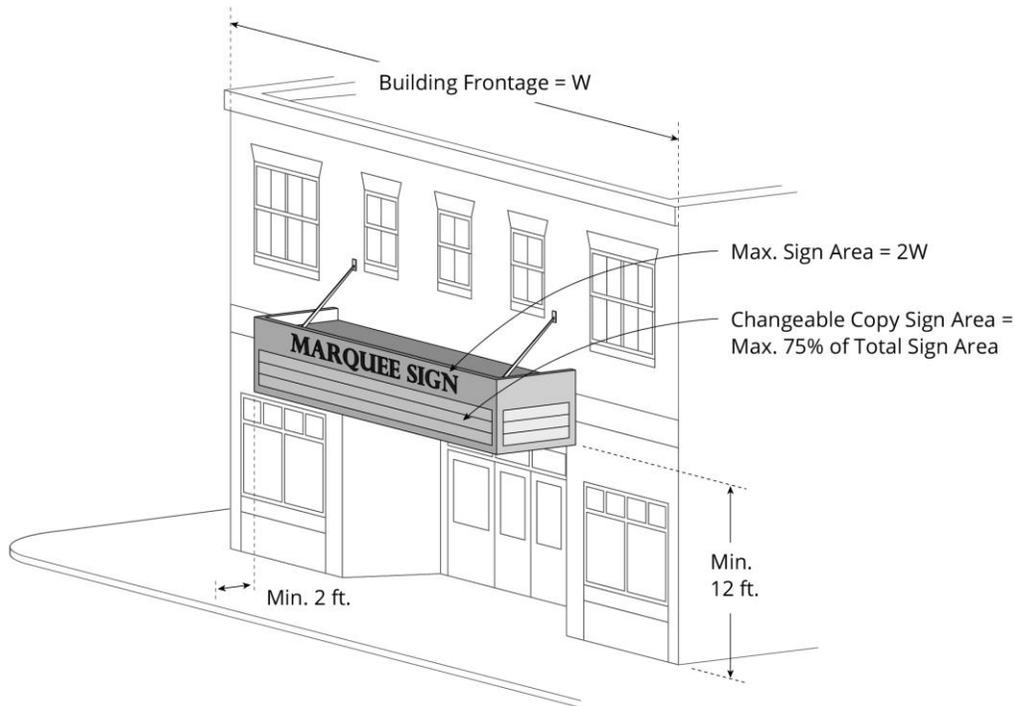
<b>Table 17.72.050.C-6: Standards for Hanging Signs</b>	
<b>Standards</b>	<b>Requirement</b>
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 6 sf in area on each sign face. Included in the total allowable sign area for all building-mounted signs (see Table 17.72.050.B-1: Standards for All Permanent Signs).
Mounting Height	Max. 8 feet from the ground level (as measured directly under the sign).
Sign Placement	Hanging signs shall not be permitted closer than 20 feet from each other. May not extend past the structure to which they are mounted. May project into public right-of-way with approval of an Encroachment Permit. Awnings, canopies, and marquees may have a hanging sign suspended beneath.
Horizontal Distance from Back of Curb	Min. 2 ft.
Number of Signs	Max. 1 sign per business per street face.
Illumination	Non-illuminated, internal illumination, or external illumination.



7. **Marquee Signs.** Marquee signs must comply with the standards provided in the table below.

**Table 17.72.050.C-7: Standards for Marquee Signs**

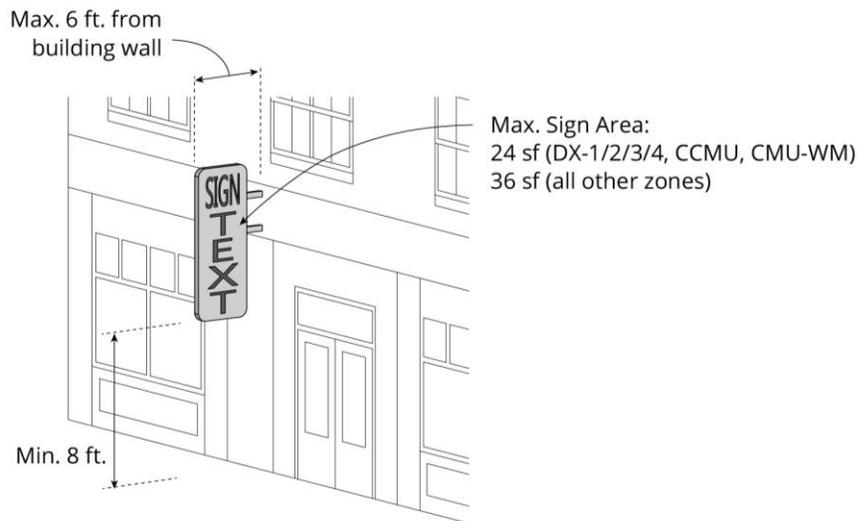
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 2 sf per 1 lf of building frontage. Included in the total allowable sign area for all building-mounted signs (see Table 17.72.050.B-1: Standards for All Permanent Signs). Max. 75% of the total sign area is allowed for the changeable copy.
Mounting Height	Min. 12 ft from the bottom of the marquee to the nearest grade or sidewalk.
Number of Signs	Max. 1 per business.
Sign Placement	May project into public right-of-way with approval of an Encroachment Permit.
Horizontal Distance from Back of Curb	Min. 2 ft.
Illumination	Direct Illumination or internal illumination.
Other Requirements	No projecting sign (Table 17.72.050.C-8: Standards for Projecting Signs) shall be permitted when signage is placed directly on a marquee.



**Division III: Citywide Standards**

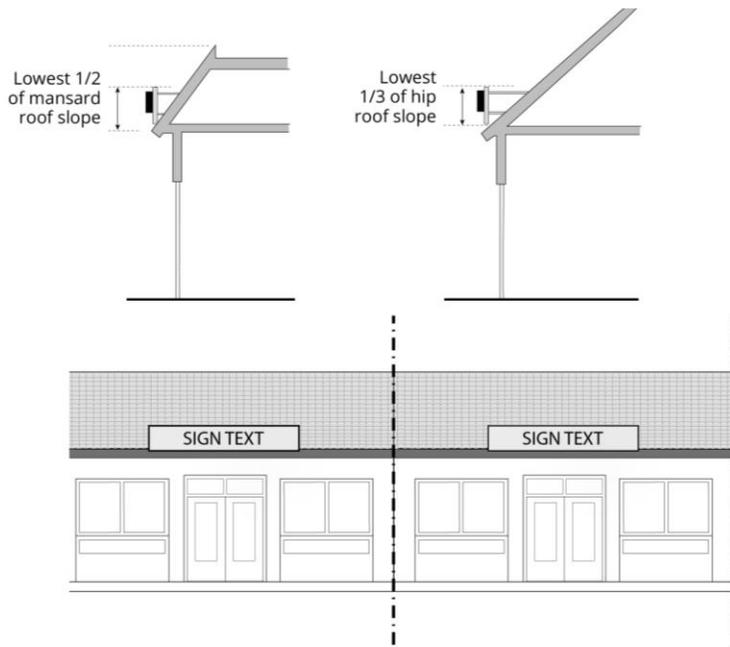
8. **Projecting Signs.** Projecting signs must comply with the standards provided in the table below.

Table 17.72.050.C-8: Standards for Projecting Signs			
Standards	All Other Zones	DX-2, DX-3, CCMU	DX-1, DX-4, CMU-WM
<i>"sf" = square feet; "lf" = linear feet</i>			
Sign Area	Max. 36 sf	Max. 24 sf.	
	Included in the total allowable sign area for all building-mounted signs (see Table 17.72.050.B-1: Standards for All Permanent Signs).		
Mounting Height	Min. 8 ft from the bottom of the sign to the nearest grade or sidewalk.		
Sign Placement	<p>Projecting signs shall not be permitted closer than 20 feet from each other.</p> <p>May project into public right-of-way (but not public alleys) with approval of an Encroachment Permit.</p> <p>May not extend vertically above the second floor window sill or when there is no second floor, may not extend above the parapet, eaves, or roof line.</p> <p>Must be placed so that the sign causes no harm to street trees.</p>		
Horizontal Distance from Back of the Curb	<p>Signs may not project within two feet of the curb line.</p> <p>Max. 6 ft from the building wall to the outer edge of the sign.</p>		
Number of Signs	1 per business when neither a monument sign nor a roof sign is present in the development.		
Illumination	Non-illuminated, internal illumination, or external illumination.		



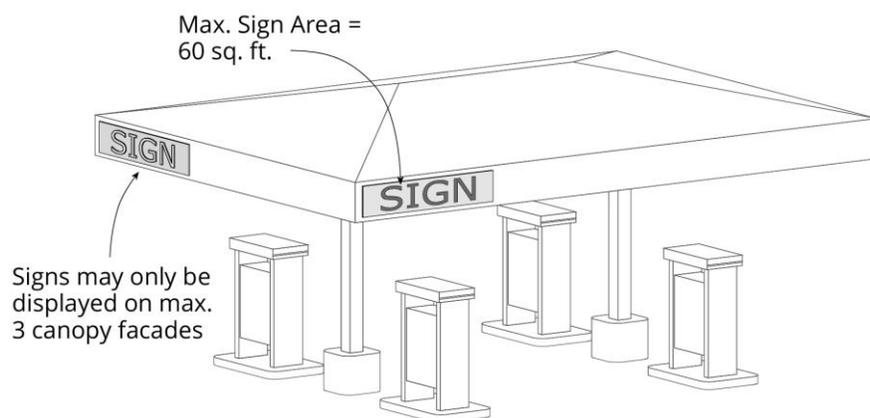
9. **Roof-Mounted Signs.** Roof-mounted signs must comply with the standards provided in the table below.

Table 17.72.050.C-9: Standards for Roof-mounted Signs	
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	As provided in Table 17.72.050.B-1: Standards for All Permanent Signs. Included in the total allowable sign area for all building-mounted signs (see Table 17.72.050.B-1: Standards for All Permanent Signs).
Sign Height	As provided in Table 17.72.050.B-1: Standards for All Permanent Signs.
Number of Signs	Max. 1 per business.
Sign Placement	Roof-mounted signs shall be placed below the roof peak and must comply with the maximum height allowed for the zone. Hip roof: Only placed on the lowest 1/3 of the slope of the roof. Mansard roof: Only placed on the lowest 1/2 of the slope of the roof. Sign lettering shall have a minimum depth of 6 inches to convey a three-dimensional appearance. Signs for individual tenants in multi-tenant centers shall be centered above the tenant space and only mounted on a mansard roof.
Illumination	Non-illuminated, internal illumination, or external illumination.
Other Requirements	The bottom of roof signs shall be mounted flush with the surface of the roof and shall not interrupt roof lines or other major architectural features.



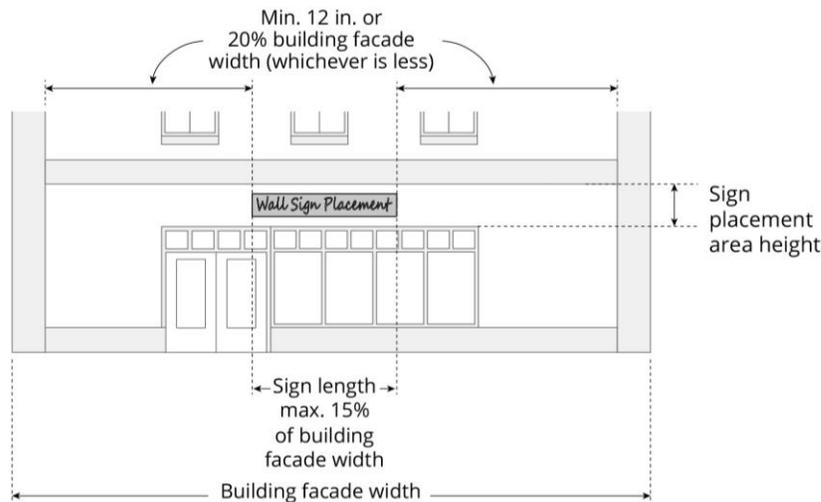
10. **Service Island Canopy Signs.** Service Island Canopy signs must comply with the standards provided in the table below.

Table 17.72.050.C-10: Standards for Service Island Canopy Signs	
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 60 sf for the total area of all signs on the canopy. Included in the total allowable sign area for all building-mounted signs (see Table 17.72.050.B-1: Standards for All Permanent Signs).
Number of Signs	Signs may only be displayed on max. 3 canopy facades.
Illumination	Non-illuminated or internal illumination.



11. **Wall Signs.** Wall signs must comply with the standards provided in the table below.

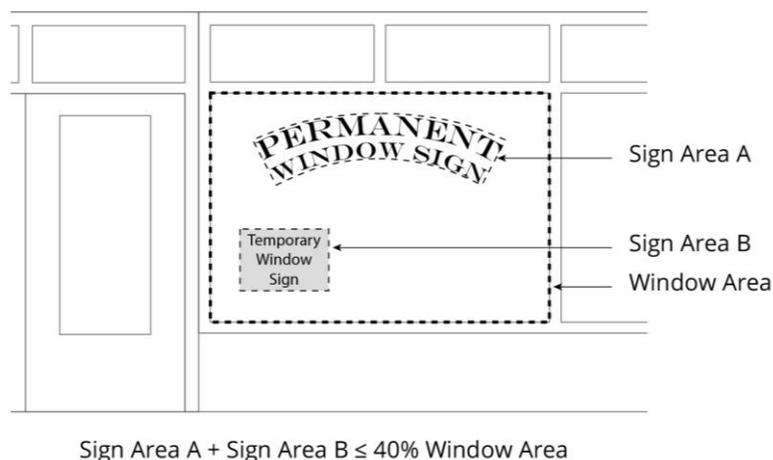
Table 17.72.050.C-11: Standards for Wall Signs	
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	As provided in Table 17.72.050.B-1: Standards for All Permanent Signs. Included in the total allowable sign area for all building-mounted signs (see Table 17.72.050.B-1: Standards for All Permanent Signs).
Number of Signs	Unlimited, provided the maximum area allowed for wall signs is not exceeded.
Sign Placement	Refer to the illustration below for applicable standards. Wall signs shall be placed to establish a facade rhythm, scale, and proportion between buildings. The sign's length shall not exceed the width of the framed portion of the storefront and shall not exceed 15% of the building facade. Wall signs shall not face an adjacent Residential zone.
Sign Depth	Max depth 12 inches measured from the wall on which the sign is placed.
Illumination	Non-illuminated, internal illumination, or external illumination.
Special Provisions	Requirements
Painted Wall Signs	Painted wall signs are allowed on any exterior building wall of an individual tenant space or building. Painted wall signs must be professionally painted. The allowable area for painted wall signs will be increased by 10% over the normal allowable sign dimensions for the zone.
Changeable Copy Signs	Max. sign area 30% of the total allowable sign area for the building.



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12. **Window Signs.** Window signs must comply with the standards provided in the table below.

Table 17.72.050.C-12: Standards for Window Signs	
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	<p>Permanent window signs shall be limited to 20% of the ground floor frontage window area occupied by a given business.</p> <p>The combined area of temporary and permanent window signs must not exceed 40% of the area of the window on which they are displayed. Neon or Single-color or two-color LED signs are excluded from the total allowed sign area for all building-mounted signs. Refer to Subsection 17.72.040.H.4, Neon; and Subsection 17.72.040.H.5, Single-Color or Two-Color LED Signs.</p> <p>Adhesive vinyl, gild-leaf, or screen printing is preferred over hand-painted window signs.</p>
Sign Placement	<p>Must be mounted or displayed on the interior of the window.</p> <p>If the business is on the first floor, signs shall not be placed above the upper window frame or the second floor.</p> <p>If the business is conducted above the first floor, signs shall not be placed above the max. height allowed in the zone or above the window frame of the third floor.</p>
Illumination	Non-illuminated. Neon or single- or two-color LED signs are allowed.



D. **Standards for Permanent Freestanding Signs.**

1. Standards for each allowed permanent freestanding sign type are provided in tables with a supporting illustration of each sign type. All permanent signs must comply with the standards for sign area, height, number, type, and other requirements provided in these tables.
2. **Digital Billboard Signs.** Digital billboard signs are permitted only as billboard relocations or as conversions of an existing billboard. Digital billboard signs must meet all location and development standards established in this Section. Digital billboard signs shall be subject to approval of a Conditional Use Permit (see Section 17.100.100, Conditional Use Permit), site plan, and design review by the Planning Commission, as set forth in Chapter 17.100, Planning Permits and Approvals.
  - a. *Location.*
    - i. Digital billboard signs are only permitted along two specific segments of the Interstate 5 (I-5) corridor as described below:
      - a) *Segment One.* This segment begins where the City boundary bisects the I-5 corridor to the north and runs south along I-5 to the East Main Street freeway underpass, excluding the Section of frontage on the north side of I-5 between the East Beamer Street underpass and the East Kentucky Avenue overpass. A maximum of two digital billboard signs are permitted within this segment. The signs may be located on the same side of the freeway or one on each side of the freeway.
      - b) *Segment Two.* This segment begins at County Road 102 and runs east along I-5 to the eastern boundary of the City. A maximum of one digital billboard is permitted within this segment.
    - ii. Digital billboard signs shall be located within 500 feet of the freeway right-of-way. No digital billboard sign shall be located within 2,500 feet of another digital billboard sign on the same or opposite side of the freeway and no closer than 250 feet to any other freeway-oriented sign over 30 feet in height on the same side of the freeway.
    - iii. The location of digital billboard signs shall be verified by the City Engineer to ensure no conflict exists between the location of the proposed sign and the Interstate 5/State Route 113 direct connect interchange project as identified in the Cal Trans Project Report dated April 6, 2000, or as otherwise amended or updated by Cal Trans or the City. Updates shall include the development of project plans. When reviewing for conflicts, the City Engineer will review for physical and visual conflicts.
    - iv. *Proximity to Residential Uses.* No digital billboard signs shall be located between East Main Street and East Beamer Street or within 1,200 feet of any existing residential property in existence at the time of adoption of the digital billboard signs standards, unless it can be demonstrated

by the applicant, that the proposed sign installation cannot be viewed from the residential property. A “balloon test” (or similar) may be required and shall be paid for by the applicant to determine visual impacts of a proposed digital billboard sign and to demonstrate that the proposed sign cannot be viewed from a residential property.

- b. *Standards.* Any new digital billboard sign or a legally existing billboard refurbished to become a digital billboard sign shall be subject to the development standards below.
  - i. *Number of Faces.* A digital billboard sign may consist of no more than two digital display areas, each positioned to be visible only by opposing directions of traffic. Double-faced signs shall not have an interior angle between the face of the panels greater than 20 degrees, unless a visibility study is provided showing that a greater angle is necessary to achieve reasonable sign visibility, up to a maximum of 45 degrees.
  - ii. *Height.* Heights of digital billboard signs shall be established relative to topography and setting to provide the best balance between the sign’s purpose of effectively communicating a visual message, the setting (including topography and surrounding architecture), and freeway traffic safety. However, in no case shall the digital billboard sign (including structure) exceed a maximum height of 68 feet as measured from the finished grade of the center line of the nearest freeway to the top of the digital billboard sign face or structure, as applicable. Applicants shall provide to the City supporting documentation from a licensed engineer or surveyor demonstrating compliance with this provision.
  - iii. *Area.* The maximum area of each digital display area shall not exceed 672 square feet per sign face.
  - iv. No more than one digital billboard sign and one freeway-oriented sign each over 30 feet in height shall be permitted on a single parcel or multiple parcels developed as a single retail, office, or industrial center. One sign shall not directly or substantially impede the view of another sign for any prolonged length of travel time of a passing driver on Interstate 5.
  - v. *Illumination.* Digital billboard signs must be limited in brightness to a maximum lighting intensity of 0.3 candela (i.e., foot-candles) over ambient light levels, as measured using a foot-candle meter at 250 feet from the sign face.
    - a) Each digital display area must have a light sensing device that will adjust the brightness of the sign as ambient light conditions change throughout the day.
    - b) Digital billboard signs must create minimal glare, maintain contrast between the sign face and the surrounding area, have

minimal impact on driver distraction, and create minimal light trespass into residential areas.

- c) The applicant must demonstrate through field testing compliance with a 0.3 candela increase, or less, over ambient light at a distance of 250 feet during nighttime conditions upon initial start-up, again at six months of operation and at the request of the City for the life of the sign.
  - d) The applicant must fund field testing by a qualified independent contractor or City staff trained in the use of a handheld photometer to demonstrate continued compliance. If increases in ambient light are found to be above the 0.3 candela level, the dimming level shall be adjusted until this level can be demonstrated. This must be completed and demonstrated through follow-up field testing within 24 hours or the billboard shall not be operated until the lighting levels can be brought into compliance.
- vi. *Pole Cladding.* High-quality decorative pole covering is required for newly constructed digital billboard signs as well as any existing non-digital billboard that is converted to a digital billboard sign.
  - vii. *Message Display.* Digital billboard signs shall display static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement in or on any part of the sign structure, design, or pictorial segment of the sign, except that static images may be displayed for a minimum of eight seconds with a transition or blank screen time no longer than one second in duration. No static message shall include flashing or scintillating lighting, or varying light intensity. Digital billboard signs shall be operated with systems and monitoring in place to either turn the display off or show a “full black” image on the display in the event of a malfunction.
  - viii. *Community Messaging.* The City shall be provided with access to a minimum of five percent of the total available display time to allow the City to present messages of community interest. This access shall also include access for other appropriate agencies for the purpose of displaying public safety messages such as “Amber Alert” messages and emergency-disaster communications. The City shall retain sole discretion regarding the content and prioritization of messages displayed on the City’s behalf, subject to specific standards of individual sign companies for displayed material.
  - ix. *Traffic Safety.* The digital billboard sign shall not create a visibility hazard to traffic on adjacent streets, freeways, or parking areas. The sign shall not reduce required on-site parking availability and shall not interfere with on-site vehicular circulation.

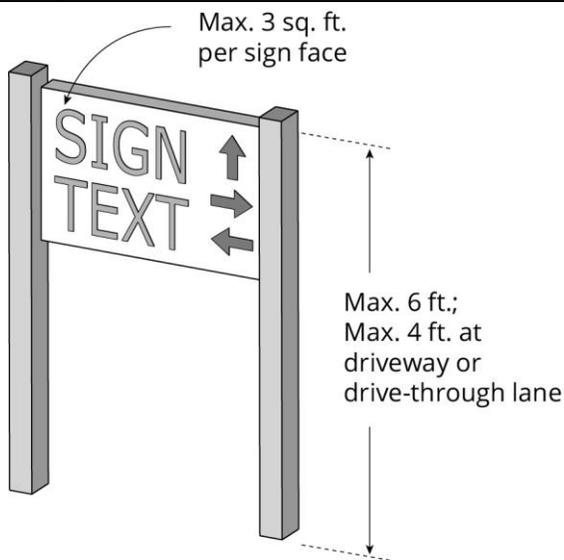
- x. *Future Technologies.* There may be alternate, preferred, or superior technology available in the future to illuminate digital freeway signs. These alternate technologies may be incorporated into existing legally permitted digital freeway signs in the future without additional permissions from the Planning Commission or City Council provided:
  - a) The required maximum brightness standards are met; and
  - b) No substantial exterior physical change to the digital display area will occur. The owner shall be responsible for obtaining any required ministerial permits for technology improvements as required by applicable code standards. The City shall expedite any required approvals for technology that is superior in energy efficiency over previous generations or types.
- xi. *Quality and Maintenance Plan.* The applicant shall demonstrate that the proposed digital billboard sign provides high resolution, clear graphic display, and consistent reliability and durability. The applicant must establish a quality and maintenance plan to ensure implementation of all above-listed development standards and to assure the proper maintenance and repair of the digital billboard sign as needed.
- c. *Billboard Removal.* For every one square foot of digital message display area installed, the applicant must permanently remove at least two square feet of existing legal conforming or nonconforming billboard display area within the City limits prior to operation of the digital billboard sign. An existing billboard display area being converted to a digital billboard sign may count toward the required permanent removals.
- d. *Operating Agreement.* The City and applicant shall enter into an operating agreement, subject to City Council approval, in conjunction with the issuance of a Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) for a digital billboard sign. The City and applicant may use the operating agreement, on a case-by-case basis, to deviate from the development standards in Section 17.72.050.D.2, Digital Billboard Signs or reduce the required billboard removals under Section 17.72.050.D.2, Digital Billboard Signs. The City Council will only approve an operating agreement if it determines that the operating agreement achieves community benefits that are equivalent or greater to those that would be achieved through strict compliance with Section 17.72.050.D.2, Digital Billboard Signs. If deviation from the foregoing development standards is requested, the City Council shall also serve as the final review and approval authority for the Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) and Development Review application.
- e. *Compliance with Applicable Laws and Regulations.* The owner of the digital billboard sign shall comply with all applicable federal, State, or local laws, including the Highway Beautification Act of 1965 (23 U.S.C. Section 131), the Outdoor Advertising Act (California Business and Professions Code § 5200 et

seq.), and this Section, when constructing, operating, improving, maintaining, repairing, and removing the digital billboard.

3. **Directional Signs (Freestanding).** Directional signs must comply with the standards provided in the table below.

**Table 17.72.050.D-1: Standards for Directional Signs**

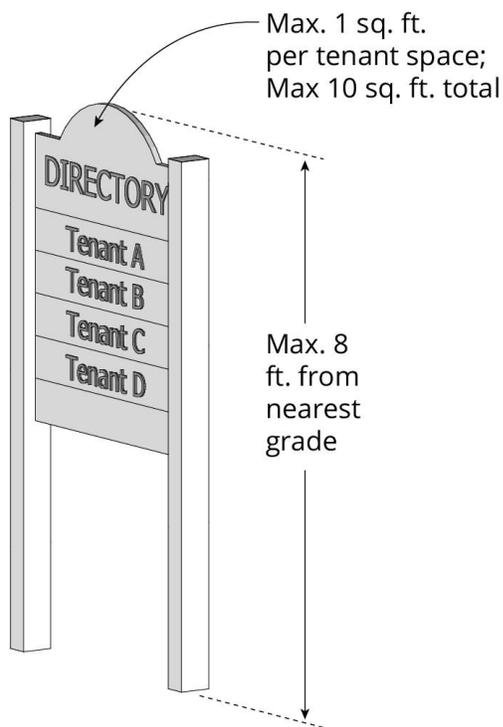
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	2 sided allowed; Max. 3 sf per sign face. Excluded from the total number of allowed signs for all freestanding signs.
Sign Height	Max. 4 ft
Number of Signs	Max. 1 per driveway entrance.
Illumination	Non-illuminated, internal illumination, or external illumination.



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4. **Directory Signs (Freestanding).** Directory signs must comply with the standards provided in the table below.

Table 17.72.050.D-2: Standards for Directory Signs	
Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 10 sf; Max. 1 sf per tenant space. Excluded from the total number of allowed signs for all freestanding signs.
Sign Height	Max. 8 ft from nearest grade.
Number of Signs	Max. 1 per building. A directory sign that displays multiple individual tenants, nameplates, etc. shall be considered one sign.
Illumination	Non-illuminated, internal illumination, or external illumination.



5. **Freeway-Oriented Signs.** Freeway-oriented signs must comply with the standards provided in the table below.

<b>Table 17.72.050.D-3: Standards for Freeway-Oriented Signs</b>	
<b>Standards</b>	<b>Requirements</b>
<i>"sf" = square feet; "ft" = feet; "lf" = linear feet</i>	
Sign Area	Max. 200 sf
Sign Height <sup>1</sup>	Max height 60 ft. Elements to enhance the design of a sign structure may extend above the sign to a max. 20% of the sign's allowed height or 12 inches, whichever is greater.
Base Width	The sign base must be at least 60% of the width of the sign.
Number of Signs	Max. 1 freeway-oriented sign in areas adjoining interchanges or for groups of adjoining parcels. 1 additional freeway-oriented sign is allowed for a single parcel or a group of parcels greater than 20 acres provided the two signs are separated by min. 300 linear ft.
Sign Placement	Only located along a site frontage facing a freeway and within 500 linear ft of a freeway interchange.
Illumination	Non-illuminated or internal illumination.
<b>Special Provisions</b>	<b>Requirements</b>
Sign Design	The major architectural elements or details of the primary building(s) shall be integrated into the design of the support structure for the freeway oriented sign.
Sign Panels for Vacant Businesses	The sign panel on a freeway-oriented sign for a business that goes out of business shall be replaced within 30 days with a blank sign panel. Also refer to Section 17.72.080, Enforcement.
Changeable Copy Signs and Electronic Message Centers	Changeable copy and digital/electronic messages are not permitted.

Notes:

1. The overall height of freeway signs and their support structures shall be determined on a case-by-case basis utilizing a line of site study and visibility modeling analysis techniques which shall include an evaluation of the presence of visual obstructions, the number of anchor tenants proposed, etc. The Planning Commission will review the analysis presented by the applicant and render a judgement as to whether the proposed sign height and area is appropriate. Signs shall be no higher than necessary for effective visibility.

**Table 17.72.050.D-3: Standards for Freeway-Oriented Signs**

Standards	Requirements

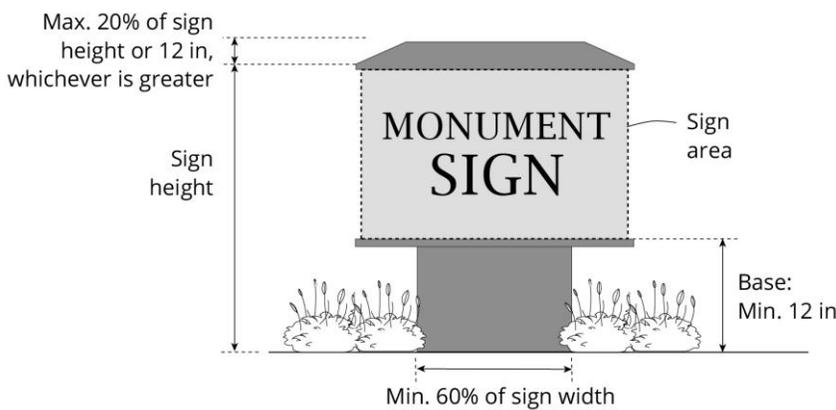
6. **Monument Signs.** Monument signs must comply with the standards provided in the table below.

**Table 17.72.050.D-4: Standards for Monument Signs**

Standards	Requirements
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	As provided in Table 17.72.050.B-1: Standards for All Permanent Signs.
Sign Height	As provided in Table 17.72.050.B-1: Standards for All Permanent Signs. Elements to enhance the design of a sign structure may extend above the sign to a max. 20% of the sign's allowed height or 12 inches, whichever is greater.
Sign Base Standards	The sign base must be at least 60% of the width of the sign. The base shall be min 12 inches in height from finish grade. The sign based shall be constructed of solid permanent materials such as concrete block, stone, brick, metal, stucco, or similar veneer extending the full height of the sign or to the base.
Number of Signs	Only one monument sign is allowed per building per frontage.
Sign Placement	Only located along a site frontage facing a public street.
Illumination	Non-illuminated, internal illumination, or external illumination.
Special Provisions	Requirements
Changeable Copy Signs	Max. sign area 40% of the total allowable sign area.

**Table 17.72.050.D-4: Standards for Monument Signs**

Standards	Requirements
Other Requirement	<p>Signs shall integrate major architectural elements or details of the primary building(s) into the design of the support structure for the monument sign.</p> <p>Signage must be compatible with the building and site design relative to colors, materials, and placement and will respect established architectural and/or historical character as appropriate.</p>



**17.72.060 Standards for Temporary Signs**

- A. **Purpose.** The City Council finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public’s health, safety, and welfare. In addition to the purpose provisions of Section 17.72.010, Purpose, these regulations ensure that temporary signs do not create a distraction to the traveling public by eliminating the aesthetic blight and litter caused by temporary signs. These standards and requirements ensure that temporary signs do not create aesthetic clutter or a distraction to the traveling public.
- B. **General to All Temporary Signs.** Temporary signs are allowed only in compliance with the provisions of this Section.
  - 1. **Information Required for Display.** All temporary signs are required to display the name and address of the entity placing the sign and the date the sign was erected.
  - 2. **Permits.** No permits are required for the installation and placement of any temporary signs .
  - 3. **Not Included in Permanent Sign Allowances.** Temporary signs are not counted toward the maximum total sign area established in Section 17.72.050, Standards for Permanent Signs.
  - 4. **General Time, Place, and Manner Restrictions.**

**Division III: Citywide Standards**

- a. *Location Standards.* Temporary signs must be placed in compliance with Subsection 17.72.040.B, Location Standards, unless specifically exempted by this Section.
- b. *Period of Use.* There is no limit on the length of time that a temporary sign may be displayed, except for wall banner signs (See Table 17.72.060.C-2: Standards for Specific Temporary Signs).
- c. *Display Standards.* Temporary signs must be placed in compliance with Subsection 17.72.040.D, Display Standards unless specifically exempted by this Section.
- d. *Design and Construction.* Temporary signs must be of sufficient weight and durability to withstand wind gusts, storms, etc. and must be professionally crafted.

**C. Additional Standards for Temporary Signs.**

- 1. Temporary signs are allowed in compliance with provisions in Table 17.72.060.C-1: Standards for Temporary Signs.

Table 17.72.060.C-1: Standards for Temporary Signs	
Standard	Requirement
<i>"sf" = square feet; "lf" = linear feet</i>	
All Residential and Public and Open Space Zones	
Total Area of all Temporary Signs at Any One Time	Max. 16 sf <sup>1</sup>
Number of Signs	Unlimited except that the total sign area must not exceed 16 sf.
All Downtown and Mixed-Use Zones	
Total Area of All Temporary Signs at Any One Time	Max. 32 sf per business, with a total of max. 72 sf per lot. Excludes the area of temporary window signs and wall banner signs.
Number of Signs	Unlimited except that the total sign area of all temporary signs (excludes the area of temporary window signs and wall banner signs) must not exceed 32 sf per business. Exception: Multi-tenant centers or offices – Max. 2 temporary wall banner signs per 150 lf of property frontage not to exceed 64 sf combined.
All Commercial and Employment Zones	
Total Area of All Temporary Signs at Any One Time	Max. 40 sf

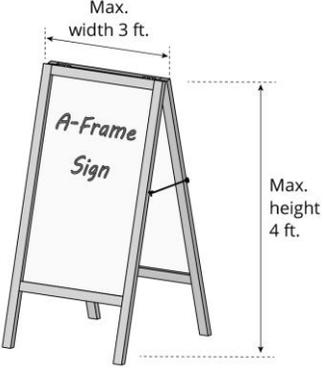
Standard	Requirement
Number of Signs	Unlimited except that the total sign area of all temporary signs (excludes the area of temporary window signs and wall banner signs) must not exceed 40 sf per business. Exception: Multi-tenant centers or offices – Max. 2 temporary wall banner signs per 150 linear feet of property frontage not to exceed 64 sf combined.

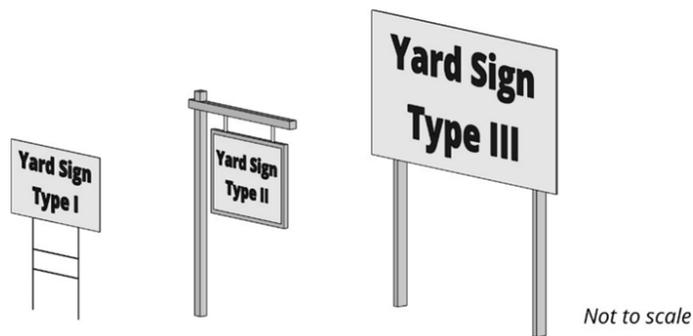
Notes:

1. The Zoning Administrator may grant, by Zoning Administrator Permit, an increase in the maximum total sign area for all temporary signs in these zones for public parks and recreation facilities, governmental facilities, public cultural facilities, and non-profit hospitals. See Section 17.100.090, Zoning Administrator Permit.
2. **Standards for Specific Temporary Signs.** Temporary signs must comply with the standards provided in Table 17.72.060.C-2: Standards for Specific Temporary Sign Types.

**Division III: Citywide Standards**

**Table 17.72.060.C-2: Standards for Specific Temporary Signs**

Temporary Sign Type <sup>1</sup>	Standards			Other Requirements
	Height (Max.)	Width (Max.)	Area (Max.)	
<i>"sf"</i> = square feet; <i>"lf"</i> = linear feet				
A-Frame Sign	4 ft	3 ft	6 sf	<p>Only allowed in the Downtown zones.</p> <p>Max. 1 A-frame sign per business.</p> <p>Must be located within 15 feet of the building in which the business is located.</p> <p>May be located on a sidewalk provided a minimum width of at least four feet allows for unimpeded pedestrian movement.</p> <p>Prohibited in Residential zones.</p> <p>Only permitted during regular business hours.</p> <p>Must be professionally crafted and not constructed of molded vinyl or plastic.</p>
				
Wall Banner	25 ft to top of banner	—	32 sf	<p>Prohibited in Residential zones.</p> <p>Must be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the wall banner would be hung.</p>
Window Sign	—	—	See End Note 2	<p>Must be placed no higher than first story windows.</p> <p>Inside mounting required.</p> <p>Not included in the total sign area for all temporary signs.</p>
Yard Sign Type	—	4 ft	3 sf	<p>All yard signs must be installed securely in the ground.</p>
Yard Sign Type 2	—	6 ft	4 sf	
Yard Sign Type 3	—	6 ft	32 sf	



**Table 17.72.060.C-2: Standards for Specific Temporary Signs**

Temporary Sign Type <sup>1</sup>	Standards			Other Requirements
	Height (Max.)	Width (Max.)	Area (Max.)	

Notes:

1. Other temporary sign types may be allowed (e.g., fuel pump topper signs, wraps around waste receptacles, or balloon bobbers) provided the max. area limitation for all temporary signs is not exceeded.
2. The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) is established in Table 17.72.050.C-12: Standards for Window Signs.
3. All temporary signs associated with a model sales office for new subdivision or multi-family residential developments for sale or rent require approval of a Zoning Administrator Permit approval (see Section 17.100.090, Zoning Administrator Permit).

### 17.72.070 Standards for Nonconforming Signs

Section 17.80.090, Nonconforming Signs, provides the standards and regulations for nonconforming signs.

### 17.72.080 Enforcement

- A. **Inspection.** Construction of all signs, and their attachment, is governed by the regulations of the Uniform Building Code, the Uniform Sign Code, and this Chapter, as adopted by the City of Woodland and shall be inspected and approved by the Building Inspector.
- B. **Sign Removal.**
  1. **Unlawful Signs.** The Zoning Administrator may order the removal of any sign erected, altered, or maintained in violation of this Chapter, the Uniform Building Code, or the Uniform Sign Code, in which case 30-day written notice shall be provided to the owner of the building, structure, or lot on which the sign is located requiring the removal of the sign or to bring it into compliance.
  2. **Dangerous or Defective Signs.** The Zoning Administrator may order the immediate removal of a sign without notification if, in his or her opinion, the condition of the sign presents an immediate threat to the safety of the public.
  3. **Abandoned Signs.** Any sign which no longer advertises the original business conducted, product sold, or activity conducted shall be deemed to have been abandoned. The Zoning Administrator shall give 30 days' written notice to the owner of the building, structure, or lot on which the sign is located to remove the sign.
- C. The provisions in this Chapter shall be enforced by the City of Woodland Police Department when applicable.

## Division III: Citywide Standards

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- D. Any Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) or Variance (see Section 17.100.120, Variance) granted for a sign or signs shall become void if the sign is altered or relocated in any way which makes the sign in violation of the requirements of this Chapter.
- E. **Penalties.** Failure to comply with the provisions of this Chapter shall subject the owner to the penalties provided for in Chapter 17.128, Enforcement of this Title.
- F. **Appeals.** Any person aggrieved by any decision or order of the Zoning Administrator may appeal to the Planning Commission unless such denial is based on violations of the Uniform Building Code, the Uniform Sign Code, or the National Electrical Code. Denial for these reasons must be appealed to the Board of Building Appeals. Appeals shall be in writing and must be filed in the with the Zoning Administrator 10 days of the date of the decision or order which is being appealed. See Section 17.96.160, Appeals.

### **17.72.090 Severability**

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If any section, sentence, clause, phrase, word, portion, or provision of the Chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid provision. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this Chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

## Chapter 17.76 Performance Standards

Sections:

17.76.010	Purpose and Applicability .....	III-115
17.76.020	Measurement of Impacts.....	III-115
17.76.030	General Standards .....	III-116
17.76.040	Electromagnetic Interference.....	III-116
17.76.050	Fire and Explosive Hazards.....	III-116
17.76.060	Hazardous and Extremely Hazardous Materials .....	III-116
17.76.070	Heat and Humidity.....	III-116
17.76.080	Light and Glare .....	III-116
17.76.090	Liquid or Solid Waste .....	III-117
17.76.100	Odors, Particulate Matter, and Air Contaminants .....	III-117
17.76.110	Noise.....	III-118
17.76.120	Vibration .....	III-119

### 17.76.010 Purpose and Applicability

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- A. The purposes of this Chapter are to:
1. Ensure that uses and activities are conducted in a manner that protects the public health and safety and do not produce adverse impacts on surrounding properties or the community at large.
  2. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
  3. Protect industry from arbitrary exclusion from areas of the City.
- B. The standards of this Chapter shall apply to all uses and properties existing in the City at the time of adoption of this Title. The standards established by this Chapter are minimum requirements and shall not be construed to prevent the City Council, the Planning Commission, or the Director from imposing, as part of a project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.

### 17.76.020 Measurement of Impacts

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Measurements necessary for determining compliance with the performance standards of this Chapter shall be taken at the property line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

### **17.76.030 General Standards**

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Land or buildings shall be used or occupied in a manner that does not create any dangerous, injurious, or noxious fire, explosive, or other hazard that would adversely affect the surrounding area.

### **17.76.040 Electromagnetic Interference**

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No use, activity, or process shall cause electromagnetic interference with normal radio and television reception in any residential zone, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities, and processes shall comply with applicable Federal Communications Commission's regulations.

### **17.76.050 Fire and Explosive Hazards**

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All activities, processes, or uses involving the storage, use of, transportation, or production of products which, in the raw or finished state, constitute a flammable or explosive material (for example, flour milling or nut shell processing), or volatile extraction, shall be subject to approval by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products required by law to be disposed of by burning, and in those instances where the Fire Department deems it a practical necessity.

### **17.76.060 Hazardous and Extremely Hazardous Materials**

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

### **17.76.070 Heat and Humidity**

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Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with the ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase of more than five degrees Fahrenheit on another property.

### **17.76.080 Light and Glare**

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- A. **Glare.** All lighting, reflective surfaces, mechanical or chemical processes, or any other sources of illumination shall be designed and located in a manner that produces no glare visible on public streets or on any other parcel. Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.

- B. **Lighting.** Lights shall be of the minimum illumination necessary for a given application and shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Lights shall be directed downward and shielded at lot lines so as to confine all direct rays to the premises on which it is located. Exterior lighting shall be fully shielded.
  - 1. Except for public street lights or stadium lights, no light or combination of lights or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot candle.

### 17.76.090 Liquid or Solid Waste

The use, handling, storage, and transportation of waste materials, including hazardous wastes, shall comply with the provisions of the California Hazardous Materials Regulations, the State Water Resources Control Board, and any other applicable laws.

- A. **Discharges to Water or Sewers.** Discharge at any point into a public or private sewage disposal system, stream, or the ground, of any material that could contaminate any water supply, or otherwise cause the emission of dangerous or offensive elements is prohibited. No exceptions are allowed unless in accordance with regulations, licenses or approvals of the various local and state agencies having jurisdiction over such activities. Liquids or solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground. No exceptions are allowed unless in accordance with applicable regulations of the various local and state agencies having jurisdiction over such activities.
- B. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety, and fire hazards; and to facilitate recycling.
- C. **Containment.** Waste shall be handled and stored to prevent nuisances, health, safety, and fire hazards, and to facilitate recycling. Material, including, but not limited to, paper products, plastic, dirt, sand, lime, seed, bran, chaff, wood refuse, and other readily transportable compounds, shall be contained in a way it cannot be tracked or carried by wind off-site or dissolved into a water system. Closed containers shall be provided and used for storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.
- D. **Incineration.** There shall be no refuse incineration on the premises.

### 17.76.100 Odors, Particulate Matter, and Air Contaminants

- A. **Odors.** No continuous, frequent, or repetitive odors are permitted that are perceptible on or beyond adjacent lot lines or in the public right-of-way. An odor detected no more than a total of 15 minutes in any one day shall not be deemed to be continuous, frequent, or repetitive as used in this Subsection.
- B. **Dust or Particulates.** Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke, or particulate matter. No dust or particulate matter shall be emitted that is detectable at zone boundary lines or property lines by a reasonable person

without instruments. Exhaust air ducts shall be located or directed away from abutting properties zoned R-1, N-P, R-LM, R-M, or R-H.

- C. **Sources of Air Emissions.** Sources of air emissions shall comply with regulations established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Yolo-Solano Air Quality Management Control District (YSAQMD). The City shall consult with YSAQMD to determine which uses shall be equipped with emission-control devices or measures to preclude fugitive dust and particulate emissions from the site. Such devices or measures shall be approved by YSAQMD prior to issuance of a Building Permit or other approval authorizing construction activities. All devices shall be maintained by the owner.

### **17.76.110 Noise**

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Applicants for proposed projects may be required to provide evidence that all applicable requirements relating to noise may be satisfied by the project prior to approval. Provisions contained in Chapter 8 of the 2035 General Plan shall apply in addition to other applicable Sections of the Municipal Code that relate to noise and nuisance considerations. Standards deemed “normally acceptable” are established in in Table 8-5: Land Use Noise Compatibility Standards of the General Plan.

A. **Standards.**

1. **Sources.** Table 8-6: Noise Level Performance Standards for New Projects and Existing Non-Transportation Sources of the General Plan provides noise level performance standards that apply to the noise sources themselves for new projects and existing non-transportation sources.
2. **Exposure.** Table 8-7: Maximum Allowable Noise Exposure from Transportation Sources of the General Plan provides the maximum allowable noise exposure from transportation related (i.e., non-aircraft) noise sources.

- B. **Acoustic Study.** An acoustic study shall be required for any proposed project which could create or be subject to noise exposure that exceed the levels established in General Plan Table 8-6: Noise Level Performance Standards for New Projects and Existing Non-Transportation Sources and Table 8.7: Maximum Allowable Noise Exposure from Transportation Sources.

- C. **Noise Attenuation Measures.** Any project subject to the acoustic study requirements of Subsection 17.76.110.B, Acoustic Study, may be required to incorporate noise attenuation measures deemed necessary to ensure compliance with established noise standards.

1. New noise sensitive uses (e.g., schools, hospitals, churches, and residences) shall incorporate noise attenuation measures to achieve and maintain an interior noise level within those established in Table 8-7: Maximum Allowable Noise Exposure from Transportation Sources of the General Plan.
2. Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels.

3. Emphasis shall be placed upon site planning and project design measures. The use of noise barriers may be required only after all feasible design-related noise measures have been incorporated into the project.

### **17.76.120      Vibration**

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No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Machinery used for manufacturing and industrial processes, including oil and gas collection, processing, and distribution must be designed and housed to ensure that vibration will be reduced to a minimum amount discernible without the aid of instruments by a reasonable person at the lot lines of the site.

- A. **Development Near Railroads.** A vibration study shall be required for any proposed development within 200 feet of a railroad track. Measures may be required to ensure that vibration impacts remain below acceptable levels.
- B. **Exemptions.** Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

## Chapter 17.80 Nonconforming Provisions

Sections:

17.80.010 Purpose .....	III-120
17.80.020 Applicability.....	III-120
17.80.030 Determination of Nonconforming Uses, Structures, and Lots .....	III-121
17.80.040 Nonconforming Uses.....	III-122
17.80.050 Continuation and Maintenance of Nonconforming Structures.....	III-123
17.80.060 Alterations and Enlargements to Nonconforming Structures .....	III-123
17.80.070 Repair and Replacement of Damaged or Destroyed Nonconforming Buildings ..	III-124
17.80.080 Abandonment or Discontinuance of Nonconforming Uses.....	III-125
17.80.090 Nonconforming Signs.....	III-126

### 17.80.010 Purpose

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- A. This Section provides regulations for nonconforming land uses, structures, signs, and lots that were lawfully established before the adoption or amendment of this Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Code, or future amendments.
- B. This Chapter is intended to permit continued utility and economic viability of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Code in a manner that promotes the public health, safety, and general welfare and does not conflict with the goals and objectives of the General Plan.
- C. More specifically, the purpose of these regulations is to distinguish between nonconforming uses that are detrimental to public health, safety, and general welfare and those uses that are economically productive and compatible with surrounding development despite being inconsistent with applicable regulations and requirements.

### 17.80.020 Applicability

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The provisions of this Chapter apply to structures and uses that have become nonconforming by adoption of this Code as well as structures and uses that become nonconforming due to subsequent amendment to its text or to the Zoning Map (see Chapter 17.108, Amendments to the Zoning Map and Text). Nonconforming structures and uses include:

- A. Those made nonconforming by the addition of a standard or requirement previously not required for such use or structure; and

- B. Uses and structures reclassified from permitted to being subject to a discretionary permit, or no longer permitted.

**17.80.030 Determination of Nonconforming Uses, Structures, and Lots**

Any lawfully established use, structure, or lot that is in existence on the effective date of this Code or any subsequent amendment but does not comply with all of the standards and requirements of this Code shall be considered nonconforming. Nonconforming uses and structures may only be continued subject to the requirements of this Chapter.

- A. **Legal Nonconforming Status.** A use, structure, or site feature shall be designated as having legal nonconforming status if it was lawfully established under the regulations of the jurisdiction in which it was located at the time of its establishment and remains in compliance with terms and conditions imposed at the time of its establishment, if any, based on evidence provided by the property owner, tenant, or applicant. Legal nonconforming status shall also be assigned if nonconformities were created by a public improvement, such as a street widening project.
- B. **Nonconformities.** A nonconformity may result from any inconsistency with the requirements of this Code including, but not limited to, location, density, floor area, height, yard, usable open space, buffering, performance standards, or the lack of an approved use permit or other required authorization.

A use or structure shall not be deemed nonconforming solely because it does not conform with certain design, site, or development standards including parking dimension standards, overnight vehicle parking limitations, shade requirements, fence and wall placement, loading, landscape area, or screening regulations of the district in which it is located. Additionally, a use or structure shall not be deemed nonconforming solely for lack of conformance with standards for types of building features such as cornices, eaves, and other ornamental features that exceed maximum projections into required yards; or bay windows, balconies, and terraces above the second floor that exceed maximum projections into required yards.

A use or structure’s lack of conformance with similar design, site, development standards or other minor features not listed above may not rise to the level of Nonconforming Status as define in this section. Such a determination may be made at the discretion of the Director.

- C. **Nonconforming Uses and Structures—Right to Continue.** Any use or structure that was lawfully established prior to the effective date of this Code or of any subsequent amendments to its text or to the Official Zoning Map (see Chapter 17.108, Amendments to the Zoning Map and Text) may only be continued and maintained provided there is no alteration, enlargement, or addition to any building or structure; nor any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership. No substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except as otherwise provided in this Chapter.
- D. **Nonconforming Lots.** Any lot that is smaller than the minimum lot size required by this Code or does not meet any of the applicable dimensional requirements shall be considered a lawful

nonconforming lot if it is described in the official records on file in the office of the Yolo County Recorder as a lot of record under one ownership. A nonconforming lot may be used as a building site subject to compliance with all applicable requirements, unless a Variance (see Section 17.100.120, Variance) or other modification or exception is approved as provided for in this Code.

**17.80.040 Nonconforming Uses**

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- A. **Continuance.** An existing use that lawfully existed on the Effective Date and that remains nonconforming and any nonconformity that is created as a result of the adoption or amendment of this Code may be continued or maintained as a nonconformity only in accordance with the terms of this Section.
  
- B. **Extension of Use.** A nonconforming use may not be extended to other parts of a building or site where the use has not traditionally operated (based on aerial photography, business license data, or other verifying documentation) unless authorized by the Director and subject to a finding that the extension will not increase or create negative impacts on surrounding properties including but not limited to increased traffic, noise, vibration, dust, or odor.
  
- C. **Changes and Substitutions of Nonconforming Uses.**
  - 1. No lawful nonconforming use shall be changed to a different use type or use classification unless the new use is a permitted or conditional use approved in conformance with the requirements of this Zoning Code, or the Director finds that the use is of a similar nature to the existing lawful nonconforming use and does not increase the intensity of use as defined below. The Director’s decision as to whether or not the use is of a similar nature and does not increase the intensity of use is appealable to the Planning Commission pursuant to Section 17.96.160. Additionally, the Director may elevate the application to the Planning Commission if the Director finds that the change in use will have a substantial effect that warrants public review.
  
  - 2. This requirement shall not apply to a change of ownership, tenancy, or management where the new use is of the same use type and use classification, if applicable, as the previous use, as defined in Chapter 17.144, Definitions of Uses, and the use is not expanded or intensified.
  
  - 3. For purposes of this Section, an increase in the intensity includes the following:
    - a. Expanded or longer hours of operation;
    - b. An increase in the number of employees on a site;
    - c. An increase in the number of required parking spaces;
    - d. An increase in the number of vehicles or trips to the proposed use as determined by the City’s Traffic Engineer or by a Traffic Impact Analysis prepared by a licensed traffic engineer;
    - e. An increase in noise, odors, dust, glare, vibrations, or other operational or performance standards, that will be injurious to property and improvements of adjacent properties or the surrounding area, or will be detrimental to the

- health, safety, peace, comfort, or general welfare of persons residing or working in the surrounding area; and
- f. Any other metric that is determined to result in an increase in the intensity of use of the building, structure, or site.
4. When a legal nonconforming use has been changed to a conforming use, the nonconforming use shall not be reestablished, except that within multi-family residential, mixed use, or commercial districts, buildings or structures which are determined to have been lawfully constructed as a single-family dwelling may be returned to the single-family use at any time. The Director shall base the determination on evidence including Building Permits, county assessor data, building design and appearance, or other records that demonstrate the building was originally constructed as a single-family residence.

#### **17.80.050 Continuation and Maintenance of Nonconforming Structures**

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- A. **Continuance.** An existing building or structure (including walls and fences) that lawfully existed on the Effective Date and that remains nonconforming and any nonconformity that is created as a result of the adoption or amendment of this Code, may be continued, or maintained as a nonconformity in accordance with the terms of this Section.
- B. **Maintenance and Repair.** Maintenance, repairs, and structural interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge or extend the structure except as provided in Section 17.80.060, Alterations and Enlargements to Nonconforming Structures.
- C. **Expansion of Area Occupied by Nonconforming Use.** The physical improvement of a nonconforming building or structure containing a nonconforming use shall not increase the area occupied by a nonconforming use except as provided for in Section 17.80.040.

#### **17.80.060 Alterations and Enlargements to Nonconforming Structures**

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- A. Nonconforming structures may be enlarged, extended, structurally altered, or repaired in compliance with all applicable laws subject to the following provisions:
  1. Additions to and/or enlargements of nonconforming structures are allowed, subject to the appropriate Design Review if the addition or enlargement complies with all applicable laws and if the existing use of the property is conforming except as provided for in this Chapter (see Section 17.80.040, Nonconforming Uses) and subject to the following requirements in Section 17.80.060.B, Improvements to Existing Nonconforming Property Conditions.
- B. **Improvements to Existing Nonconforming Property Conditions.**
  1. Existing nonconforming property conditions occur when the existing development does not comply with standards and regulations of this Code, including fencing, screening, landscaping, lighting, surfacing, signage, and other similar site improvements as may be determined by the Director.

2. In conjunction with the expansion, enlargement, or alteration of existing buildings and structures, or the construction of new buildings on a partially developed site, nonconforming property improvements shall be brought into compliance based on the following requirements or equivalent as determined by Director:
  - a. *10 Percent or Greater Increase in Gross Floor Area.*
    - i. Screening of outdoor storage areas consistent with Chapter 17.70, Screening Standards. New fencing must observe required setbacks from the street; and
    - ii. Installation of landscaping equal to five percent of the parcel area, and/or replacement of dead or dying landscaping. This landscaping shall be installed along street and building frontages wherever possible.
    - iii. Repair and painting of the portion of existing structures in public view that are in disrepair.
  - b. *20 Percent or Greater Increase in Gross Floor Area.*
    - i. Installation of street canopy landscaping as described in the Section 17.64.040, Landscaping; and
    - ii. Inclusion of requirements contained in Subsection 17.80.060.B.2.a, 10 percent or greater increase in gross floor area.
  - c. *30 Percent or Greater Increase in Gross Floor Area.*
    - i. Paving of existing required auto parking lot areas and installation of full parking lot canopy landscaping as described in Section 17.64.040, Landscaping;
    - ii. Provision of recycling areas in accordance with Section 17.64.080, Refuse and Recycling Enclosures;
    - iii. Removal of existing nonconforming signs, or replacement of signs that are in disrepair; and
    - iv. Inclusive of requirements contained in Subsections 17.80.060.B.2.a, 10 Percent or Greater Increase in Gross Floor Area, and 17.80.060.B.2.b, 20 Percent or Greater Increase in Gross Floor Area.
  - d. *50 Percent or Greater Increase in Gross Floor Area.*
    - i. Full compliance with all site improvement standards is required.
  - e. All building additions completed within a five-year period beginning after the Effective Date shall be considered cumulatively for the purposes of determining the need for compliance with this Section.

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**17.80.070      Repair and Replacement of Damaged or Destroyed  
Nonconforming Buildings**

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- A. A lawful nonconforming building or structure that is damaged or partially destroyed by fire, explosion, earthquake, or other unintentional act may be restored or rebuilt subject to the following provisions.
- B. If the cost of repair or reconstruction does not exceed 50 percent of the appraised value of the building or structure replacement of the damaged portions of the building is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed. The structure may be restored and the occupancy or use of such building or structure may be continued or resumed, provided such restoration is started within a period of one year and is diligently prosecuted to completion. The determination of the appraised value shall be the higher of:
  - 1. The records of the Assessor of Yolo County for the fiscal year during which the application is received; or
  - 2. An appraisal performed by a certified appraiser.
- C. If the cost of repair or reconstruction exceeds 50 percent of the appraised value of the building or structure replacement determined pursuant to Subsection 17.80.070.A, the land and building shall be subject to all of the requirements of this Code. In the event such damage or destruction exceeds 50 percent of the market value of the building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone in which it is located, except that if a residential use is fully destroyed but the foundation of the structure remains intact as determined by the Building Official, the residential building may be rebuilt on the existing nonconforming building foundations.

### **17.80.080 Abandonment or Discontinuance of Nonconforming Uses**

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- A. If the nonconforming use of a building or structure, or a portion of a building or structure ceases to operate, whether with the intent to abandon the use or not, for a continuous period of six months, it shall be considered abandoned and shall thereafter be used only in accordance with the regulations for the district in which it is located, except as provided in this Section. It is the responsibility of the applicant to provide evidence demonstrating to the satisfaction of the Director that the use was legally established and has not been abandoned.  
  
No nonconforming use may be resumed, reestablished, or reopened, or replaced by any other nonconforming use after it has been ceased for a period of six months subject to the following exceptions: No lawful residential use can lapse regardless of the length of time of non-use.
- B. The time period established in Subsection 17.80.080.A shall commence when the use ceases to operate, whether with the intent to abandon the use or not, and any one of the following occurs:
  - 1. The site, building, or structure is vacated (Remaining materials or equipment left behind, after a use or structure is abandoned, vacated, or no longer in operation does not constitute continued occupancy);
  - 2. The business license expires or is revoked;
  - 3. Utilities are terminated; or

4. The applicable lease is terminated.
- C. The Director may approve an additional six-month time period during which the use will not be considered abandoned; provided that the Director finds that economic conditions warrant the additional time. If the additional time period is approved, the total period during which the use will not be considered abandoned shall not exceed one year from the date the use was determined to have ceased to operate.

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**17.80.090 Nonconforming Signs**

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- A. **Continuance and Maintenance.** Any sign legally existing prior to the Effective Date but which does not comply with the provisions of this Chapter shall be deemed a nonconforming sign and may be continued or maintained as a nonconforming sign provided there is no expansion of any nonconformity on the sign.
- B. **Expansion, Enlargement, and Modification.** No nonconforming sign shall be moved, altered, re-erected, relocated or replaced unless it is brought into compliance with the requirements of this Code. This will not prevent the repair or restoration of a nonconforming sign or sign structure to a safe condition or normal maintenance operations performed on a sign or sign structure.
- C. **Loss of Nonconforming Status.** Whenever a nonconforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of 90 days, the nonconforming sign must be removed. The sign shall be removed within 30 days of notification of the property owner, owner, or manager of the property on which the nonconforming sign is located.

## Chapter 17.84 Standards for Specific Uses and Activities

Sections:

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**17.84.010 Purpose and Applicability**

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- A. **Purpose.** The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in some or all zones. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the public.
- B. **Applicability.** Each land use and activity covered by this Chapter shall comply with the requirements of the Section applicable to the specific use or activity, in addition to any applicable standard this Code requires in the zone where the use or activity is proposed and all other applicable provisions of this Code.
  - 1. Uses that are subject to the standards in this Chapter are allowed only when authorized by the base district regulations, except where this Chapter establishes a different planning permit requirement for a specific use.
  - 2. When there is a conflict between the provisions of this Chapter and a Use Permit which was granted prior to the effective date of this Code, the Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) shall prevail.

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**17.84.020 Accessory Uses**

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Accessory uses shall be those customarily appurtenant to a permitted use and shall be clearly incidental to and in support of the permitted use. Accessory uses are typically not greater than 20 percent of the floor area of the primary structure or use (See “Accessory Use” in Section 17.136, Definition of Terms). Unless otherwise noted in Tables 17.28.020-1, Use Regulations – Downtown Zones through 17.44.020-1, Use Regulations – Public and Open Space Zones or in other sections of this Chapter, accessory uses are permitted if the principal use is permitted and require a permit if the principal use requires a permit.

### 17.84.030 Accessory Dwelling Units

- A. **Purpose.** The purpose of this Section is to provide reasonable regulations for the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in certain areas and on lots developed or proposed to be developed with single-family residential dwellings, duplexes, and multiple-family units. Such accessory dwelling units contribute needed housing to the community's housing stock and promote housing opportunities for the persons wishing to reside in the City. In addition, the regulations in this Section are intended to promote the goals and policies of the City's General Plan and comply with requirements codified in the State Planning and Zoning Law related to accessory dwelling units in residential areas, including California Government Code § 65852.2 and § 65852.22.
- B. **Effect of Conforming Accessory Dwelling Unit.** An accessory dwelling unit that conforms to this Section shall:
1. Be deemed an accessory use and shall not be considered to exceed the allowable density for the lot upon which it is located;
  2. Be deemed a residential use that is consistent with the General Plan and the zoning designations for the lot on which the ADU or JADU is located;
  3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth;
  4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service; and
  5. Not be required to correct a nonconforming zoning condition, as defined in Subsection 17.84.030.C.6, Definitions, below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code § 17980.12.
- C. **Definitions.**
1. "Accessory dwelling unit (ADU)" means a residential dwelling unit that is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages and that provides independent living facilities for one or more persons. An accessory dwelling unit also includes:
    - a. An efficiency unit, as defined in California Health and Safety Code § 17958.1; and
    - b. A manufactured home, as defined in California Health and Safety Code § 18007.
  2. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
  3. "Efficiency kitchen" means a kitchen that includes each of the following:

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- a. A cooking facility with appliances.
    - i. A food preparation counter or counters that are of reasonable size in relation to the size of the junior accessory dwelling unit; and
    - ii. Food storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
  4. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
    - a. Is no more than 500 square feet in size;
    - b. Is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure;
    - c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure;
    - d. If the unit does not include its own separate bathroom, then it shall contain an interior entrance to the main living area of the existing or proposed single-family structure to allow bathroom access from the main house, in addition to an exterior entrance that is separate from the main entrance to the primary dwelling; and
    - e. Includes an efficiency kitchen, as defined in Subsection 17.84.030.C.3, Definitions.
  5. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
  6. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
  7. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
  8. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
  9. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
  10. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- D. **Locations Permitted.** Accessory dwelling units and junior accessory dwelling units are permitted in all zones that allow for any single-family or multifamily residential use, including the corridor mixed use districts if they allow for any residential use.

- E. **Approvals.** Before constructing an ADU or converting an existing structure or portion of an existing structure or residence to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this Section.
1. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City, and any other applicable laws.
  2. **Building Permit Only Approval.** An applicant shall not be required to submit an application for an ADU Permit under Subsection 17.84.030.E.3, ADU Permit Review, and may instead seek Building Permit (see Section 17.100.130, Building Permit) only approval for an ADU or JADU, or both, where the proposal satisfies the requirements of California Government Code § 65852.2, as the same may be amended from time to time, the California Building Standards Code, as amended by the City, and any other applicable laws. The following are categories of ADUs and JADUs that shall be approved under this Subsection 17.84.030.E.2, Building Permit Only Approval:
    - a. *Converted Space or Structure on Single-Family Lot.* Only one ADU as described in this Subsection 17.84.030.E.2.a, Converted Spaced or Structure on Single-Family Lot, and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
      - i. Is either within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress;
      - ii. Has exterior access that is independent of that for the single-family dwelling;
      - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes; and
      - iv. The JADU complies with the requirements of California Government Code § 65852.22.
    - b. *Limited Detached on Single-Family Lot.* One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under Subsection 17.84.030.E.2.a, Converted Spaced or Structure on Single-Family Lot, above, if the detached ADU satisfies the following limitations):
      - i. The side- and rear-yard setbacks are at least four feet.
      - ii. The total floor area is 800 square feet or smaller.
      - iii. The peak height above grade does not exceed the applicable height limit provided in Subsection 17.84.030.F.2, Height, below.
    - c. *Converted on Multifamily Lot.* One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including,

but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages:

- i. If each converted, ADU complies with state building standards for dwellings.
  - ii. At least one converted ADU is allowed within an existing multifamily dwelling structure, but the number of ADUs created under this Subsection 17.84.030.E.2.c, Converted on Multifamily Lot, may not exceed 25 percent of the existing multifamily dwelling units.
- d. *Limited Detached on Multifamily Lot.* No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
- i. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the multifamily dwelling as a condition of approving the ADU.
  - ii. The total floor area is 800 square feet or smaller.
  - iii. The peak height above grade does not exceed the applicable height limit provided in Subsection 17.84.030.F.2, Height.

3. ***ADU Permit Review.***

- a. The Director or designee shall administratively (ministerially) review and approve an ADU permit application filed pursuant to Subsection 17.84.030.E.5, Application Requirements and shall not require a public hearing, provided that the submitted application is complete and that the ADU complies with the requirements contained in that Section and any other applicable law.
- b. Except as allowed under Subsection 17.84.030.E.2, Building Permit Only Approval, no ADU may be created without a Building Permit (see Section 17.100.130, Building Permit) and an ADU permit in compliance with the standards set forth in Subsections 17.84.030.F, General ADU and JADU Requirements, and 17.84.030.G, Specific ADU and JADU Requirements.
- c. Discretionary review for an ADU permit application is required as a result of non-compliance with standards set forth in Subsections 17.84.030.F, General ADU and JADU Requirements, and 17.84.030.G, Specific ADU and JADU Requirements, shall be subject to the review requirements in Subsection 17.84.030.E.7, Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

4. ***ADU Permit Application Process and Timing.***

- a. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City has not acted upon the completed application within 60 days, the application shall be deemed approved unless the following:

- i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
  - ii. If the permit application to create an ADU or JADU is submitted with an application to create a new single-family or multifamily dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- b. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all defective or deficient items and a description of how the application may be remedied by the applicant. Notice of denial and corresponding comments must be provided to the applicant within the 60-day time period established by Subsection 17.84.030.E.4.a.
  - c. A permit to demolish a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

5. ***Application Requirements.***

- a. Applications for an accessory dwelling unit permit shall be made in writing by the property owner or his or her authorized agent, on forms provided by the Community Development Department, and accompanied by such data and information as may be necessary to fully describe the request including:
  - i. Name and address of the applicant.
  - ii. Owner-Builder Acknowledgment and Information Verification Form.
  - iii. Assessor's parcel number(s) of the property.
  - iv. Plot Plan (drawn to scale) in sufficient detail to clearly describe:
    - a. Physical dimensions of the property.
    - b. Location and dimensions of all existing and proposed structures, walls, and fences.
    - c. Location and dimensions of all existing and proposed easements, drainage structures, and utilities.
    - d. Location, dimensions, and names of all adjacent roads, whether public or private.
    - e. Setbacks.
    - f. Existing and proposed methods of circulation, including ingress and egress, driveways, parking areas, and parking structures.
    - g. A narrative description of architectural treatments proposed for the ADU.

- v. *Floor Plans.* Complete floor plans of both existing and proposed conditions shall be provided. Each room shall be dimensioned and resulting floor area calculation included. The use of each room shall be labeled. The size and location of all doors, closets, walls, and cooking facilities shall be clearly depicted. For an attached ADU, the plans must include the primary dwelling as well.
  - vi. Elevations of all sides of the exterior structure and show all exterior structures, all architectural projections, and all openings for both the primary residence and the proposed ADU including building dimensions, and material call outs.
  - vii. A color and materials sample board as requested by the Director.
  - viii. Color photographs of the exterior of the primary residence as requested by the Director.
  - ix. *Construction Management Plan.* Construction hours and staging to minimize impacts on surrounding residential properties, as requested by the Director.
- b. The filing and review fee shall be as prescribed by City Council resolution or ordinance. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance.

**6. *ADUs and Discretionary Approval.***

- a. Any proposed ADU or JADU that does not conform to the objective standards set forth in Subsections 17.84.030.F, General ADU and JADU Requirements, and 17.84.030.G, Specific ADU and JADU Requirements, may be allowed by the City with a Zoning Administrator Permit in accordance with Section 17.100.090, Zoning Administrator Permit and Subsection 17.92.020.D, Zoning Administrator. If required, a noticed public hearing shall be held in accordance with Section 17.96.080, Public Notice and Section 17.96.090, Conduct of Public Hearing.
  - i. Applies to ADUs over 1,000 square feet and/or three bedrooms.
  - ii. The maximum size of an ADU subject to this Subsection 17.84.030.E.6, ADUs and Discretionary Approval is 1,200 square feet, or three bedrooms.
- b. *Findings.* Before approval of the Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit) granting the exception, the Zoning Administrator shall find that:
  - i. The exterior design of the accessory dwelling unit is in harmony with, and maintains the scale of, the neighborhood;
  - ii. If an exception to parking requirements is requested, the exception will not result in excessive parking congestion;

- iii. The site plan provides adequate open space usable and useful for both the accessory dwelling unit and the primary residence;
- iv. Where applicable, open space and landscaping provides for privacy and screening of adjacent properties;
- v. The location and design of the accessory unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, noise, light air, solar access, or parking of adjacent properties; and
- vi. Windows that impact the privacy of the neighboring side or rear yard have been minimized. Major windows, access stairs, entry doors and decks are generally limited to the walls facing the primary residence or the alley, if applicable.

7. ***Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.***

- a. The City will not deny an ADU or JADU application due to a nonconforming zoning condition, Building Code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- b. *Unpermitted ADUs Constructed Before 2018.*
  - i. *Permit to Legalize.* As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:
    - a) The ADU violates applicable building standards; or
    - b) The ADU does not comply with the state ADU law (California Government Code § 65852.2) or this Section.
  - ii. *Exceptions.*
    - a) Notwithstanding Subsection 17.84.030.E.7.b.i, Permit to Legalize, the City may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the City makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.
    - b) Subsection 17.84.030.E.7.b.i, Permit to Legalize does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code § 17920.3.

F. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under Subsection 17.84.030.E.2, Building Permit Only Approval, or Subsection 17.84.030.E.3, ADU Permit Review:

1. **Zoning.**
  - a. An ADU or JADU subject only to a Building Permit under Subsection 17.84.030.E.2, Building Permit Only Approval may be created on a lot in a Residential or Mixed-Use zone.
  - b. An ADU or JADU subject to an ADU permit under Subsection 17.84.030.E.3, Height may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
2. **Height.**
  - a. Except as otherwise provided by Subsection 17.84.030.F.2.b, a detached ADU created on a lot with an existing or proposed single-family or multifamily dwelling unit may not exceed 16 feet in height.
  - b. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
  - c. An ADU that is attached to the primary dwelling may occupy any level of the primary dwelling unit if it is designed as an integral part of the primary dwelling and a separate ingress and egress is provided. A height of 25 feet or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower shall apply to an ADU attached to a primary dwelling. Notwithstanding the foregoing, ADUs subject to this Subsection 17.84.030.F.2.c, may not exceed two stories.
  - d. An ADU above a detached structure located contiguous to an alley may be up to 25 feet in height.
  - e. For purposes of this Subsection 17.84.030.F.2, Height, height is measured above existing legal grade to the peak of the structure.
3. **Fire Sprinklers.**
  - a. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
  - b. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
4. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
5. **No Separate Conveyance.** An ADU or JADU may be rented, except as otherwise provided in Government Code § 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
6. **Owner Occupancy.**
  - a. ADUs are not subject to owner occupancy requirements.

- b. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
7. **Building and Construction.**
- a. All ADUs and JADUs must comply with all local Building Code requirements.
  - b. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
  - c. *No Change of Occupancy.* Construction of an ADU does not constitute a Group R occupancy change under the local Building Code, as described in the California Building Code § 310, unless the Building Official or Code Enforcement Division makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this Subsection prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this Section.
8. **Deed Restriction.** Prior to issuance of a Building Permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
- a. Except as otherwise provided in Government Code § 65852.26, the ADU or JADU may not be sold separately from the primary dwelling.
  - b. The ADU or JADU is restricted to the approved size and to other attributes and applicable ADU and JADU requirements and standards.
  - c. The deed restriction runs with the land and may be enforced against future property owners.
  - d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

- e. The deed restriction is enforceable by the Director or designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
- 9. **Income Reporting.** In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code § 65583.1 and § 65852.2, the following requirements must be satisfied:
  - a. With the Building Permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU. See Section 17.100.130, Building Permit.
  - b. By January 30 of each year after initial Building Permit issuance, the owner shall report the actual rent charged for the ADU or JADU during the prior year. If the City does not receive the report within the 90-day period, the City shall send a request for information to the owner.
- G. **Specific ADU and JADU Requirements.** The following requirements apply only to ADUs that require an ADU permit under Subsection 17.84.030.E.3, ADU Permit Review.
  - 1. **Maximum Size.**
    - a. The maximum size of a detached or attached ADU subject to this Subsection 17.84.030.G.1, Maximum Size is 1,000 square feet. No more than two bedrooms are allowed.
      - i. An ADU over 1000 square feet or three bedrooms shall be subject to Zoning Administrator review as provided in Subsection 17.84.030.E.6, ADUs and Discretionary Approval.
      - ii. No ADU shall exceed 1,200 square feet per Subsection 17.84.030.E.6.a.ii.
    - b. An attached ADU that is created on a lot with an existing primary dwelling shall not exceed 50 percent of the existing floor area of the primary dwelling.
    - c. Exception. Application of other development standards such as size based on a percentage of the proposed or existing primary dwelling, FAR, lot coverage, front setbacks, minimum lot size, or open-space requirements for an attached or detached ADU may not require the ADU to be less than 800 square feet.
  - 2. **Parking—General Requirement.** Accessory dwelling units must meet the following parking standards.
    - a. One off-street parking space is required for an ADU that is approved under Subsection 17.84.030.E.3, ADU Permit Review.
    - b. Parking configuration, if required:

- i. The required parking spaces may be located in setback areas or tandem parking on an existing driveway unless specific findings are made under Subsection 17.84.030.G.2.b.ii.
- ii. Parking arrangements in Subsection 17.84.030.G.2.b.i, are not permitted if the Director (or designee) makes specific findings that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions.
- c. *Exceptions.* Parking standards shall not be imposed on an ADU in any of the following circumstances:
  - i. The ADU is located within one-half mile walking distance of public transit, including a public bus stop, bus station or transit station that charge set fares, run on fixed routes, and are available to the public.
  - ii. The ADU is located within an architecturally and historically significant historic district.
  - iii. The ADU is part of the existing primary residence or an existing accessory structure under Subsection 17.84.030.E.2.a, Converted Space or Structure on Single-Family Lots.
  - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
  - v. When there is an established car share vehicle stop located within one block of the ADU.
  - vi. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided the ADU or the lot satisfies any other criteria listed in parking exception Subsections 17.84.030.G.2.c.i through v.
- d. *No Replacement.* When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

3. **Setbacks.**

- a. An ADU that is subject to this Section must conform to a 20-foot front yard setback, or the front setback imposed by the underlying zone, whichever is greater.
- b. An ADU that is subject to this Subsections 17.84.030.G, Specific ADU and JADU Requirements must conform to four-foot side- and rear-yard setbacks.
- c. *Alley Adjacent ADUs and ADUs Adjacent to Non-residentially Zoned Property.* Side or rear yard setbacks adjacent to an alley or non-residentially zoned property may be zero feet. Parking provided off the alley shall maintain a 24-foot back-out, which includes the alley.
- d. *Garage and Accessory Building Conversion.* No setback shall be required for a legally established, existing garage or accessory building that is converted to

an ADU, provided the structure is not expanded under Subsection 17.84.030.E.2.a.i. Any expansion of the structure under Subsection 17.84.030.E.2.a.i is subject to side and rear setbacks of four feet.

- e. *Addition Over a Garage.* The four-foot minimum side and rear setback requirement of Subsection 17.84.030.G.3.b shall apply to the newly constructed portion of an ADU constructed above a legally established existing garage.
- f. *Roof Decks.* All roof decks along the project perimeter and abutting residential uses shall be stepped back a minimum of five feet from the roof edge and a minimum of eight feet from the property line and shall include a minimum 42-inch solid rail or parapet, so that they are oriented away from and screened to prevent direct views of abutting residential neighbors. Roof decks facing/adjacent to a right-of-way or alley are not required to be stepped back.

4. ***Lot Coverage.***

- a. No ADU subject to this Subsection 17.84.030.G, Specific ADU and JADU Requirements may cause the total lot coverage of the single-family lot to exceed 50 percent, except that an ADU that is 800 square feet or less, not more than 16 feet in height, and compliant with a minimum four-foot side and rear setback, shall be considered consistent with all City development standards, irrespective of any other Municipal Code limitations governing lot coverage, floor area ratio, and open space.
- b. *Rear Yard Coverage.* An ADU shall not result in more than 30 percent rear yard coverage as measured from the rear wall of the primary residence to the rear property line (or as measured from the average distance of the rear wall from the rear property boundary if the rear wall does not follow a straight line). Except that an ADU that is 800 square feet or less, not more than 16 feet in height, and compliant with a minimum four-foot side and rear setback, shall be considered consistent with all City development standards, irrespective of any other Municipal Code limitations governing lot coverage, floor area ratio, and open space.

5. ***Architectural Requirements.***

- a. The materials and colors of the exterior walls, roof, and windows and doors must match or be harmonious with the appearance and architectural design of the primary dwelling.
- b. The exterior lighting must be limited to down-lights or as otherwise required by the Building or Fire Code.
- c. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
- d. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.

- e. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- f. All second-story windows and doors in a second unit that are less than 30 feet from a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.
- g. Access stairs, entry doors and decks must face the primary residence or the alley, if applicable.
- h. A garage converted to an accessory dwelling unit shall include removal of garage door(s) which shall be replaced with architectural features, including walls, doors, windows, trim and accent details.
- i. The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, State, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of Interior.

6. ***Landscape and Screening Requirements.***

- a. Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels when there is direct adjacency of the ADU to an existing primary dwelling on an adjacent parcel in which there is no screening as follows:
  - i. At least one five-gallon size plant shall be provided for every five linear feet of exterior wall.
  - ii. As an alternative, a solid fence of at least six feet in height may be installed along a side or rear yard in compliance with fencing standards.
- b. All landscaping must be drought-tolerant.

7. ***Other.***

- a. The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire-apparatus access, as determined by the fire authority.
- b. Each unclosed parking space shall be at least eight and one-half feet wide and 18 feet long.
- c. Each parking space that is provided in an enclosed garage shall be at least 10 feet wide and 20 feet long and have at least seven and one-half feet vertical clearance.

H. **Fees.** The following requirements apply to all ADUs that are approved under Subsections 17.84.030.E.2, Building Permit Only Approval and 17.84.030.E.3, ADU Permit Review.

1. **Impact Fees.**
  - a. For purposes of this Subsection, “impact fee” means a “fee” under the Mitigation Fee Act (California Government Code § 66000(b)) and a fee under the Quimby Act, California Government Code § 66477. “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.
  - b. No impact fee is required for an ADU or JADU that is less than 750 square feet in size.
  - c. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling).
2. **Utility Fees and Connection.**
  - a. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required pursuant to Government Code § 65852.2(f)(4) and (f)(5).
  - b. Except as described in Subsection 17.84.030.H.2.a, converted ADUs on a single-family lot that are created under Subsection 17.84.030.E.2.a, Converted Space or Structure on Single-Family Lot are not required to have a new or separate utility connection directly between the ADU and the utility, nor is a connection fee or capacity charge required.
  - c. Except as described in Subsection 17.84.030.H.2.a, all ADUs that are not covered by Subsection 17.84.030.H.2.b, require a new, separate utility connection directly between the ADU and the utility.
    - i. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
    - ii. The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

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## 17.84.040 Adult Businesses

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- A. **Definitions.** For the purposes of this Section, unless otherwise apparent from the context, certain words and phrases used in this Section are defined as follows:
1. **“Adult business”** means and includes all of the following types of establishments:
    - a. “Adult bookstore” means a business which as a regular and substantial course of conduct offers for sale or rent books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, discs,

slides, or other visual representations whose dominant or predominant character and theme is the depiction or description of specified sexual activity or specified anatomical areas, as defined in this Section.

- b. As defined in this Subsection, “regular and substantial course of conduct” shall be construed with reference to all relevant factors, including, but not limited to, the following:
  - i. The proportion of the business’ merchandise which depicts or describes specified sexual activity, specified anatomical areas or is a nonprescription, non-contraceptive sex-incitement device; and
  - ii. The percentage of the business’ revenues which are attributable to the sale or rental of merchandise which depicts or specifies sexual activity, specified anatomical areas or is a nonprescription, non-contraceptive sex-incitement device.
- c. “Adult entertainment business” is a business where any of the following conditions exist:
  - i. The business devotes or intends to devote more than 25 percent of its retail inventory (not as measured by the number of items but rather by the cost to the business owner of the inventory) to merchandise whose dominant or predominant character and theme is specified sexual activities or specified anatomical areas, hereafter referred to as “sexually explicit.”
  - ii. The business devotes or intends to devote more than 25 percent of the retail floor area to sexually explicit merchandise.
  - iii. The business has not segregated or intends not to segregate in one location in the store all sexually explicit merchandise offered for sale, rental and/or viewing from the nonsexual explicit merchandise.
  - iv. The retail value of sexually explicit inventory offered for sale in each category: (i) books; (ii) magazines; (iii) Beta video tapes for sale; (iv) VHS video tapes for sale; (v) Beta videos for rental; (vi) VHS videos for rental; (vii) novelties; (viii) on-premises viewing of images, films and/or videos; exceeds or is expected to exceed 25 percent of the total retail value of inventory offered for sale in each category.
  - v. Gross revenue derived from sexually explicit inventory in any particular category (see Subsection 17.84.040.A.2.d) of inventory exceeds or is expected to exceed 25 percent of the total gross revenue from that category. Any invoice or other sale entry which does not thoroughly and completely identify the title and/or name of each item of viewing, sale and/or rental shall be conclusively presumed to be sexually explicit merchandise for revenue percentage determination purposes.

- vi. The business advertises (either free or paid for advertisements in a manner that identifies the business as having sexually explicit merchandise for sale, rental and/or viewing.
  - vii. Any business which offers or advertises sexually explicit merchandise in any of the above categories (see Subsection 17.84.040.A.2.d), and which fails to make available to the City for inspection and copying all records of revenue on request after reasonable notice not less than 24 hours.
  - viii. Any business that is an adult entertainment use based on any of the above conditions may make an application for an exception. Such an application shall be made to the Zoning Administrator and shall specify all facts supporting the exception and shall have attached to it all supporting documentation.
- d. "Adult hotel" means any hotel or motel which as a regular and substantial course of conduct provides, through closed-circuit television or other media, material which is distinguished or characterizes by an emphasis on matter depicting or describing specified sexual activity or specified anatomical areas, as defined in this Section.
- e. "Adult motion picture theater" means an enclosed building and/or drive-in motion picture theater which is open to the public and which, as a regular and substantial course of conduct, is used for presenting filmed or videotaped materials whose dominant or predominant character and theme are the depiction or display of specified sexual activity or specified anatomical areas, as defined in this Section for observation by six or more patrons of such use at any one time.
- f. As defined in this Subsection, "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including, but not limited to, the following:
- i. The proportion of the theater's films which depict specified sexual activity or specified anatomical areas;
  - ii. The number of films depicting or displaying specified sexual activity or specified anatomical areas which are shown at the theater each week, each weekend, or each month;
  - iii. The nature of the films which receive top billing on the theater's marquee or in its advertising; and
  - iv. The proportion of the theater's revenue which is attributable to the showing of films depicting or displaying specified sexual activity or specified anatomical areas.
- g. "Adult picture arcade" means any business where, as a regular and substantial course of conduct, coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, television

- sets or other image-producing devices are used to display images to five or fewer persons per machine at any one time, and which images have as a dominant or predominant character and theme the display or depiction of specified sexual activity or specified anatomical areas.
- h. As defined in this Subsection, “regular and substantial course of conduct” is construed with reference to a number of factors, including, but not limited to, the following:
    - i. The proportion of the business’ movies, shows, pictures and images which have as their predominant theme the display or depiction of specified sexual activity or specified anatomical areas; and
    - ii. The proportion of the business’ revenue which is attributable to the showing of pictures depicting or displaying specified sexual activity or specified anatomical areas.
  - i. “Bathhouse” means an establishment which as a regular and substantial course of conduct provides, for a fee or other consideration, access to any kind of bath facility, including showers, saunas, and hot tubs. This definition does not include a bona fide athletic club, health club, school, gymnasium, reducing salon or similar establishment where baths or hydrotherapy are offered as incidental or accessory services.
  - j. “Modeling studio” means a business which provides as a regular and substantial course of conduct, for a fee or other consideration, figure models who display specified anatomical areas to be observed, sketched, photographed, painted, sculptured, or otherwise depicted by persons paying such consideration. “Modeling studio” does not include schools maintained pursuant to the standards set by the State Board of Education.
  - k. “Nude dancing theater” means any building or structure which as a regular and substantial course of conduct is used for the presentation of live dancing or modeling, the dominant or predominant character and theme of which are the display of specified sexual activity or specified anatomical areas, as defined in this Section, and to which the public is permitted or invited.
  - l. “Sexual encounter center” means a business which as a regular and substantial course of conduct provides two or more persons, for pecuniary compensation, consideration, hire or reward, with a place to assemble for the purpose of engaging in specified sexual activity or displaying specified anatomical areas. “Sexual encounter center” does not include hotels or motels.
2. “Establishment of an adult entertainment use” means and includes the opening of such a business as a new business, the relocation of such a business or the conversion of an existing use to any adult entertainment use.
3. “Specified anatomical areas” means and includes, and is limited to, the following:
- a. Less than completely and opaquely covered human genitalia, pubic region, buttocks, and female breasts below the top of the areola; and/or

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- b. Human male genitalia in a discernibly turgid state, even if completely or opaquely covered.
- 4. "Specified sexual activity" means and includes, and is limited to, the following:
  - a. Actual or simulated genital or anal sexual intercourse;
  - b. Oral copulation;
  - c. Bestiality;
  - d. Direct physical stimulation of unclothed genitals;
  - e. Masochism;
  - f. Erotic or sexually oriented torture, beating or the infliction of pain; or
  - g. The use of excretory functions in the context of a sexual relationship.
- 5. "Applicant" means any person who applies for a permit as required by this Section.
- 6. "Chief of Police" means the City of Woodland Chief of Police or designee.
- 7. "Clerk" means the City Clerk.
- 8. "Nude dancer" means any person whose live performance in an establishment to which the public is permitted or invited includes the presentation of live dancing or modeling, the dominant or predominant character and theme of which are the display of specified sexual activity or specified anatomical areas, as defined in this Section.
- 9. "Permittee" means any person operating or maintaining an adult entertainment business under a permit issued pursuant to this Section.
- 10. "Person" means any individual, co-partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

#### B. **Location.**

- 1. Adult entertainment establishments are permitted only on the rear half of a lot.
- 2. No adult entertainment establishment may be permitted:
  - a. Within 500 feet of all of the following uses:
    - i. Any religious institutions;
    - ii. Schools;
    - iii. Park and recreation facilities;
    - iv. Community centers;
    - v. Libraries;
    - vi. Youth organizations; and
    - vii. Day care centers.
  - b. Within 750 feet of a Residential zone, a Downtown zone, a Mixed-Use zone, or a Public or Open Space zone.

- c. Within 1,000 feet from any other adult book store or adult motion picture theater.
  3. The distance restrictions set forth in this Subsection are cumulative, not separate; therefore, adult entertainment uses may be established only on parcels which meet all of the spacing requirements set forth in this Subsection.
- C. **Establishment Permit—Required.**
  1. It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the City the operation of an adult entertainment business without first having obtained the appropriate permit as provided in this Section.
  2. Any person wishing to operate an adult entertainment business must also apply for and obtain a valid business license pursuant to Woodland Municipal Code Section 5.04.040, License Requirements and Exemptions. Any such business license shall be conditioned upon the issuance and maintenance of all permits required by this Section for the operation of an adult entertainment business.
- D. **Establishment Permit—Application.** The application for a permit to operate an adult entertainment business shall set forth the exact nature of the business to be administered, the proposed place of business, and the facilities therefor. A form for the application required by this Section shall be obtained from the Chief of Police. The completed application form shall be submitted to the Chief of Police and shall also contain the following information:
  1. The full true name and any other names used by the applicant;
  2. The two previous residential addresses and business addresses, if any, immediately prior to the present address of the applicant;
  3. The applicant’s height, weight, color of eyes, and hair;
  4. The business, occupation, or employment of the applicant for the 10 years immediately preceding the date of the application;
  5. The adult entertainment or similar business license history of the applicant; whether such person, in previously operating in this City or another City, County, or state under a license or permit, has had such license or permit revoked or suspended; the reasons therefor and the business activity or occupation subsequent to such action of suspension or revocation;
  6. All criminal convictions, except minor traffic violations;
  7. The applicant shall be fingerprinted and have his or her photograph taken by the City Police Chief and shall pay such fees therefor as are charged by the Police Chief for such services generally;
  8. Such other identification and information as determined by the Police Chief, any other City department of jurisdiction, or any fire protection district or jurisdiction to be necessary to verify the truth of the matters required by this Section; and
  9. If the applicant is a corporation or partnership, the name of the corporation or partnership shall be set forth exactly as shown in its articles of incorporation or

partnership agreement, and the information required by this Subsection shall be furnished for the managing director or managing employee, any general partner, and any stockholder owning 20 percent or more of the stock of an applicant corporation.

**E. Establishment Permit—Issuance.**

1. Within 60 days after the submission of a complete application with the Chief of Police for an adult entertainment permit, the Chief of Police shall, based on input from other departments/officials, approve or deny the permit. No permit shall be transferable to any other person.
  - a. Prior to the expiration of such 60-day period, information received as part of the business license application review shall be forwarded to the Chief of Police.
  - b. The Chief of Police may extend the 60-day period if information sufficient to make a determination has not yet been made available to him or her.
2. The Chief of Police shall issue a nontransferable adult entertainment business permit if the applicant has proven that all the requirements for an adult entertainment business described in Subsection 17.84.040.A, Definitions, Subsection 17.84.040.C, Establishment Permit – Required, Subsection 17.84.040.S, Violation -- Penalty, and Subsection 17.84.040.T, Establishment – Allowed Zones are met, unless the Chief of Police finds:
  - a. That the operation as proposed by the applicant will not comply with all the applicable laws, including, but not limited to, the building, health, planning, housing, and fire laws of, or applicable to, the City; or
  - b. That the personnel, or the owners and operators of the adult entertainment business have engaged in unlawful activity, or been convicted of any of the following offenses or convicted of an offense outside the state that would have constituted any of the following offenses if committed within the State:
    - i. Penal Code § 266i, § 314, § 315, § 316, § 318 or § 647(b) or any offense requiring the personnel or the owners of an adult entertainment establishment to register under Penal Code § 290.
    - ii. Any felony offense involving the sale of a controlled substance specified in the California Health and Safety Code Section § 11054, § 11055, § 11056, § 11057 or § 11058.
    - iii. Any crime or unlawful activity, on the basis of which the Chief of Police reasonably concludes that by reason of the nature of the crime or activity, the applicant’s operation of an adult entertainment business would pose a risk of harm to the public.

- F. Nude Dancer Permit—Required.** It is unlawful for any person to be employed or to act as a nude dancer without having a valid permit issued pursuant to the provisions of this Section, and it is unlawful for any owner, operator, responsible managing employee, manager or permittee in charge of or in control of an adult entertainment business to employ or permit

any person to act as a nude dancer who is not in possession of a valid, unrevoked nude dancer permit.

- G. **Nude Dancer Permit—Application.** The form for a nude dancer application shall be obtained from the Chief of Police. The completed form shall be submitted to the Chief of Police and shall set forth the place of business and facilities where the nude dancing shall take place. The application shall also contain the information required by Subsection 17.84.040.C, Establishment Permit—Required.
- H. **Nude Dancer Permit—Issuance.**
  - 1. Within 60 days after the submission of a complete application for a nude dancer permit, the Chief of Police shall act to approve or deny the permit. The Chief of Police may extend the 60-day period if information sufficient to make a determination has not yet been made available to him or her.
  - 2. The Chief of Police shall issue a nontransferable nude dancer permit if the applicant has proven that all the requirements for a nude dancer permit described in subsection F of this Section have been met, unless the Chief of Police finds that the applicant has been convicted of any offenses as set forth in Subsection 17.84.040.E.2.b.
- I. **Establishment Permit and Nude Dancer Permit—Deadline.** The provisions of this Section shall be applicable to persons engaged in the businesses regulated by this Section prior to the effective date of the ordinance codified in this Section, and to persons employed as nude dancers prior to the effective date of the ordinance codified in this Section. Notwithstanding any other provision of this Subsection, such persons shall file for the permits required by this Section within 180 days from the effective date of the ordinance codified in this Section. Failure to do so shall make the continued operation of such businesses or the continued employment as a nude dancer a violation of Subsection 17.84.040.B, Location, and Subsection 17.84.040.E, Establishment Permit—Issuance.
- J. **Permit Renewal—Application.** If a permittee wishes to renew his or her permit, the permittee shall complete an application form, as required by this Section, and submit it to the City no earlier than June 1, nor later than June 15, prior to the expiration of the existing permit. Applications for renewal of establishment permits shall include, where applicable, a list of nude dancers employed by such establishment as of the renewal date. Failure to submit the renewal application during the time specified shall cause the permit to automatically expire on the next succeeding June 30.
- K. **Permit Renewal—Requirements.** The Chief of Police shall renew permits applied for under this Section if the permittee has proven that he or she still meets all of the requirements for an adult entertainment business or a nude dancer permit contained in this Section, unless the Chief of Police finds that the permittee no longer complies with the provisions of Subsection 17.84.040.D.2, concerning an adult entertainment business or Subsection 17.84.040.G, Nude Dancer Permit—Application, concerning a nude dancer.
- L. **Permit Renewal—Procedure.** The procedure for the renewal of a permit shall be the same as set forth in this Section for original permit applications; however, no additional background investigation or fingerprinting shall be required.

M. **Permit Revocation or Suspension.**

1. **Grounds for Revocation or Suspension.** Any permit issued pursuant to this Section may be revoked or suspended by the Chief of Police upon a finding that any of the following grounds exist:
  - a. A violation of any of the provisions of this Section; or
  - b. The conviction of any offense described in Subsection 17.84.040.D, Establishment Permit—Application.
2. **Procedure.**
  - a. Any City department of jurisdiction, including, but not limited to, the Community Development Department, the Building Inspection Department, the Planning Department, or any fire protection district of jurisdiction, may notify the Chief of Police that grounds exist for the revocation of an adult entertainment business or a nude dancer permit.
  - b. The Chief of Police shall then give the permit holder written notice of the grounds for revocation or suspension. The notice also shall specify a time and place of hearing and shall be given at least 10 calendar days before the time of the hearing. At such hearing, the permit holder shall show cause why his or her permit should not be revoked or suspended.
  - c. The permit holder may appeal the decision of the Chief of Police to the City Council. If the permit holder does not appeal, the decision of the Chief of Police is final and conclusive on expiration of the time fixed for appeal.
  - d. Appeal from a decision to revoke a permit issued pursuant to this Section shall be made within 10 calendar days after written or oral notice of the decision of the Chief of Police.
  - e. If the permit holder requests a hearing within the time set forth in Subsection 17.84.040.L, Permit Renewal—Procedure the Clerk shall set the matter for a hearing. The permit holder shall be given written notice of the time, date, and place of such hearing by the Clerk at least 10 days prior to the date of the hearing. Such notice either shall be personally delivered to the permit holder or shall be sent by registered or certified mail.
  - f. If notice is by registered or certified mail, it shall be deemed delivered on the day following the deposit of the notice in the United States Postal Service.
  - g. If a hearing has been requested, the council shall receive evidence on the charges contained in the notice to the permit holder. Upon the conclusion of the presentation of the evidence on the charges, the permit holder may present evidence to refute the charges.
  - h. Upon the conclusion of the presentation of evidence and any closing statements, the City Council may take any of the following actions, which shall be final:

- i. If the City Council finds that there has been a violation of any of the provisions of this Section or finds that the permit holder has been convicted of any offense described in Subsection 17.84.040.D, Establishment Renewal—Application, the City Council may:
      - i. Order the revocation of the permit (see Section 17.96.150, Revocation of Permit);
      - ii. Order the suspension of the permit for such time as the City Council deems proper; or
      - iii. Order the suspension of the permit for such time as the City Council deems proper, with reinstatement of the permit subject to such conditions as may be ordered by the City Council.
    - j. If the City Council finds that the evidence does not support any of the charges, the City Council shall order that the charges be dismissed.
- N. **Compliance with Section.** It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the City, the operation of an adult entertainment business in violation of the terms and conditions of this Section.
- O. **Operation with Revoked Permit.** It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the City, the operation of an adult entertainment business if such person's permit has been revoked.
- P. **Nude Dancer Compliance with Section.** It is unlawful for any person to act as a nude dancer in violation of the terms and conditions of this Section.
- Q. **Inspections.** The various City departments of jurisdiction, including, but not limited to, the City Police Chief, the Building Inspection Department, and the Community Development Department, and any fire protection district of jurisdiction, may, at any time, inspect the subject premises and investigate the manner of the operation of the adult entertainment business to ensure that it is operating in compliance with this Section.
- R. **Change of Business Name or Location.** No person granted a permit pursuant to this Section shall operate under any name or conduct his or her business at any location not specified in his or her permit. If the business facilities and/or location is changed, a new permit shall be obtained.
- S. **Violation—Penalty.**
  - 1. Any violation of any of the provisions of this Section is an infraction, and upon conviction thereof shall be punished by a fine not to exceed \$50.00 for a first violation, \$100.00 for a second violation within one year, and \$250.00 for each additional violation within one year.
  - 2. Every day that any such violation continues shall constitute a separate offense.
- T. **Establishment—Allowed Zones.** The establishment of adult entertainment allowed as indicated in the use tables of Chapters 17.24 through 17.48; provided, however, no adult

entertainment use may be established in any such zone unless the entire parcel upon which such use is located is outside all of the specified distance requirements set forth in Subsection 17.84.040.A, Definitions and unless the adult entertainment use complies with all the other regulations imposed within the zone by this Title.

U. **Conditional Use Permit Required.** No person shall operate an adult entertainment use without first obtaining a Conditional Use Permit as provided in Section 17.100.100, Conditional Use Permit. Such permit shall be issued by the Planning Commission if the applicant meets the criteria listed below. No other land use permit is required to operate an adult entertainment use, and only the following criteria may be required as conditions to the issuance of this use permit:

1. An application for a Conditional Use Permit has been made in accordance with the procedure set forth in Chapter 17.100.100, Conditional Use Permit.
2. All building height, building site, minimum yard, and off-street parking requirements for uses subject to a use permit have been met. These requirements are set forth in the base zone regulations (Chapters 17.24, Residential Zones through 17.48, Planned Development).

The issuance of the adult entertainment use permit may be conditioned upon the erection of a fence of the type and design which meets the approval of the Planning Commission.

3. The building and lot on which such business is located comply with local and state law concerning signs, building security, design review, occupancy, structure, safety, and landscaping, and that all applicable building, plumbing and fire codes have been met.
4. Hours of operation may be designated by the Planning Commission as additional to the issuance of the use permit if the Planning Commission finds, based on substantial evidence presented to it, that there is a need for regulation of hours due to a specifically identified significant problem linked to the adult entertainment use. When regulating the hours of operation of an adult entertainment use, the Planning Commission shall, whenever possible, designate hours which are consistent with the hours of operation of nearby businesses which are similar in nature. If shorter hours than those of nearby businesses of a similar nature are imposed, the Planning Commission shall:
  - a. Identify in writing the need for such shorter hours;
  - b. Make a specific finding, that a less restrictive condition or requirement would not alleviate the problems imposed by the longer hours of operation of such use; and
  - c. Set forth the period of time after which the permit holder could seek review of the Planning Commission's designation of the hours of operation of said use.
5. All other regulations and provisions of this Section have been complied with.

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**17.84.050 Agricultural Production, Light**

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- A. **Accessory Use Only.** Agricultural production is allowed as an accessory use only.
- B. **Location.** Active agricultural uses may not be located within 500 feet of sensitive uses including residential, food production, clean tech, schools, day cares, and other places of assembly.
- C. **On-site Retail Sales.** Retail sales of agricultural products grown on the premises may be considered with a Zoning Administrator Permit. Review of any temporary structures, access, and parking related to on-site retail sales will be considered in the Zoning Administrator Permit review. See Section 17.100.090, Zoning Administrator Permit.
- D. **Permanent Structures.** Any on-site permanent structure must be related to the primary use. Permanent structures associated with this use are not permitted.
- E. **Pesticide Use.**
  - 1. Application of all pesticides and chemicals shall follow the State of California guidelines and the County of Yolo Agricultural Weights and Measures permit requirements.
  - 2. Pesticide use is subject to the Agricultural Commissioner of the California Department of Pesticide Regulation.
  - 3. Pesticide use requires a minimum quarter-mile buffer from any school and 50-foot buffer from any other use.

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**17.84.060 Alcoholic Beverage Sales (Updated)**

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- A. **Purpose.** Establishments which serve alcoholic beverages receive special attention from the City because of their potential to create problems, such as littering, loitering, public intoxication, and disturbances. All establishments selling alcoholic beverages are reviewed by the City. The following provisions provide minimum development standards for alcoholic beverage sales. These standards are designed to provide for the appropriate development of alcoholic beverage sales and to protect the health, safety, and welfare of residents by further awareness of laws relative to drinking.
- B. **Public Convenience and Necessity.**
  - 1. Any person whose application for an on-sale or off-sale alcohol license is required by the Alcoholic Beverage Control Board of the State of California (ABC) to be subject to a determination of public convenience or necessity (PCN determination) by the City, shall apply to the City for a determination of whether public convenience or necessity would be served by the granting of such license. Refer to the PCN review requirements below in Subsection 17.84.060.B.3, Requirements for On-Sale Liquor Establishments.
  - 2. Such application shall be on forms provided by the City and contain such information as required by the City and shall be accompanied by payment of a fee.
  - 3. The PCN application shall include a written statement from the applicant demonstrating, by substantial evidence, that the public convenience or necessity

would be served by the issuance of the license from the ABC. See Subsection 17.84.060.G, Review of PCN Applications.

C. **Requirements for On-Sale Liquor Establishments.**

1. **Permit Required.** Unless otherwise specified, restaurants with alcohol sales, bars, nightclubs, and lounges, and alcoholic beverage retail sales establishments, shall not be established without first securing a Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) as required in the applicable base zone.
  - a. *Exceptions.* The following uses do not require a Conditional Use Permit:
    - i. Veterans' clubs and fraternal organizations.
    - ii. Full-service restaurants, defined as having gross receipts for food constituting 51 percent of all sales, that do not sell alcohol past 10:00 p.m.
    - iii. Membership organizations and clubs that are restricted to members and guests only.
    - iv. Non-profit temporary licenses.
    - v. One-day on-sale licenses pursuant to California Business and Professions Code § 24045.1.
    - vi. Hotels or motels that offer complimentary drinks to their guests.
2. **Operational Statement Required.** Applicants shall submit an operational statement which shall include, but not be limited to the following:
  - a. Information as to persons doing business under fictitious names, members of partnerships, and officers of corporations or associations.
  - b. Exhibits that include a site plan and floor plan.
  - c. An evacuation plan in case of emergency (bars and nightclubs).
  - d. Hours of operation.
  - e. Security Plan (including efforts to ensure that the parking area is monitored to prohibit loitering and crowding and line control).
3. **Development Standards.** The following standards apply to all on-sale liquor establishments.
  - a. *Parking Areas.* The designated parking area shall be oriented away from residences as much as possible and shall be clearly shown on the site plan.
  - b. *Noise.* Noise levels shall be monitored to ensure compliance with all applicable noise standards.
  - c. *Security.* The Police department shall review security measures for each application, and measures shall be based upon the function of the establishment as described in the operational statement. Additional and/or security measures such as reduced hours of operation, security guards, door

monitors, alarm systems, may be required if nuisance or related problems are demonstrated to occur as a result of business practices or operations.

- d. *Loitering.* The owner and/or proprietor and/or operator of the establishment is responsible to provide supervision to prevent loitering in the immediate vicinity of the establishment.
- e. *Tasting Rooms.*
  - i. The tasting room use will be accessory to a restaurant or retail sales facility.
  - ii. Outdoor dining and seating may be conducted as an accessory use located on the same parcel, on a contiguous adjacent parcel, or on a public right-of-way immediately adjacent to the tenant space subject to a City-issued encroachment permit.
  - iii. Outdoor dining and seating shall comply with all applicable adopted City design standards. See Section 17.84.270, Outdoor Display, Sales, and Dining.
  - iv. No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the public sidewalk or right-of-way. Outdoor dining shall remain clear of litter at all times.
  - v. The hours of operation of the outdoor dining and seating shall be limited to the hours of 8:00 AM and 10:00 PM. If open later than 10:00 pm and/or within 500-feet of a residential use, a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit) is required, in compliance with Table 17.84.060.C-1: Separation of Use and Time Standards for On-Sale Liquor Establishments Outside of the Downtown.
  - vi. Products offered for tasting and sale may include wine, beer, olive oil, cheese, and or other specialty retail products.
  - vii. Outdoor events would be subject to a City-issued Special Event Permit.

4. **Separation of Use and Time Standards Outside of the Downtown.** Table 17.84.060.C-1: Separation of Use and Time Standards for On-Sale Liquor Establishments Outside of the Downtown identifies the separation from residential uses and serving time requirements for all on-sale liquor establishments outside of the Downtown zones.

Table 17.84.060.C-1: Separation of Use and Time Standards for On-Sale Liquor Establishments Outside of the Downtown		
Use <sup>1</sup>	Time to Stop Sales or Service of Alcohol	Separation From Residential <sup>2</sup>
Restaurant, Indoor Dining (Should a restaurant seek to stay open after 10:00 pm, it shall require additional	10:00 PM	N/A

Table 17.84.060.C-1: Separation of Use and Time Standards for On-Sale Liquor Establishments Outside of the Downtown		
Use <sup>1</sup>	Time to Stop Sales or Service of Alcohol	Separation From Residential <sup>2</sup>
use permit review and be subject to separation standards for a Bar) <sup>3</sup>		
Outdoor Dining (Should the outdoor dining be proposed to be open after 10:00 pm or be within 500-ft of a residential use or zone, a Zoning Administrator Permit is required)	10:00 PM	N/A if closed by 10:00 pm; 500 feet if open after 10:00 pm
Tasting Room (Should a tasting room seek to stay open after 10:00 pm, or serve alcoholic beverages other than beer and wine, it shall require additional use permit review and be subject to separation standards for a Bar)	10:00 PM	N/A
Bar	2:00 AM	500 feet
Nightclub (whether or not they serve alcoholic beverages)	2:00 AM	500 feet

Notes:

<sup>1</sup> Subject to base zone requirements and performance standards.

<sup>2</sup> Minimum horizontal distance measured between the building, or portion of the building, occupied by the alcohol use, and the closed property line of the planned or zoned residential use, not including a residential portion of a vertical missed-use development or project.

<sup>3</sup> Multiple uses on site, as example, a restaurant that becomes a nightclub after a set time, may have separate permit for the specific uses.

**D. Requirements for Off-Sale Liquor Establishments.**

**1. Applicability.**

**a. New or Expanded Use.**

- i. Any proposed new establishment or existing establishment that requests to expand their alcohol or business license type(s), reinstate their alcohol or business license(s) after an expiration or revocation, extend their hours of operation, or expand their floor area, shall obtain a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit) or Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) as provided for in the zone-specific Use Regulations issued in compliance with the standards of this Section.
- ii. A modification to an existing establishment shall not be approved when a condition exists that has caused or resulted in repeated activities that are harmful to the health, peace, or safety of persons residing or working in the surrounding area.

2. **Development Standards.**

- a. *Concurrent Sale of Fuels and Off-sale Liquor Establishments.* The following additional standards shall apply to the concurrent sale of motor vehicle fuels and beer and wine for off-premises consumption:
  - i. Only beer and wine may be sold;
  - ii. The owner of each location and the management at each location shall educate the public regarding driving under the influence of intoxicating beverages, minimum age for purchase and consumption of alcoholic beverages, driving with open containers and the penalty associated with violation of these laws. In addition, the owner shall provide health warnings about the consumption of alcoholic beverages. This educational requirement may be met by posting prominent signs, decals, or brochures at points of purchase. In addition, the owner and management shall provide adequate training for all employees at the location as to these matters;
  - iii. No displays related to alcoholic beverages shall be located within five feet of any building entrance or checkout counter;
  - iv. Cold beer or wine shall be sold or displayed in the main, permanently affixed electrical coolers only;
  - v. No advertising related to alcoholic beverages shall be located on gasoline islands; and no lighted advertising for beer, wine, or other alcoholic beverages shall be located on the exterior of buildings or within window areas;
  - vi. Employees selling beer and wine between the hours of 10:00 PM and 2:00 AM shall be at least 21 years of age; and
  - vii. No sale of alcoholic beverages shall be made from a drive-in window.
- b. *General Standards for Off-sale Facilities.*
  - i. *Lighting.* The exterior of the premise, including adjacent public sidewalks and all parking lots under the control of the establishment, shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. Exterior lighting of the parking lot shall be kept at an intensity of at least one foot-candle. However, required illumination shall be placed and/or shielded in a way that minimizes light and glare on adjacent residences or sensitive uses.
  - ii. *Litter and Graffiti.*
    - a) Trash and recycling receptacles, that meet City design standards, shall be provided by public entrances and exits from the building.

- b) The owner or operator shall provide for daily removal of trash, litter, and debris from the premises and on all abutting sidewalks within 20 feet of the premises.
  - c) The owners or operator shall remove graffiti within 48 hours.
- iii. *Location.*
- a) No off-sale liquor establishment outside of the Downtown shall be maintained within 500 feet of any other establishment where alcoholic beverages are sold for both off-site and on-site consumption or such consideration points as schools (public and private), established churches or other place of worship, hospitals, convalescent homes, public parks, and playgrounds and/or other similar uses. The distance of 500 feet shall be measured between the nearest entrances used by patrons of such establishments along the shortest route to other establishments, or to the nearest property line of any of the above referenced consideration points.
  - b) No off-sale liquor establishment may lead to a grouping of more than four establishments within a 1,000 foot radius.
  - c) Establishments shall not be located in areas of undue concentration, or areas of high crime, as defined by the California Business and Professions Code § 23958.4(a)(1) and (2), and as determined by the Department of Alcoholic Beverage Control, unless a determination of public convenience or necessity (PCN) is approved.
- iv. *Adult Printed Matter.* Adult magazines and all printed matter coming within the definition of the California Penal Code § 313 shall be located for sale only behind the counter and shall be stored in racks covered by modest panels.
- v. *Noise.* Noise levels shall not exceed required noise standards.
- vi. *Display.* No beer or wine shall be displayed within five feet of the front door unless it is in a permanently affixed cooler.
- vii. *Plastic Cup Sales.* Paper or plastic cups shall not be sold in quantities less than their usual and customary packaging.
3. *Staff Requirements for Off-sale Liquor Establishments.* It shall be the responsibility of the applicant licensee to provide all staff with the knowledge and skills that will enable them to comply with their responsibilities under law. The knowledge and skills deemed necessary for responsible alcoholic beverage service shall include, but not be limited to, the following topics and skills development:
- a. State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operation, and penalties for violations of these laws.

- b. The effects of alcohol on the body, and behavior, including how the effects of alcohol affect the ability to operate a motor vehicle.
- c. Methods for dealing with intoxicated customers and recognizing underage customers.

**E. Nonconforming Liquor Establishments and Improvements to Nonconforming Liquor Establishments.**

**1. Existing Uses.**

- a. *Nonconforming.* Existing establishments that have been legally established under previous regulations, but do not conform to current law, may continue to operate as a recognized use pursuant to Chapter 17.80, Nonconforming Provisions.
- b. *Loss of Nonconforming Status.* Changes to an existing use that could cause the loss of nonconforming status are, but not limited to the following:
  - i. When a business closes for six continuous months;
  - ii. Change of use (e.g., from restaurant to nightclub), or is a single use would like to establish multiple uses;
  - iii. An increase of floor area (including patio area) for existing use; and
  - iv. Request to modify manner of operation, change in type of business, or character of operation.
- c. When a nonconforming status is lost, any subsequent use must be consistent with current zoning and land use regulations and a new permit is required.
- d. Any use wishing to expand that previously did not have a use permit shall obtain a use permit issued in compliance with the standards of this Section.

**2. Non-Operation.** Whenever all of the rights granted by a use permit are discontinued, the following rules to reestablish the use shall apply:

- a. *One Year or Less.* The same or different operator may reestablish the use pursuant to the preexisting use permit and all conditions applicable thereto.
- b. *More Than One Year.* A new permit is required.

**F. Existing Establishments Selling Alcoholic Beverages (On-Sale and Off-Sale).** Any establishment which becomes lawfully established on or after the effective date of the ordinance codified in this Section and licensed by the State of California for the retail sale of alcoholic beverages of on-site and/or off-site consumption, shall obtain a modification of its Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) or Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit) when:

- 1. The establishment changes its type of liquor license within a license classification; and/or
- 2. There is a substantial change in the mode or character of operations.

**G. Review of PCN Applications. (New)**

1. Upon receipt of an application for a PCN determination, the application shall be reviewed by the Police Department, Code Compliance staff, Building Division, and any other City departments that the Director believes appropriate for review and comment. The Director may request from the applicant any additional pertinent information regarding the applicant, the proposed license, or the applicant premises.
2. The police chief or designee shall determine whether there are existing problems regarding criminal activity at the applicant premises or in the area surrounding the applicant premises. Also, the police department shall comment on whether issuance of the license would tend to create a law enforcement problem. If the department determines that law enforcement problems exist, or that such problems would be created in the event an alcoholic beverage license is issued, a written report of the problems and a recommendation shall be given to the Director.
3. The Director shall determine whether the applicant premises are located in the appropriate land use designations and have received all required entitlements to permit the type of alcoholic beverages sales described in the application. No PCN shall be approved if the applicant premises are not within the appropriate land use designation or do not have all necessary land use entitlements.
4. The Director, in conjunction with the Code compliance coordinator, shall determine whether there are pending Code enforcement actions regarding the applicant premises. If it is determined that there is a pending or ongoing Code enforcement action involving the applicant premises, no PCN determination may be made by the department until the investigation is completed and all Code issues are resolved.
5. Any other City department that has received a request from the Director to review the application shall file its comments and, if appropriate, its recommendation on the application with the department.
6. The Director shall contact the ABC to determine whether any protests were lodged with the ABC in relation to the applicant's request for a license from the ABC.
7. Based on an evaluation of all timely submitted written findings, comments, and the factors that may be considered, as set forth in Section 17.84.060, Alcoholic Beverage Sales, the Director shall make a determination on whether public convenience or necessity will be served by the ABC's issuance of an alcoholic beverage license for the applicant premises and whether to issue or deny a letter of public convenience or necessity.

**H. Issuance of a PCN Determination.**

1. In all cases in which an applicant applies for a PCN determination, the Director may exercise their discretion to issue or deny issuance of a letter of public convenience or necessity. In exercising their discretion, the Director shall consider the following factors:
  - a. The type of proposed use by the applicant;

- b. Whether the proposed use will be detrimental to the health, safety, and welfare of the community;
  - c. Whether the use would enhance the economic viability of the area in which it is proposed to be located;
  - d. The extent of support or opposition to the proposed license from members of the community;
  - e. The number of licenses within a one-mile radius of the proposed licensed location;
  - f. The type of licensed premises within a one-mile radius of the proposed licensed location and the extent to which the proposed license would cause a further overconcentration of that particular type of premises in the area;
  - g. The background and the history of the applicant's operations, including the nature and extent of problems on any premises where he or she has operated a licensed premises in the past;
  - h. Whether the applicant has ever been convicted of any offense involving moral turpitude or any offense related to the sale or use of alcoholic beverages;
  - i. How close the proposed establishment will be to a residential neighborhood, place of worship, or school;
  - j. Whether there is a history of police or crime-related problems in the area proposed for a license; and
  - k. Whether the proposed license would enhance recreational or entertainment opportunities in the area.
2. The Director may determine that the PCN will be met and the health, safety or welfare of the community will be promoted only if certain conditions are imposed upon the operations of the licensee. The conditions may cover any matter relating to the privileges to be exercised under the license. If a letter is issued with conditions applied, it shall specifically set forth that the public convenience or necessity is served only if the conditions set forth in the letter are met by the applicant.
  3. The Director shall provide a comment period of no less than ten calendar days prior to final approval of a letter of public convenience and necessity, beginning on the date the public notices are mailed. The purpose of the comment period is to enable the public to bring comments or questions to the attention of the department. If the department receives substantive comments or information which establishes that the application should not be approved administratively, the department shall either deny the application or, if requested by the applicant and upon submittal of the applicable fee, schedule a public hearing before the Planning Commission to consider the application.
  4. The final PCN determination shall be issued in writing by the Director who will author a PCN determination stating whether the Director finds public convenience and necessity will or will not be served by the issuance of a license from the ABC. The

written determination shall be served by mail upon the applicant and the ABC within fifteen business days of the decision of the Director.

5. No letter of public convenience or necessity shall be issued by the Director pursuant to this article unless the applicant agrees, in writing, that if the ABC issues a license to sell alcoholic beverages, the license will be subject to all conditions imposed as part of the PCN determination at all times the license is in use and in effect.

**I. Expiration—No Transfer of a PCN Determination.**

1. A PCN determination in support of the issuance of a license from the ABC is only valid for one year from the date of the Director’s action and the PCN determination shall so state. If no license to sell alcoholic beverages has been issued to the applicant for the applicant premises, within one year of issuance of a favorable PCN determination, the City’s PCN determination shall be deemed withdrawn without the need for further action by the Director or the applicant, and the applicant must reapply if he or she seeks another PCN determination.
2. Except as provided in California Business and Professions Code § 23958.4, the PCN determination is not transferable to any other applicant or proposed licensee. Unless permitted by California Business and Professions Code § 23958.4, any proposed licensee for the same premises must submit a new application and follow the procedures for issuance of a PCN determination in this article. Nothing in this article precludes the City from protesting the issuance of a license from the ABC pursuant to other sections of the Alcoholic Beverage Control Act, including, but not limited to, § 23958.

- J. Revocation.** In the event of a violation of any of the conditions imposed on an applicant or the applicant premises in accordance with this article, the Planning Commission may, after public notice and hearing, revoke any letter of public convenience or necessity issued regarding the applicant or applicant premises. Upon revocation, the applicant shall not continue to sell alcoholic beverages at the applicant premises. The determination of the Planning Commission shall become final ten days after the date of decision unless appealed to the City Council. The revocation shall be reported to the ABC.

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**17.84.070      Alternate Energy Sources**

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- A. Purpose.** To encourage and promote the use of alternate energy sources by providing solar and wind access protection.

**B. Solar Energy Collection Systems.**

1. When a solar energy collection system is installed on a lot, any accessory structure or vegetation on an abutting lot shall not be located so as to block the solar collector’s access to solar energy. The portion of the solar collector that is protected is that portion which:
  - a. Is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by any hypothetical 12-foot obstruction located on the lot line; and

- b. Has an area of not greater than one-half of the heated floor area of the structure, or the largest of the structures, served.
      2. This Section does not apply to accessory structures or vegetation existing on an abutting lot at the time of the installation of the solar energy collection system, or on the effective date, whichever is later. This Section controls any accessory structure erected on, or vegetation planted on, abutting lots after the installation of the solar energy collection system.
      3. A copy of the Building Permit for the solar energy collection system shall be kept on file in the Community Development Department and the date the Building Permit is issued shall be the effective date. The solar facility must be completed and have a final inspection, approved by the Building Inspector, within one calendar year from the date the Building Permit is issued. See Section 17.100.130, Building Permit.
      4. Ground mounted solar energy collections systems shall be screened from public view and, unless in the Industrial zone, shall be located on the rear half of the property and shall meet applicable setback standards.
- C. **Clotheslines.** It is unlawful to establish any private covenant or restriction which prohibits the installation and/or use of a clothesline in any Residential zone.
- D. **Wind Energy Conversion Systems (WECS).** Wind energy conversion systems shall be permitted in all zones subject to the following requirements:
1. **Building Permit Application for A WECS.** Building permit applications (see Section 17.100.130, Building Permit) for a wind energy conversion system shall be accompanied by a plot plan drawn in sufficient detail to clearly describe the following:
    - a. Property line and physical dimensions of the site;
    - b. Locations, dimensions, and types of existing structures, and uses on site;
    - c. Location of the proposed WECS;
    - d. Location of all above-ground utility lines on-site or within one radius of the total height of the WECS; and
    - e. Location and size of the largest structure taller than 35 feet or tree which may potentially grow taller than 35 feet during the lifetime of the WECS within a 500-foot radius of the proposed WECS.
  2. **General Provisions.** Installation of all wind energy conversion systems shall comply with the following requirements:
    - a. *Size.* This Section covers those WECS whose swept area is 500 square feet or less. For conventional propeller WECS, this would be approximately 25 feet in diameter.
    - b. *Compliance with Uniform Building Code.* Building permit applications (see Section 17.100.130, Building Permit) shall be accompanied by standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings. The application shall also include engineering data and calculations to demonstrate compliance of the

support structure with seismic and structural design provisions of the Uniform Building Code. Drawing and engineering calculations shall be certified in writing by a California-registered structural engineer. This certification can be supplied by the manufacturer. Where the structural components of an installation vary from the standard design or specification, the proposed modifications shall be certified by a California-registered structural engineer for compliance with the seismic and structural design provisions of the Uniform Building Code.

All equipment and materials shall be used or installed in accordance with such drawings. The above certifications by a California-registered structural engineer shall be deemed to satisfy all applicable requirements of the Uniform Building Code.

- c. *Compliance with National Electrical Code.* Building permit applications (see Section 17.100.130, Building Permit) shall be accompanied by a drawing identifying the location of metering, protection and control devices, and transformer equipment in sufficient detail to allow for a determination that the manner of installation will conform to Articles 250 (Grounding), 280 (Lightning Arrestors), 300 (Wiring Methods), 310 (Conductors for General Wiring), 430 (Motors), 445 (Generators), and 450 (Transformers and Transformer Vaults) of the National Electrical Code. The application shall include a statement from a California-registered electrical engineer indicating that the electrical system conforms with good engineering practices and complies with the above articles of the National Electrical Code. All equipment and materials shall be used or installed in accordance with such drawings and diagrams. This certification can be supplied by the manufacturer.

Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a California-registered electrical engineer for compliance with the requirements of the national electrical code and good engineering practices. The above certification by a California-registered electrical engineer shall be deemed to satisfy all applicable requirements of the national electrical code.

- d. *Rotor Safety.* Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a California-registered engineer certifying that the rotor and over-speed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the compatibility of possible towers with available rotors. The certification can be supplied by the manufacturer.
- e. *Guy Wires.* Anchor points for guy wires shall be located within property lines and not on or across any above-ground electric transmission or distribution line. Guy wires shall be enclosed by a fence six feet high or the WECS shall be set back from the property line the total height of the WECS.

- f. *Tower Access.* Lattice towers capable of being climbed shall be enclosed by a locked, protective fence at least six feet high located not closer than eight feet from the ground. Other towers should have either:
  - i. Tower-climbing apparatus located not closer than 12 feet from the ground;
  - ii. A locked anti-climb device installed on the tower; or
  - iii. The tower shall be completely enclosed by a locked, protective fence at least six feet high.
- g. *Noise.* The WECS shall meet the requirements of the Noise Element of the General Plan.
- h. *Electromagnetic Interference.* A wind energy conversion system shall comply with the provisions of 47 C.F.R., Parts 15 and 18. The wind energy conversion system shall be operated such that no harmful interference is caused. When notified by the City Building Inspector that a wind energy conversion system is causing harmful interference, the operator shall promptly take steps to eliminate the harmful interference.
- i. *Signs.* At least one sign shall be posted at the base of the tower warning of high voltage. The sign shall also include emergency phone number and emergency shutdown procedures.
- j. *Utility Notification.* No wind turbine shall be interconnected with a utility company's grid until said company has been notified in accordance with procedures established by the California Public Utilities Commission.
- k. *Height.* The minimum height of the lowest part of the WECS shall be either 30 feet above the highest structure allowed under the local zoning requirement or potential tree height, whichever is higher, if it is within a 200-foot radius. If an obstruction is within a 201- to 500-foot radius, the lowest part of the WECS shall be 10 feet above it.
- l. *Setbacks.* The WECS shall be located such that the furthest extension of the apparatus does not cross any property lines, except as provided for under Subsection 17.84.080.D.2.e, Name.
- m. *Abatement.* If a wind energy conversion system or systems are not maintained in operational condition and pose a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The City reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. If the City determines that the WECS has been abandoned, the system shall be removed within 30 days of written notice to the owner or operator of the system.
- n. *Liability Insurance.* The applicant, owner, lessee, or assignee shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system at all times. Said policy shall provide a minimum \$300,000.00 property and personal liability coverage.

## 17.84.080 Animal Keeping

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- A. **Purpose.** The purpose of this Section is to provide development standards for animal keeping and to minimize potential adverse effects related to the keeping of animals on adjoining property.
- B. **Additional Regulations Related to Animal Keeping.** All regulations established in Woodland Municipal Code Chapter 6.08, Domestic Animal Keeping apply to the keeping of animals in the City and should be consulted together with this Section.
- C. **Non-Commercial Animal Keeping.**
1. **Livestock and Domestic Fowl Prohibited Generally.** It is unlawful for any person to maintain within the City, or permit to be kept or maintained upon land belonging to such person, any cattle, horses, swine, sheep, goats, geese, ducks, turkeys, roosters, and other poultry and fowl birds, except as specifically permitted under provisions of Woodland Municipal Code Section 6.08, Domestic Animal Keeping.
  2. **Miniature Pigs.** The noncommercial raising of miniature pigs (Vietnamese pot-bellied pigs) shall comply with the standards of Woodland Municipal Code Section 6.08.040.C and the following standards:
    - a. *In the R-1 Zone.*
      - i. Not more than three miniature pigs on lots of not less than 20,000 square feet.
    - b. *In the N-P, RL-M, and R-M Zones.*
      - i. Not more than one miniature pig on a lot between 7,200 and 19,999 square feet.
      - ii. Not more than two miniature pigs on lots not less than 20,000 square feet.
    - c. Any person having charge, care, custody, or control of any miniature pig shall keep such pig exclusively upon his or her own premises.
    - d. The miniature pig must be kept in an enclosure that is no closer than 30 feet from the front property line, 15 feet from any side or rear property line, and no closer than 35 feet from any dwelling unit other than on the subject lot.
- D. **Poultry.** Crowing fowl are not permitted. Refer to Woodland Municipal Code Section 6.08.030, Keeping of chickens, pigeons, or rabbits.
- E. **Small Animals.** Rabbits, frogs, guinea pigs, parakeets, chinchillas, dogs, cats, or other similar small animals. The raising or breeding shall comply with the following Woodland Municipal Code Section 6.08, Domestic Animal Keeping and the standards below:
1. A total of not more than four small animals, or a combination thereof, may be kept and maintained in a clean and sanitary pen or structure.
  2. Animals must be kept and maintained in an enclosed area.
  3. The keeping of such animals shall not create a health or nuisance problem.

F. **Kennels and Stables.**

1. Kennels for dogs and cats, shall be located no closer than two hundred feet from any property line, shall provide automobile and truck ingress and egress, and shall provide parking and loading spaces so designed to minimize traffic hazard and congestion.
2. Kennels and stables are subject to all other standards for accessory structures.
3. Proponents shall show that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining property or uses.

G. **Animal Hospital, Commercial Animal Boarding, Kennels, Pet Day Care.** Animal hospitals and veterinarian hospitals, and commercial animal boarding and/or pet day care shall be located no closer than 150 feet from any residential district, restaurant, hotel, or motel, in any district and shall show adequate measures and controls are taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

H. **Wild, Dangerous, Exotic and Prohibited Animals.** The keeping of roosters, peacocks, geese, and any animal which requires a permit from the Department of Fish and Wildlife pursuant to the Fish and Game Code § 2118 is prohibited.

**17.84.090 Automobile/Vehicle Sales and Services Uses (New)**

A. **Automobile/Vehicle Service and Repair, Minor and Major.** In addition to other applicable standards of this Section, major and minor Automobile/Vehicle service and repair uses, as well as another other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, regardless of ministerial or discretionary entitlement, are subject to the following standards:

1. **Noise.** All body and fender work or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building. See also Section 17.76.110, Noise.
2. **Work Areas.** All work shall be conducted within an enclosed building, with the exception of pumping motor vehicle fluids, mechanical inspections and adjustments not involving any disassembly.
3. **Vehicle Storage.** Vehicles being worked on, awaiting service, or pick up shall be stored within an enclosed building or in a parking lot on the property that is screened in compliance with Chapter 17.70, Screening Standards. Unattended vehicles, or vehicle parts, shall not be parked or stored in the street, or any portion of the public right of way within the City.
4. **Design.**
  - a. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties
  - b. Incorporate half screen walls in combination with landscaping to screen vehicles while allowing eye level visibility into a site.

## Division III: Citywide Standards

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- c. A masonry wall at least 6 feet in height shall be provided along all lot lines adjacent to a Residential zone or a residential use.
- d. Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent properties.
- e. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
- f. Lighting is designed to be low profile, indirect, or diffused and to avoid adverse impacts on surrounding uses.
- g. Any washing area will not have an adverse impact on water supply and quality.
- h. Electric vehicle charging stations shall be added to each site consistent with Section 17.68.060, Electric Vehicle Charging Stations.

### B. **Auto/Vehicle Sales New and Used.**

- 1. Auto sales in an open lot may only be considered as an accessory use to a retail showroom or as part of a dealership complex.
- 2. No surface parking lot or outdoor display area solely intended for the sale of autos and/or vehicles, that is not accessory to an indoor showroom, is allowed as a primary use on a lot.
- 3. The Director may approve, with conditions, the temporary overflow storage of autos and/or vehicles associated with a new car dealership as a primary use on a lot if the lot is located within 0.25 miles of the dealership.
- 4. Used car sales must be associated with a new car dealership, except for large format used car dealerships. A single-use used car lot is not permitted.
- 5. Automotive servicing or repair is permitted as an accessory use for automobile/vehicle sales and leasing establishments that offer maintenance and servicing of the type of vehicles sold on site.

### C. **Service Stations.** In addition to other applicable standards of this Section, service stations and any other commercial use that included fuel pumps for retail sales of gasoline are subject to the following standards.

- 1. **Pump Islands.** Pump islands shall be located a minimum of 20 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.
- 2. **Work Areas.**
  - a. All work shall be conducted within an enclosed building except pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.
  - b. Outdoor work activities are not allowed adjacent to an R-L or N-P zone or a residential use.

3. **Abandonment.** In the case of abandonment or non-operation of a service station, the primary use must be dismantled and the site cleared within 12 months of the close of the last business day.

D. **Automobile/Vehicle Washing.**

1. **Design.**

- a. Buildings shall incorporate similar design features as the main building and shall comply with the design standards of the underlying district.
- b. Buildings, or structures, including vacuum stations, shall not be located within 30 feet of any public street or within 20 feet of any interior property line of a residential use or residential district. Customer waiting areas and /or carwash offices may be excepted should the Review Authority determine that they will not disrupt the residential area.
- c. Vehicle lanes for car wash openings shall be screened from public streets to a height of 40 inches. Screening devices shall consist of building placement, walls and/or berms with landscaping.
- d. Vacuum stations shall be screened from view to the extent possible where feasible and be located behind buildings or otherwise screened from view and shall not be located along a street front.
- e. Noise generating uses, such as service bays, car wash openings, vacuum stations, outdoor loading areas, garbage storage, and stacking lanes shall be located away from sensitive uses such as residential, day care, or schools.
- f. A masonry wall at least six feet in height shall be provided along all lot lines adjacent to a residential district.
- g. Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent properties.
- h. The location and number of driveways will promote safe and efficient on-site and off-site traffic circulation.
- i. Lighting is designed to be low profile, indirect, or diffused and to avoid adverse impacts on surrounding uses.
- j. The washing facility will not have an adverse impact on water supply and quality.

2. **Self Service Drive Through.** Self-service car washes are not permitted, unless accessory to a fueling station or car sales, as provided for in the use table. Requirements of Subsection 17.84.090.E.1, Discretionary Application Review shall apply.

E. **Discretionary Application Review.** All uses that fall under the Automobile/Vehicle Sales and Services land use category and that require a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit) or Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) are subject to the following requirements.

1. **Findings for Approval.** The Review Authority shall only approve a use permit upon making the following findings:
  - a. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
  - b. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
  - c. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.
  - d. Lighting is designed to be low-profile, indirect, or diffused and to avoid adverse impacts on surrounding uses.
  - e. The washing facility, if proposed, will not have an adverse impact on water supply and quality.
2. **Conditions of Approval.** Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies, and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, parking, or other site elements, to avoid adverse impacts on adjacent lots or the surrounding area.

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**17.84.100 Bed and Breakfast Lodging (New)**

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- A. **Purpose.** This purpose of this Section is to establish standards for the location, design, and operation of Bed and Breakfast Lodging uses (“bed and breakfasts”).
- B. **Limitation of Services Provided.**
  1. A bed and breakfast must include no more than three guest rooms.
  2. Provisions for meals and rental of bedrooms shall be limited to registered guests. Separate or additional kitchen for guests are prohibited.
- C. **Location and Design.**
  1. Bed and breakfasts establishments shall be located, developed, and operated within a single unit dwelling.
  2. In all Residential and Mixed-Use Districts, the exterior appearance of a structure housing a bed and breakfast establishment shall not be altered from its single-family character.
  3. No exterior evidence of the use may be visible except that a sign in compliance with standards provided in Section 17.72.050, Standards for Permanent Signs may be installed.
  4. Required parking for the principal residence and for all required
  5. Guest parking must be provided on-site. On-site parking must be designed and located so as not to detract from the residential character of the neighborhood.

**D. Operations and Maintenance.**

1. Bed and breakfasts must be rented for periods of less than 30 days;
2. The bed and breakfast must be conducted only by the property owner or manager living on the site of the bed and breakfast;
3. The owner shall maintain liability insurance on the property which covers the homestay and guests. The owner shall pay any applicable taxes including occupancy and sales taxes and shall obtain a business license.
4. Management shall be present while guests are on site.
5. The site shall be well maintained and kept free from litter and debris.
6. No exterior noise or activity shall occur outside the normal range of residential uses. All guest events must occur indoors between the hours of 10:00 PM and 8:00 AM.
7. A special event permit is required for any group gathering or event.

**17.84.110 Beekeeping (New)**

**A. Purpose.** The purpose of these regulations is to allow beekeeping in a manner that is respectful of the safety of persons that may be in close proximity to the apiary. Beekeeping can contribute to pollination and better harvests in gardens. By contributing to pollination, urban beekeeping is an important complement to urban food production and to the City's sustainability goals stated in the General Plan.

**B. Standards.**

1. It shall be the duty of every person on whose property bees are kept to adhere to good management practices and maintain bees in a condition that will reasonably prevent swarming and aggressive behavior.
2. It shall be the responsibility of the person on whose property the bees are kept to provide adequate water for the bees to prevent bees from seeking water in neighboring swimming pools, birdbaths, ponds, or other community bodies of water.
3. A maximum of two beehives per lot on a parcel of land less than 10,000 square feet.
4. A maximum of four beehives per lot on a parcel of land with an area over 10,000 square feet.
5. Beehives are restricted to rear yards.
6. In order to ensure the appropriate height of the honeybee flight path:
  - a. The beehive entrance will be directed away from the neighboring property and situated behind a solid fence or hedge that is six feet in height running parallel to the property line; or
  - b. A beehive will be located a minimum of 25 feet away from the neighboring property line.

- C. **Beekeeping Registration.** Beekeeping registration is required prior to establishment of an apiary, as follows:
  - 1. The applicant must submit and the Planning Director must review plans demonstrating compliance with the standards of this Section.
  - 2. The applicant must register the apiary with the County of Yolo Agricultural Commissioner to receive notification of pesticide applications, pursuant to Section 29101 of the California Food and Agricultural Code.
  - 3. The applicant must submit plans and a signed statement showing and agreeing to compliance with all obligations imposed by this Section and holding the City harmless if the owner does not comply.
  
- D. **Nuisance.** Bees or hives shall be considered a public nuisance and subject to Chapter 17.128, Enforcement, when any of the following occurs:
  - 1. Colonies of bees exhibit defensive or objectionable behavior or interfere with the normal use of neighboring properties;
  - 2. Colonies of bee's swarm;
  - 3. Bees or hives do not conform to this Section; or
  - 4. Hives become abandoned by resident bees or by the owner.

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### **17.84.120 Commercial Cannabis Businesses**

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- A. **Purpose.** The purpose of this Section is to impose zoning restrictions on commercial cannabis businesses in the City as authorized and/or licensed by the State of California pursuant to state law. This Section is not intended to, and does not, give any person or entity independent legal authority to operate a cannabis business. Rather, it is intended to impose zoning restrictions regarding cannabis businesses that may operate in the City pursuant to this Code and state law. This Section is in addition to any other business license and regulatory requirements imposed on cannabis businesses by this Code or other applicable law.
  
- B. **Applicability.** No part of this Chapter shall be deemed to conflict with federal law, as contained in the Controlled Substances Act, nor to otherwise permit any activity that is prohibited under that Act or any other local, state, or federal law, statute, rule, or regulation. Nothing in this Chapter shall be construed to allow any conduct or activity relating to cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the Yolo County District Attorney's office, the Attorney General of the State of California, or of the United States of America.
  
- C. **Planning Commission and City Council Review.**
  - 1. The Planning Commission shall review all Conditional Use Permit applications (see Section 17.100.100, Conditional Use Permit) submitted pursuant to this Chapter and provide a recommendation regarding approval to City Council.

2. The City Council is authorized to approve up to a maximum of six total Conditional Use Permits for cannabis businesses pursuant to this Section.
3. In evaluating whether to recommend approval or approve a Conditional Use Permit application (see Section 17.100.100, Conditional Use Permit) for a commercial cannabis business, the Planning Commission and City Council shall consider the following factors, in addition to all other requirements provided this Section:
  - a. The type of proposed use by the applicant;
  - b. Whether the proposed use will be detrimental to the health, safety, and welfare of the community;
  - c. Whether the use would enhance the economic viability of the area in which it is proposed to be located, including adjacent and surrounding properties;
  - d. Whether the applicant has adequately addressed potential community benefits of the use to offset potential adverse impacts;
  - e. The extent of support or opposition to the proposed use and location from members of the community, and applicant's plans to ensure strong community relations and compatibility with the surrounding neighborhood;
  - f. The number of cannabis uses located or proposed to be located within 1,000 feet of the proposed location;
  - g. The extent to which the proposed use would cause a further overconcentration of that particular type of use in the area;
  - h. The background and the history of the applicant, including the experience and qualifications of the applicant and those persons involved in the management, oversight and day to day operations of the proposed use, the professional training and certifications of the applicant and/or persons involved in the management, oversight and day to day operations of the proposed use, and the nature and extent of problems on any premises where the applicant has operated a cannabis business in the past;
  - i. Whether there is a history of police or crime-related problems in the area of the proposed location which may be exacerbated by establishment of the proposed cannabis use; and
  - j. Whether the proposed license would enhance recreational or entertainment opportunities in the area.
4. The City Council is authorized to approve up to a maximum of six total conditional use permits for commercial cannabis manufacturing, distribution and/or testing businesses pursuant to this Chapter. The City Council is authorized to approve up to a maximum of four total conditional use permits for cannabis retailers pursuant to this Chapter.
5. The Director is authorized to administer reasonable guidelines and policies, including appropriate application periods for accepting requests for zoning approvals and use permits for cannabis retailers, consistent with this Section, and evaluation and scoring

criteria that may be used for the selection of cannabis retailers, in the event that the City receives more applications than the number of available conditional use permits. The Director may use such evaluation and scoring criteria for making recommendations to the Planning Commission and City Council on the proposed uses.

6. The Director or City Council may address additional development and operational standards through conditions on the conditional use permit (see Section 17.100.100, Conditional Use Permit) as it determines necessary or appropriate for the cannabis retailer conditional use permit under consideration, provided that any such conditions shall not conflict with operating requirements that may be applicable pursuant to other provisions of this Code.

**D. General Conditions.**

1. No cannabis business may operate in any zone in the City except as expressly permitted by and in conformance with the provisions of this Section. No cannabis business may engage in the retail sales of cannabis unless expressly permitted or conditionally permitted pursuant to this Section. No temporary cannabis events shall be permitted or conditionally permitted.
2. Any cannabis business permitted by this Section must, prior to operating a cannabis business, obtain and maintain at all times a valid license issued by the State of California, as may be applicable, and any other local or regulatory licenses required by this Code. Any cannabis business operating without a valid license from the State of California shall cease operations until a valid state license is obtained, in addition to any other state and local requirements that may apply.
3. Pursuant to California Business and Professions Code § 26054(b), as may be amended, no cannabis business may be located within a 600-foot radius of a school providing K-12 instruction, a day care center or a youth center in existence at the time the license is issued. Additionally, no cannabis business may be located within a 600-foot radius of a public park.
  - a. The City Council may make an exception if there is clear evidence based on considerations such as the separation of sensitive uses by a significant physical barrier, no expressed evidence of public concern, and the potential revitalization of an existing blighted condition, that there will be no public health, safety, or nuisance issues due to closer proximity of cannabis retail uses to an identified sensitive use.

**E. Cannabis Manufacturing.** Cannabis manufacturing may be permitted, subject to the requirements of this Code, including all applicable performance standards, and the granting of a Conditional Use Permit as provided for in the use tables of Chapters 17.24 through 17.48 and in Section 17.100.100, Conditional Use Permits.

**F. Cannabis Laboratories and Research.** Cannabis laboratories and research facilities may be permitted, subject to the requirements of this Code, including all applicable performance standards, and the granting of a Conditional Use Permit as provided for as provided for in the use tables of Chapters 17.24 through 17.48 and in Section 17.100.100, Conditional Use

Permits. Cannabis laboratories and research facilities are prohibited from engaging in commercial cultivation, manufacturing, distribution, and sales of cannabis.

- G. **Cannabis Distribution Facilities.** Cannabis distribution facilities may be permitted, subject to the requirements of this Code, including all applicable performance standards, and the granting of a Conditional Use Permit as provided for in the use tables of Chapters 17.24 through 17.48 and in Section 17.100.100, Conditional Use Permits.
- H. **Cannabis Cultivation.** Cannabis cultivation is prohibited.
- I. **Cannabis Retailers.** Cannabis retailers are prohibited.
  - 1. Cannabis retailers may be permitted, subject to the requirements of this Code including all applicable performance standards, and granting of a Conditional Use Permit as provided in Section 17.100.100, Conditional Use Permit, and Section 17.84.120.C, Planning Commission and City Council Review, in the Corridor Mixed Use-West Main (CMU-WM), Corridor Mixed Use-East (CMU-E), Corridor Mixed Use-Kentucky (CMU-K), Corridor Mixed Use-Armfield (CMU-A), Corridor Mixed Use-Gateway (CMU-G); Corridor Mixed Use-Flex (CMU-F), Community Commercial Mixed Use (CCMU), Neighborhood Mixed Use (NMU), and Regional Commercial-Flex (RC-F), and Cannabis retailers are prohibited in all other zones of the City.
  - 2. Cannabis retailers that will not be open to the public and that perform sales exclusively by delivery are prohibited.
  - 3. Cannabis retailers may include a cannabis distribution facility as an accessory use to serve the on-site business pursuant to this Chapter and shall be subject to the following:
    - a. The distribution facility shall be appurtenant and incidental to the retail use, both in terms of size and use and shall only be used to support the retail facility that is the primary use on site and, if applicable, other retail facilities owned and operated by the applicant. The distribution facility shall not be used for distribution of cannabis or cannabis products to other cannabis retailers.
    - b. The distribution facility shall not be predominantly visible to the public from the street frontage adjacent to the cannabis retailer or if the distribution facility is located within a commercial center, the distribution facility shall not be a specific and identifiable use apart from the cannabis retailer.
    - c. There shall be adequate parking and loading on site to serve both the cannabis retailer and the distribution facility, and spaces for loading associated with the distribution facility shall be located in the rear of the applicable property, outside of view from the street frontage or frontage of the commercial center. Only smaller vehicles, vans, or sprinter vans shall be used for delivery vehicles. Larger trucks, such as CA legal "Semi-trucks" or "18-wheelers", and any trucks over five-tons are prohibited from delivering cannabis product on site. The location and storage of all vehicles used for the cannabis business shall be provided in a safe and secure manner and meet all security requirements of the City Police Chief and applicable state requirements.

- d. Accessory distribution facilities shall comply with all provisions applicable to cannabis distribution facilities as a primary land use.
  - 4. Public notice of a commercial cannabis retail Conditional Use Permit application (see Section 17.100.100, Conditional Use Permit) shall be provided to all properties within a minimum 600-foot radius 10 days prior to any scheduled public hearing date, and the site shall be posted with a highly visible notice.
    - a. The highly visible notice shall be a minimum of four-feet wide by eight-feet deep in size mounted on a freestanding sign or posted on the building frontage.
    - b. The applicant shall be responsible for posting the site consistent with a format provided by the City and shall provide verification of the posting.
  - 5. Cannabis retailers shall be no closer than 500-feet to each other, and no more than two cannabis retailers shall be located within a 1,000 foot radius, except that the City Council may make an exception to this Subsection if there is clear evidence based on considerations such as the separation of cannabis retail uses by a significant physical barrier, no expressed evidence of public concern, and potential economic revitalization to the proximate area, that there will be no public health, safety, or nuisance issues resulting from the closer proximity of one cannabis retail use to another.
- J. **Additional Regulatory Requirements.** In addition to complying with all applicable requirements in this Section and obtaining a state license for commercial cannabis activities, no commercial cannabis use may operate in the City without first obtaining a cannabis business permit.

### **17.84.130 Community Gardens (New)**

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Community gardens shall be located, developed, and operated in compliance with the following. Community gardens do not include cannabis, which is separately regulated pursuant to Section 17.84.120, Commercial Cannabis Businesses.

- A. **Management.** A manager shall be designated for each garden who shall serve as liaison between gardeners and property owner(s) and the City.
- B. **Hours of Operation.** Gardens shall only be tended between dawn and dusk.
- C. **Buildings and Structures.** Accessory buildings, such as sheds, greenhouses, hoop houses, or farm stands are allowed and shall comply with the property development standards of the zone.
- D. **Equipment.** Only household garden tools and equipment, applicators, and products may be used. This includes but is not limited to, soil preparation, cultivation, planting, application of chemicals, dust control, and harvesting. Pull-behind equipment is prohibited.
- E. **Operational Plan.** The applicant shall submit an operational plan that identifies roles and responsibilities, contact information, and operations.

- F. **Maintenance.**
  - 1. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, and other similar materials in a timely manner.
  - 2. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.
- G. **Sale of Produce.** Incidental sales of items grown on-site are permitted.
- H. **Composting.** Composting is limited to materials generated on-site and shall be used on-site.
- I. **Utilities.** The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
- J. **Restrooms.** If proposed, restrooms shall be connected to public utilities. Portable restrooms are not permitted.

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#### 17.84.140      **Crematorium**

A crematorium shall provide adequate analysis to verify that the use meets all standards of the air quality management district, meets the City's Climate Action Plan goals and policies, and will not create harmful odor, particulate, or other environmental impacts to adjacent uses.

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#### 17.84.150      **Day Care Centers, Family Day Cares and Residential Care Facilities**

Day care centers, family day cares and residential care facilities shall be located, developed, and operated in compliance with the following standards:

- A. **License.** The Operator shall secure and maintain a license from the State of California Department of Social Services.
- B. **Location.** Day care centers, family day cares, or residential care facilities shall be located at least 300 feet from any other day care center, family day care, or residential care facility, unless specifically allowed pursuant to a use permit.
- C. **Pick-up and Drop-off Plan.** A plan and schedule for the pick-up and drop-off of children or clients shall be provided for approval by the Director, for day care centers, large family day cares and large residential care facilities. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion and conflict points on travel aisles and public streets. The plan shall address:
  - 1. Scheduled pick up and drop off times with allowances for emergencies; and
  - 2. Prohibitions of double parking, blocking driveways of neighboring properties, or using driveways of neighboring properties.

D. **Additional Requirements for Child Day Care Centers.**

1. **Outdoor Space.**

- a. Child day care centers for children shall provide a minimum of 75 square feet of outdoor space for each child over two years old. This area must be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners.
- b. Outdoor use area and play equipment and structures shall not be located in any required front or street side setback.

2. **Hours of Operation.** Drop off and pick up shall only be within the hours of 6:00 AM and 8:00 PM, Monday through Friday. Additional hours may be allowed subject to approval of a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit).

3. **Noise.** Outdoor activities shall not occur before 9:00 AM and 6:00 PM. Review of activities outside the specified time period may be allowed subject to approval of a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit).

E. **Screening and Landscaping.** A minimum six-foot-high solid wall or fence shall be provided for purposes of screening and securing outdoor recreational areas. Chain metal fencing and barbed wire are prohibited. All other provisions of Chapter 18.18, Landscaping, shall apply.

F. **No Drug or Alcohol Use.** Residents and staff shall sign an agreement affirming that use of drugs or alcohol on the premises is prohibited and acknowledging that drug or alcohol use will result in termination or eviction.

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**17.84.160 Drive-Through Establishments (New)**

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A. **Purpose.** The purpose of this Section is to ensure that establishments with drive-through facilities provide adequate on-site maneuvering and circulation, that vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts.

B. **Applicability.** This Section applies to:

1. All new uses that include drive-through facilities; and
2. The addition of, or relocation of, drive-through facilities in existing developments.

C. **Location.**

1. Any new drive-through fast food/restaurant in a Mixed-Use zone must be located within 600 feet of a highway or interstate off-ramp.
2. A new drive-through may not be located within 500 feet of any existing drive-through facility.
3. Drive through windows may not front directly onto Main Street. Drive-through windows shall be located to the side or rear of the building.

4. Drive in and drive-through entrances and exits shall be a minimum of one hundred (100) feet from any intersection of public rights of way, measured at the closest intersecting curbs, and at least 25 feet from the nearest curb cut on an adjacent property. Shorter distances from road intersections may be approved if the City Engineer determines that public safety and/or the efficiency of traffic circulation are not being compromised.
5. Drive-through stacking lanes shall be a minimum 100 feet from any residential lot. The Review Authority may modify or waive this requirement if the property is located in a mixed use zone and if it determines that the impacts to nearby residences will be minimal.

D. **Drive-Through Lane Design and Stacking Requirements.**

1. **Parts of a Drive-Through Facility.** A drive-through facility includes the following parts:
  - a. Stacking lanes, which are the spaces occupied by vehicles queuing for the service to be provided; and
  - b. Service areas, which are areas where the point of service occurs. These include menu boards, service windows, gas pumps, and air compressors.
2. **Circulation Plan.** A pedestrian and vehicular circulation plan shall indicate how drive-through, pedestrian, and vehicular circulation will be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas and provide for pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or use drive-up facilities in a manner that will not impede traffic flow on any public right-of-way.
3. **Stacking Lane Design and Layout.**
  - a. Stacking lanes must be designed so they do not interfere with on-site parking and vehicle circulation.
  - b. Stacking spaces must be 11 feet wide by 22 feet long.
  - c. Stacking lanes must be clearly identified through such means as striping, landscaping, pavement design.
  - d. Drive through aisles shall not exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway.
  - e. Overflow from a stacking lane shall not spill out onto public streets or major aisles of any parking lot.
  - f. Drive through lanes shall not be located adjacent to patios and other pedestrian use areas, other than walkways to minimize emissions impact.
  - g. Drive through aisles shall not intersect pedestrian walkways unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.
  - h. The following are minimum required stacking spaces for -uses:

- i. Drive-in bank: five spaces.
    - ii. Drive-in beverage, food sales: 12 spaces with a minimum of 6 spaces behind the menu board.
    - iii. Pharmacies: five spaces.
    - iv. Automatic car wash: three spaces per service position.
    - v. Gate (house) residential: Under 50 units, one space per 10 units; greater than 50 units, five spaces.
    - vi. Exceptions or variations may be evaluated based on a drive-through queue analysis, or if requested by the Director to evaluate potential stacking concerns, including multiple lanes.
      - i. A minimum nine-foot wide escape lane must be designed as part of the drive-through.
  4. Speakers for drive-through lanes shall not be audible from adjacent residential uses. Sound attenuation walls, landscaping, or other mitigation measures may be required, as necessary.
  5. Entrances to an aisle and the direction of flow shall be clearly designated by signs or pavement markings or raised curbs outside of the public right of way.
- E. **Landscaping and Screening.**
  1. Each drive-through aisle shall be screened with a combination of decorative walls, trellis structures, or other similar features, and landscape to a height of 36 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.
  2. Drive through lanes and wash stall areas shall be screened from public view.

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### 17.84.170 **Emergency Shelters, Daytime Service Facilities, and Low Barrier Navigation Centers (Updated)**

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- A. **Purpose.** This Section establishes use and development regulations for emergency shelter facilities in accordance with state law and the City's adopted housing element. In accordance with state law, local communities have a responsibility to provide adequate sites for emergency shelters that serve homeless individuals and families. The goal of emergency shelters is to address acute needs of individuals and families by providing basic residential facilities and may include programs that help residents find available social services. Consistent with the findings of the State Legislature, the City recognizes the need for, and the benefit of, temporary housing and services for homeless persons and families. This Section is intended to allow for the development of emergency shelter facilities in specific zones, subject to development and operational standards that minimize potential adverse impacts on nearby properties and the community as a whole.
- B. **Definitions.** For the purposes of this Section, the following words and phrases shall have the meaning respectively ascribed to them in this Section:

1. "Daytime Service Facility" means a place or building in which less than 24-hour per day non-medical care and supervision are provided including the provision of services to meet basic needs and connection to services to assist with housing, counseling, medical care, and other needs.
  2. "Emergency shelter" means any facility whose primary purpose is to provide temporary shelter with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Emergency shelter shall include other interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative facilities. Emergency shelters do not include evacuation shelters during emergencies.
  3. "Homeless person" means:
    - a. People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided if they were in shelter or a place not meant for human habitation before entering the institution.
    - b. People who are losing their primary nighttime residence, which may include a motel or hotel or a doubled up situation, within 14 days and lack resources or support networks to remain in housing.
    - c. Families with children or unaccompanied youth who are unstably housed and likely to continue in that state.
    - d. People who are fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening situations related to violence; have no other residence; and lack the resources or support networks to obtain other permanent housing.
  4. "Low Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving homeless individuals and families into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.
- C. **Location of Emergency Shelters.** Emergency shelters shall be located a minimum of 300 feet apart from one another. Programs may have multiple buildings on the same parcel.
- D. **Standards.** Emergency shelters, daytime service facilities, and low barrier navigation centers shall comply with the standards of this Section.
1. **Property Development Standards.** Emergency shelters shall conform to all property development standards of the zone in which it is located except as modified by these development standards.
    - a. The design of the shelter shall comply with the design standards of the base district.

- b. Shelter facilities shall comply with all other state and local laws, rules, and regulations that apply including building and fire codes and shall be subject to inspection prior to commencement of operation.
2. **Maximum Number of Persons/Beds.** The maximum number of beds permitted shall be based on the carrying capacity of the property, up to a maximum of 30 pursuant to Fire/Building Code capacity. Facilities over 30 beds or clients may be considered with a Conditional Use Permit (see Section 17.100.100, Conditional Use Permit). New emergency shelters in the Industrial (I) zone may be considered with a Conditional Use Permit (see Section 17.100.100, Conditional Use Permit). Any pre-existing emergency shelter that was approved and or constructed prior to the adoption of this Code (date), shall be considered an allowed use. However, should the existing shelter propose a modification or expansion, a Conditional Use Permit will be required.
3. **Minimum Off-Street Parking Requirements.** Parking shall be sufficient to accommodate all staff working at the emergency shelter, provided the standards do not require more parking than for other residential or commercial uses within the zone. At minimum, parking shall be provided in the ratio of one space for each staff member. Staff member may include paid employees, volunteers, and needed service providers. Parking shall be off-street and on-site.
4. **Bicycle Parking.** The shelter shall provide bicycle parking per Section 17.68.070, Bicycle Parking.
5. **Size and Location of Exterior and Interior On-Site Waiting and Client Intake Areas.** Emergency shelters shall provide 10 square feet of interior waiting and client intake space per bed. In addition, there shall be two offices or cubicles for shelters with fewer than 20 beds. For every additional bed, there shall be an additional 0.1 office, rounded up. At least 25 percent of the offices, rounded up, shall be private. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.
  - a. At least one enclosed or screened waiting area must be provided within the premises for clients and prospective clients to ensure that public sidewalks or private walkways are not blocked or used as queuing or waiting area.
  - b. Any exterior waiting area shall provide consideration for shade, seating, and cover for rain.
6. **Provisions of On-Site Management and Safety.**
  - a. On-site management shall be present at all times that the emergency shelter is in operation.
  - b. The Facility shall have on-site security during all hours when the shelter is in operation.
  - c. Facilities shall provide secure areas for personal property, which shall be screened from public view.
  - d. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.

- e. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who cannot be served by the establishment.
  - f. Service providers shall establish affirmative measures to discourage loitering at the facility and surrounding properties.
  - g. Service providers shall provide the City with 24/7 contact information for an individual with the authority to address operational or emergency issues. Staff must be on hand and clearly identifiable in the event that response is needed by Public Safety personnel.
  - h. Staff members shall be clearly identifiable to the public, clients, and emergency personnel through the use of badges, uniforms, or other identifying measures.
  - i. Prior to the operation of the emergency shelter and annually thereafter, the shelter shall prepare and file a management plan with the Community Development Department that discusses operational rules and standards, including, but not limited to, standards governing client supervision, client services, food services, and maintenance of surrounding property, and outline all security measures to be taken on site. The plan shall also include a floor plan that demonstrates compliance with the physical standards required by this Section.
7. **Length of Client Stay.** Temporary shelter shall be available to residents for no more than six months (180 days) in any consecutive 12-month period.
8. **Lighting.** Adequate external lighting shall be provided on pedestrian pathways and parking lot areas for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.
9. **Overnight Service Facilities.** In addition to the standards in Subsections D.1 through 8 above, all emergency shelters and facilities that provide overnight service are also subject to the following:
- a. *Hours of Operation.* A curfew no later than 10:00 pm shall be established and strictly enforced. Clients shall not be admitted after curfew, with exceptions allowed for client work schedules, special event attendance, and after hours' admittance of clients by organizations or public officials.
  - b. *Screening.* Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view in accordance with the requirements of the zone in which the facility is located. All structures and fences shall be consistent with the standards of this Code.
  - c. *On-Site Management.* The following are considerations for overnight emergency shelter management:
    - i. A minimum of one staff member shall be awake and on-duty, plus one additional staff or volunteer, on-premises when the facility is open. Facility staff shall be trained in operating procedures and safety plans.

The facility shall not employ persons who are required to register as a sex registrant under California Penal Code § 290.

- ii. Service providers will continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, staff shall make information available to the client of alternative programs and locations where they may seek similar service.
  - iii. Service providers shall address when, where, and how often food services, laundry facilities, and access to transportation will be provided to clients.
10. **Optional Common Facilities.** The shelter may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
- a. Recreation room.
  - b. Counseling center.
  - c. Child care facilities.
  - d. Other support services.
11. **Low Barrier Navigation Centers.** A Low Barrier Navigation Center (LBNC) is a use allowed by right in areas zoned for mixed use and non-residential zones permitting multi-family uses if it meets the following requirements. Applicants applying for consideration as a LBNC shall provide documentation verifying qualification for the designation.
- a. *Connected Services.* It offers services to connect people to permanent housing through a services plan that identifies services staffing.
  - b. *Coordinated Entry System.* It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Federal Regulations § 576.400(d) or § 578.7(a)(8), as applicable, of Title 24 as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
  - c. *Code Compliant.* It complies with Welfare and Institutions Code Chapter 6.5 (commencing with § 8255) of Division 8.
  - d. *Homeless Management Information System.* It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Title 24 of the Federal Regulations Code § 578.3.
  - e. In addition to the standards in Subsections 17.84.170.A, Purpose, and Subsections 17.84.170.D, Standards, that apply to all emergency shelters,

facilities that are qualified as Low Barrier Navigation Centers are also subject to the following:

- i. In accordance with California Government Code § 65943, action on an application shall be taken within 60 days of a complete application being filed.
  - ii. As a low barrier facility, the following shall not present barriers to entry to a facility:
    - a) The presence of partners if it is not a population specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
      - (1) Pets. Applies to small animals (dog/cat) that are manageable and do not pose a public safety hazard to clients, staff, or other public.
      - (2) The storage of possessions.
      - (3) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
12. The design of the shelter shall comply with the City's community design standards.

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### **17.84.180 Firearms Sales (New)**

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- A. **Applicability.** This Section applies to all uses that conduct retail sale, manufacture, or repair of firearms.
- B. **Location.** All uses that conduct retail sales, manufacture or repair of firearms shall be:
  1. Located a minimum of 1,000 feet from another firearm sales use.
  2. Located a minimum of 500 feet from all of the following uses:
    - a. Schools;
    - b. Parks and recreation facilities;
    - c. Community centers;
    - d. Libraries;
    - e. Youth organizations; and
    - f. Day care centers.
- C. **Design Standards.**
  1. Exterior areas shall be well lit and include video surveillance;
  2. Bars on windows are prohibited; and
  3. Advertising and signage on clear windows and doors shall be placed so that law enforcement personnel have clear and unobstructed view of the interior.

D. **Operational Requirements.**

1. All establishments shall hold and maintain all applicable licenses and permits with the State Department of Justice; and
2. A security plan shall be provided for review and approval by the Director and Chief of Police.

**17.84.190 Hazardous Waste Management Facilities (New)**

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All hazardous waste management facilities, except household hazardous waste collection centers authorized by the City and the Yolo County Health Department, shall be located, developed, and operated in compliance with applicable federal and state laws and regulations, as well as the following:

A. **Application Content.** Applications for hazardous waste management facilities shall include the following:

1. **Site Plan.** A detailed site plan depicting all buildings, land uses, storage areas, parking areas, driveways, internal and surrounding traffic circulation. Occupancy type and rating for each building or structure shall be identified.
2. **Best Management Practices.** Demonstrate and certify that they are minimizing the generation of hazardous waste through the use of the best available technology within their manufacturing, and/or product development processes. Applicants shall also demonstrate and certify that facilities will be using the best available control technology in minimizing air emissions and processing hazardous waste. Such demonstration and certification shall be provided prior to the issuance of any Building Permit (see Section 17.100.130, Building Permit) or other land use entitlement.
3. **Waste Characteristics and Capacity.** Identify the amounts (in tons) and types of hazardous waste to be treated and stored; the duration of stored waste on the facility site and the ultimate destination of the waste. The owner-operator shall make this information available on a yearly basis to the City of Woodland. If the application is for a transfer station the applicant shall identify the capacity of the facility to store each type of waste stream, service area(s) of the facility and ultimate disposition of the waste.
4. **Air Quality Analysis.** An analysis of all anticipated air quality impacts and proposed mitigation measures. The hazardous waste facility shall comply with all applicable state and federal laws as well as all rules and regulations of the Yolo-Solano Air Quality Management District.
5. **Risk Assessment.** A risk assessment which analyzes in detail all probabilities of accidents or spills at the site, including transportation related, or accidents from the point of origin to the facility, and any other risk assessment requested by either the City Manager, Director, Fire Chief, or the City Council. Such analyses shall identify mitigation measures to reduce the identified risks. The risk assessment shall identify the most probable routes for transporting hazardous wastes to and from the facility.
6. **Emergency Response Plan.** An Emergency Response Plan that indicates at a minimum:

- a. That the proposed plan is consistent with any and all applicable County and regional Emergency Response Plans and all City, county, state, and federal regulatory requirements regarding Emergency Response Procedure.
  - b. Detailed procedures to be employed at the time of emergency for each type of chemical substances utilized including contingency procedures.
  - c. Anticipated impacts on local fire, police, and medical services.
  - d. Names, home, and business addresses, and home and business telephone numbers of all management personnel at the facility, if known, and a detailed description of uncontrolled release and emergency situation reporting procedures.
- B. **Flooding Information.** An analysis of the potential of flooding on the site. Note residual repositories are prohibited in areas of special flood hazards as depicted by FEMA Flood Hazard Maps.
- C. **Traffic Analysis.** Applicants shall submit a traffic analysis which addresses, at a minimum, vehicle-truck trips, effects on nearby intersections, and any special characteristics of the project site. Applicants shall also identify the most likely transportation routes within the City and the county.
- D. **Closure Plan.** The owner or operator of a hazardous waste facility shall, prior to any local land use decision, submit a written Closure Plan to the Yolo County Health Department. The Closure Plan shall be approved the Yolo County Health Department. All revisions to such Closure Plans shall also be submitted to the Yolo County Health Department.
- E. **Safety.** The owner/operator shall demonstrate that the separation between the hazardous waste facility and residential areas is adequate to protect the health, safety, welfare, and property values of residents.
- F. **Monitoring.** At minimum, hazardous waste facilities are subject to the following monitoring requirements:
1. Upon reasonable notice, and for the purpose of ensuring compliance with all standards, conditions, and other requirements which the City is authorized to enforce under its police power, City Officials or their designated representatives may enter the premises on which a hazardous waste facility permit has been granted.
  2. The owner or operator of a facility shall report yearly to the Yolo County Department of Health, Environmental Division the amount, type, and disposition of all wastes processed by the facility. Included in the report shall be copies of all manifests showing the delivery and types of hazardous wastes and include a map showing the exact location (coordinates and elevation) of quantities and types of materials placed in repositories or otherwise stored or disposed of on-site.
  3. The owner or operator of a hazardous waste facility shall immediately send copies of all complaints as to facility operations and copies of all inspection reports made by other local, state, or federal agencies to the Fire Chief and City Engineer.

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4. Owners/Operators of all facilities shall prepare and submit an Annual Emergency Response Preparedness Report to the Fire Department and all other local emergency response agencies. Such report shall be signed by all management personnel at the facility and each person at the facility who has emergency response responsibilities.
  5. Owners/Operators of all facilities shall submit an annual Air, Soil, and Groundwater Monitoring Report to the City Engineer.
- G. **Modifications.** Any modifications of the types and quantities of hazardous waste to be managed at the facility which were not included in the approved application for a Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) shall be approved by the Fire Chief and City Engineer before such modifications occur at the facility.
- H. **Contingency Plan.** Every hazardous waste facility shall have a contingency operation plan approved by the California Department of Health Services. A copy of the contingency plan shall be maintained at the facility and sent to the Police Department, Fire Department, Engineering Division, and the County Department of Environmental Health.
- I. **Financial Assurance.** Prior to issuance of an "Occupancy Permit" to begin the use of a hazardous waste facility, the applicant shall show proof that it has met all of the financial responsibility requirements imposed by the California Department of Health Services and any other federal or state agency.
- J. **Indemnification.** The applicant agrees to indemnify, defend, and render harmless the City, and its City Council and all officers, employees, and agents of the City against and from all claims, actions, and liabilities relating to the land use decision or arising out of the operation of the facility.
- K. **Enforcement.** All costs of compliance with this Code shall be borne by the facility owner/operator. The City shall employ any and all methods permitted by law to enforce this Code.
- L. **Maintenance.** The owner/operator shall keep all equipment and buildings in good repair and shall employ technological advances as may be required by the California Department of Health Services, Yolo-Solano Air Quality Management District, or U.S. Environmental Protection Agency.
- M. **Findings.** The following findings shall be made in writing prior to making a land use decision which will allow the siting of a hazardous waste facility project:
1. The project is consistent with the General Plan;
  2. The project will not be detrimental to the health, safety, general welfare, or property values of the community or nearby residents;
  3. The project will not significantly reduce incentives for waste minimization by hazardous waste generators;
  4. There are adequate City services available to service the project;
  5. The project has met or exceeded each requirement of this Code; and
  6. Any potential impacts identified in the CEQA analysis may be adequately mitigated.

## 17.84.200 Home Occupations and Cottage Food Operations

- A. **Purpose.** Home occupations and cottage food operations (CFOs) provide the following benefits:
1. Permit home occupations as an accessory use in a dwelling unit;
  2. Allow residents to operate small businesses in their homes, under certain specified standards, conditions, and criteria;
  3. Act as “incubators” for small business, which leads to increased commercial activity as businesses grow;
  4. Encourage telecommuting, and reduced vehicle use;
  5. Ensure that occupations are compatible with, and do not have an adverse effect on, adjacent and nearby residential properties and uses; and
  6. Ensure the livability of residential areas and the general welfare of the community.
- B. **Applicability.** This Section applies to all residential units and properties in the City regardless of their zoning designation. It does not apply to Family Day Cares, which are regulated separately in Section 17.84.150, Day Care Centers, Family Day Cares and Residential Care Facilities.
- C. **Zoning Clearance Required, Not Transferable.** A Zoning Clearance is required for each home occupation, pursuant to Section 17.100.030, Zoning Clearance. A Zoning Clearance to conduct a home occupation at a particular address is not transferable from one party to another, nor may the type of business be modified. A new Zoning Clearance must be obtained for each new home occupation.
- D. **Operational and Performance Standards.**
1. **Deviation from Standards.** Requested deviation from Operational and/or Performance Standards requires a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit) and/or a Development Review Tier 3 Permit (see Section 17.100.070, Development Review Tier 3).
  2. **Accessory Use Only.** The use of the dwelling for home occupation shall be clearly incidental and subordinate to its use for residential purposes.
  3. **Residential Appearance.** There shall be no outward appearance of the home occupation. The residential appearance of the unit within which the home occupation is conducted shall be maintained.
  4. **Location.** All home occupation activities shall be conducted entirely within the residential unit, or within a garage that is reserved for the residential unit. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces.
  5. **Maximum Size Per Residence.** The home occupation may be conducted in the principal dwelling or accessory structures on the subject property; provided, that the area does not exceed 25 percent of the total livable area or 500 square feet (including inside storage areas), whichever is less.

6. **Structural or Design Modifications.** There shall be no external alteration of appearance to the dwelling or accessory structure in which a home occupation is conducted which would indicate a business use. Garage conversions for purposes of the home occupation are prohibited.
7. **Number of Home Occupations.** In no case shall more than two home occupations be conducted on a single site, and where there are two permitted, the standards of this Section apply to each residence and not separately to each home occupation (e.g., only one vehicle related to the home occupations will be permitted on site and the maximum size per residence shall not be increased).
8. **Owner Approval.** Renters must obtain written approval of the property owner prior to operating a home occupation. This written approval shall be submitted with the business license application. The home occupation business shall terminate upon withdrawal of said approval by the property owner.
9. **Employees.** A home occupation may employ one full-time equivalent employee other than the residents of the dwelling. All work conducted by employees shall be conducted completely within the home or garage.
10. **Clients/Patrons.** No customer or client visits are permitted except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring). The combined number of clients/patrons that can attend the residence is limited to no more than one per hour, with a maximum of eight per day. There may be no more than three clients/students at any one time. Clients/students' hours of arrival and/or departure shall be staggered so as to not disrupt the surrounding properties.
11. **Hours of Operation.** Home occupation businesses may only be conducted between the hours of 8:00 a.m. to 8:00 p.m., seven days per week. No patrons shall be received outside of these hours.
12. **Number of Vehicles.** Only one vehicle, owned by the operator of the home occupation, and not to exceed one ton in capacity, may be used by the operator in conjunction with the home occupation.
13. **Commercial Vehicles and Attachments.** One commercial vehicle (one ton or less) may be parked on site. No attachments of equipment, machinery, or trailers used for business purposes shall be permitted either on the vehicle or on the site is within public view from the public right-of-way of neighboring properties.
14. **Direct Sales Prohibition.** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, Internet, or other mode of electronic communication, unless permitted per Cottage Food Preparation as provided in Subsection 17.84.200.F, Cottage Food Operations.
15. **Advertising on Vehicles.** Not more than one vehicle advertising a home occupation shall be permitted.
16. **Deliveries.** Deliveries other than standard parcel services are prohibited.

17. **Signs.** Signs association with home occupations are prohibited, as established in Chapter 17.72, Signs.
  18. **Storage.** Storage of materials, goods, supplies, or equipment related to the operation of a home occupation shall not be visible. Storage must be enclosed within a building. Storage must comply with the current edition of the Uniform Building Code and Uniform Fire Code.
  19. **Showrooms.** Showrooms or other display arrangements shall be prohibited.
  20. **Equipment.** No mechanical equipment shall be used that creates visible or audible interference outside the dwelling unit or that creates noise, odor, glare, smoke, dust, or hazardous conditions not normally associated with residential uses.
  21. **Health Hazards.** No home occupation shall be detrimental to the public health, safety, or welfare. Such prohibited uses include those which involve the use of hazardous materials and uses which entail the harboring, training, or raising of animals beyond the standards of Section 17.84.080, Animal Keeping.
  22. **Nuisances.** No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odor, electrical interference, or visual blight, and/or which constitutes a nuisance as defined by the City's nuisance ordinance.
  23. **Access for Inspection Purposes.** The City may, at all reasonable times during regular business hours, enter the premises for the purpose of inspection to determine whether the home occupation is in compliance with the conditions of this Section.
  24. **Other Applicable Regulations.** Home occupations shall comply with provisions of health code requirements, relevant Uniform Building Codes, applicable regulations of the Alcohol, Tobacco, and Firearms Division of the Federal Department of Treasury, and all other applicable federal, State, or local regulations.
- E. **Prohibited Uses.** A home shall not be used for the following:
1. The use of hazardous materials of a type or quantity not normally associated with residential uses;
  2. Automobile related activities, including auto repair except for personal vehicles;
  3. Small engine repair, including lawn mowers and chainsaws. Woodworking and other similar uses shall be confined to noncommercial, hobby-type related activities;
  4. Adult businesses;
  5. Animal boarding, care, training, breeding, raising, or grooming, or veterinary services;
  6. Automotive/vehicle sales with any on-site storage or sale of vehicles;
  7. Barber, beauty, nail salon, with multiple stations, with the exception that a single station is permitted with visits made by appointment for a technician who is certified by the State of California and meets all applicable licensing requirements;
  8. Commercial food preparation, food handling, processing, or packaging, other than cottage food preparation;

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9. Contractors' storage yards;
  10. Firearms manufacture, sales, or repair;
  11. Carpentry and cabinet making business;
  12. Hotel/motel;
  13. Junkyards;
  14. Marijuana distribution;
  15. Massage establishments, except for a massage technician who is certified by the State of California and meets all other applicable requirements and holds a valid permit issued under Woodland Municipal Code Chapter 5.20, Massage Establishments.
  16. Medical and dental offices, clinic, and laboratories;
  17. Mini-storage;
  18. Mortuaries;
  19. Pharmacies;
  20. Print shops/Copy centers;
  21. Restaurant;
  22. Retail Sales;
  23. Tanning Salon;
  24. Tattoo studios;
  25. Towing Service;
  26. Welding, metal working and machining businesses;
  27. Yoga/spa retreat center; and
  28. Other uses the Director determines to be similar to those listed above, or which by operation or nature are not incidental to or compatible with residential activities.
- F. **Cottage Food Operations.** A cottage food operation shall obtain an annual registration or annual permit to operate through Yolo County Environmental Health Services prior to commencing operations. Yolo County Environmental Health Services shall review for compliance with the provision of state law related to cottage food operations as described below and as subject to periodic amendment by the State:
1. A "Class A" cottage food operation is a cottage food operation that may engage only in direct sales of cottage food products from the cottage food operation or other direct sales venues described in paragraph below.
  2. A "Class B" cottage food operation, which is a cottage food operation that may engage in both direct sales and indirect sales of cottage food products from the cottage food operation, from direct sales venues (see Direct Sale in Chapter 17.136, Definitions of Terms), from offsite events, or from a third-party retail food facility described as an indirect sale (see Indirect Sale in Chapter 17.136, Definitions of Terms).

- G. **Exemptions.** Day care facilities for 12 or fewer persons shall be exempt from this Section.
- H. **Fees.** Applicants for new or renewed home occupations/business licenses shall pay all appropriate fees pursuant to the City fee schedule.
- I. **Penalties.** Any violation of the provisions of this Section shall be subject to enforcement under the applicable provisions of the City's nuisance ordinance.

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#### 17.84.210 Hookah Lounges (New)

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Hookah Lounges shall be located a minimum 1,000 feet from any other such establishment, public park, child day care, or school and a minimum 500 feet from any Residential zone.

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#### 17.84.220 Indoor Warehousing, Distribution

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- A. **Purpose.** Warehousing functions to allow the safe storage of goods within a building. The primary function is storage rather than the delivery or distribution of materials, except on a limited basis.
- B. **Establishment.** Indoor warehousing shall be allowed as accessory to a primary use such as manufacturing or to allow storage of pre-packaged agricultural products.

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#### 17.84.230 Live/Work (New)

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- A. **Establishment.** Live/work units may be established through the conversion of existing buildings or by new construction, as allowed in the base zone district.
- B. **Design.** Live/work units are flexible in their use and configuration. Four typical models of live/work units are described below:
  - 1. The Live-Within Type has a workplace and living area completely overlapping, such that the demarcation line can be adjusted continuously and on a daily cycle. This is suitable as a business incubator, with double functioning spaces.
  - 2. The Live-Above Type has the workplace below the residential quarters. The separation between the two functions is complete, allowing the commercial section to be independently leased out for limited use.
  - 3. The Live-Behind Type has the workplace in front of the residential quarters, thereby liberating the rear part of the lot for a conventional house. The demarcation between the two uses is complete, allowing the workspace to be leased to a separate entity for limited use.
  - 4. The Live-in-Front Type is a single-family house where the workplace is typically behind the living quarters, along a rear alley. The house is intended to be fully compatible with a conventional house, with freestanding work quarters suitable for restricted uses. The demarcation between the two uses is adjustable to changes in the family life.
- C. **Uses.**

1. The commercial component of live/work units are intended for use by the following, or similar, occupations: accountants, architects, artists and artisans, attorneys, computer software and multimedia related professionals, consultants, engineers, fashion, hair stylists, home-based office, one-on-one instructions. The Director may authorize other uses that may be permitted or conditionally permitted in the base district, using reasonable discretion, as long as such other uses are not precluded by law.
2. In order to protect the health and safety of persons who reside in a live/work unit or in a building which contains one or more live/work units, no work activity shall be permitted nor shall any live/work unit be established on any site that contains those uses which the Director finds would, by virtue of size, intensity, hours of operation, number of employees or the nature of the operation, have the potential to adversely affect others living or working in or nearby the live/work development by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes.
3. The uses as designated and approved on a floor plan shall remain and may not be converted (commercial may not be converted to residential and residential may not be converted to commercial).
4. All work must be conducted inside the building, and the commercial activity may not be conducted in the yard with the exception of meetings or other low intensity uses that do not negatively impact adjacent residential properties.
5. Signage intended to promote on-site commercial uses shall be restricted to two square foot signs permanently affixed to door or wall of the business component.
6. Signage shall be developed in accordance with a master sign plan for the overall development site.

### D. **Location and Size.**

1. A live work unit is typically a single unit, (e.g., studio, loft, one bedroom) consisting of both a commercial/ office and residential component. Adequate and clearly defined working space constituting no less than 40 percent of the gross floor area of the live/work unit is required.
  - a. The working space must be reserved for and regularly used by one or more live/work unit residents.
  - b. At least 40 square feet of usable open space shall be provided for each live/work unit. With the exception of in the Downtown zones, where none is required.
2. Residential units are permitted above the commercial component, to the side or in back of the business component, provided that there is internal access between the residential and commercial space.
3. For sites that are designated or developed as high density residential, non-residential uses may occupy up to one-third of the square footage of the building or buildings as long as residential use occupies two thirds or more of the site.

E. **Performance Considerations.**

1. The commercial use shall not generate vehicular traffic, in excess of normal residential traffic, which will interfere with residential traffic circulation or shall not cause more than three vehicles including vehicles used by customers, vendors, or delivery services to visit the premises per day.
2. The live/work unit shall be required to provide parking in accordance with Chapter 17.76, Performance Standards.
3. No more than one employee (excluding residents of the dwelling unit) shall work or report to work on the premises, and the employment of any persons who do not reside in the live/work unit shall comply with all applicable Building Code requirements.
4. The commercial use shall not generate external noise, odor, glare, vibration, or electrical interference detectable to the normal sensory perception by adjacent neighbors.
5. No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.
6. The commercial component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units.

F. **Business License.** At least one resident in each live/work unit shall maintain at all times a valid City Business License and Zoning Clearance (see Section 17.100.030, Zoning Clearance) for a business on the premises.

G. **Unit Sale.** No portion of a live/work unit may be separately sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

**17.84.240 Manufactured Home Parks, RV/Trailer Parks, and  
Manufactured Buildings (Updated)**

A. **Manufactured Home Parks.** Manufactured (mobile) home parks shall be located, developed, and operated in compliance with the following standards, in addition to the requirements of Title 25 California Code of Regulations, Division 1 Housing and Community Development, Chapter 2, Mobile Home Parks and Installations:

1. **Permit Required.** A Conditional Use Permit is required. See Section 17.100.100, Conditional Use Permit.
2. **Site Size.** The minimum size area for a manufactured home park shall be five acres.
3. **Density.** The minimum number of manufactured homes within a manufactured home park shall be 50. The maximum density of a manufactured home park is established by zone regulations.

4. **Minimum Setbacks.** All manufactured homes within a manufactured home park development shall be setback from perimeter property lines consistent with the required setbacks of the underlying base zone.
5. **Landscaping.** Landscaping pursuant to Section 17.64.040, Landscaping, shall be provided.
6. **Fencing and Perimeter Walls.** A manufactured home park shall be enclosed by a solid decorative masonry wall, erected, and maintained in the following areas:
  - a. Along the property side of the streetscape setback;
  - b. Along all interior property lines, except the area within the required street side setback and any area used for pedestrian or vehicle access; and
  - c. Along all property lines adjoining another private property.
7. **Pedestrian and Bicycle Internal Circulation.** A manufactured home park shall be designed such that there is an internal pedestrian walkway from the homes to any open space, club house, and project entry and exits. Safe bicycle access shall be provided throughout the site.
8. **Internal Roadways.** A manufactured home park shall be designed such that access to public roads is provided to the satisfaction of the Community Development Department, and consistent with applicable standards in Chapter 17.68, Parking and Loading.
  - a. **Minimum Width.** All roadways shall have a minimum width of 24 feet from curb to curb.
  - b. **Paving.** All access roads, defined here as all roadways between points of ingress and egress to and from the manufactured home park to public roads, shall be paved.
  - c. **Design.** Roadways shall be designed so that each living unit lot shall front upon a roadway within the development and provide convenient and reasonable traffic circulation. All circulation roads within a manufactured home park shall comply with the following standards.
    - i. Roads shall be suitable for all utility, fire, and service vehicles;
    - ii. Roads shall be graded so there will be no depressions in which surface water will accumulate and remain;
    - iii. Roads shall be sloped to provide proper storm drainage run-off by means of surface or subsurface drainage facility; and
    - iv. Roads shall be maintained to avoid excessive dust.
9. **Off Street Parking.**
  - a. **One-Way, One Lane Roadways.**

- i. Parking shall be prohibited on one-way, one-lane roadways less than 24 feet in width.
      - ii. Where parking is permitted on one side of the roadway, the roadway shall be a minimum of 24 feet in width.
      - iii. Where parking is permitted on both sides of the roadway, the roadway shall be at least 34 feet in width.
    - b. **Two-Way, Two Lane Roadways.**
      - i. Parking shall be prohibited on two-way, two-lane roadways less than 34 feet in width.
      - ii. Where parking is permitted on one side of the roadway, the roadway shall be a minimum of 34 feet in width.
      - iii. Where parking is permitted on both sides of the roadway, the roadway shall be at least 44 feet in width.
  - 10. **Improvement of Existing Manufactured Home Parks.** Upon the receipt of an application for the enlargement or extension of a manufacture home park in existence prior to adoption of this Code, the Planning Commission may modify the requirements of this Section to the extent otherwise consistent with applicable law provided that doing so will result in an overall improvement in the design standards of the existing park.
- B. **RV/Travel Trailer Parks.**
- 1. **Minimum Setbacks.** All parking or camp spaces shall be setback from perimeter property lines consistent with the required setbacks of the underlying base zone.
  - 2. **Landscaping.** Landscaping pursuant to Section 17.64.040, Landscaping, shall be provided.
  - 3. **Fencing and Perimeter Walls.** An RV/travel trailer park shall be enclosed by a solid decorative masonry wall, erected and maintained in the following areas:
    - a. Along the property side of the streetscape setback;
    - b. Along all interior property lines, except the area within the required street side setback and any area used for pedestrian or vehicle access; and
    - c. Along all property lines adjoining another private property.
  - 4. **Pedestrian and Bicycle Internal Circulation.** An RV/travel trailer park shall be designed such that there is an internal pedestrian walkway from the homes to any open space, club house, and project entry and exits. Safe bicycle access shall be provided throughout the site.
  - 5. **Internal Roadways.** An RV/travel trailer park shall be designed such that access to public roads is provided to the satisfaction of the Community Development Department, and consistent with applicable standards in Chapter 17.68, Parking and Loading. The requirements provided in Subsection 17.84.240.A.8, Internal Roadways shall apply.

6. **Parking.** The requirements provided in Subsection 17.84.240.A.9, Off Street Parking shall apply.
7. Toilets and lavatories for the exclusive use of the occupants shall be provided on the basis of one toilet for each sex, for each 15 spaces or fraction thereof.
8. A recreational vehicle shall not be located closer than three feet from a property line or lot line.
9. Each space in a travel trailer park shall have direct access to a roadway.
10. All travel trailer parks shall conform to the provisions of the Manufactured Home Parks Act, Title 25, California Administrative Code.
11. A Conditional Use Permit is required. See Section 17.100.100, Conditional Use Permit.

**C. Manufactured or Modular Homes in Residential Zones.**

1. **Standards.** A manufactured or modular home shall be allowed provided it:
  - a. Is to be occupied only for residential purposes;
  - b. Conforms to all of the residential use development standards for single-family structures applicable to the zone including, but not limited to, building height, access, setbacks, open space, and parking; and
  - c. Is certified under the National Manufactured Housing Constructed and Safety Standards Act of 1974 and has been constructed after June 15, 1976.
2. **Compatibility.** A manufactured or modular home shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:
  - a. A manufactured or modular home shall be built on a permanent foundation system approved by the Building Official.
  - b. Each manufactured home shall have been manufactured within 10 years of the date of issuance of a permit to install the manufactured home and shall be certified under the National Manufactured Home Construction Safety Act of 1974.
  - c. It is a double-wide or larger multi-sectional unit with a minimum width of 20 feet.
  - d. It is covered with an exterior material commonly found on new conventionally-built residential structures in the surrounding area such as stucco, wood, brick, or stone. Metal siding if used, shall be non-reflective and horizontally lapping.
  - e. The exterior covering material shall extend to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
  - f. The roofing material is composition shingles or other materials commonly found on conventionally-built residential structures in the surrounding area.

- g. The roof has a pitch of not less than two inches of vertical rise for each 12 inches of horizontal run or what is commonly found on conventionally-built residential structures in the surrounding area.
- h. The roof has eaves and gable overhangs of not less than one foot measured from the vertical side of the mobile home or what is commonly found on conventionally built residential structures in the surrounding area. The overhang requirement may be waived at the point of connection where an accessory structure is attached to the manufactured home.
- i. It has an enclosed garage or a carport if either is commonly found with new conventionally-built structures in the surrounding area. Otherwise a minimum of two paved off-street parking spaces located behind the building setback line is required.
- j. The finish floor is a maximum of 24 inches above the exterior finish grade of the lot measured at the foundation.
- k. Residential fire sprinklers shall be designed and installed per NFPA 13D, as described in the Woodland Municipal Code, Chapter 8.20.040, Amendments.

**D. Commercial Modular Buildings.**

1. **General Requirements.** Commercial modular buildings generally fall under two categories: permanent modular or temporary modular:
  - a. Permanent modular buildings are usually considered real property, built to the same codes as conventional buildings.
  - b. Temporary modular buildings are commonly considered personal property or equipment and are not permanently affixed to real estate. Temporary modular buildings are often used as sales offices, classrooms, or for healthcare services.
2. **Government Owned Property.** City-owned sites (e.g., parks) and buildings used during construction as either offices or to temporarily house offices are excepted from this Section.
3. **Underlying Zones.** The underlying base zone standards shall apply to modular buildings, including, but not limited to, building height, access, setbacks, open space, parking requirements, etc., or operative plan if applicable.
4. **Location.**
  - a. Buildings may be installed on industrial, commercial, and residential districts that are developed with non-residential districts.
  - b. Buildings shall not be the primary building on the site.
  - c. Buildings may not be visible from arterial streets.
5. **Design Criteria.**

- a. Permanent modular buildings shall be reviewed similar to buildings that employ conventional building techniques.
- b. Temporary modular buildings shall be compatible in design and appearance with structures in the vicinity and shall meet the following standards:
  - i. *Foundation.* A building shall be built on a permanent foundation system approved by the Building Official.
  - ii. *Date of Construction.* Temporary modular buildings shall have been manufactured within 10 years of the date of issuance of a permit to install the building on the site.
  - iii. *Roof Overhang.* The roof overhang shall not be less than 12 inches around the entire perimeter of the Temporary Modular building as measured from the vertical side of the home. The overhang requirement may be waived at the point of connection where an accessory structure is attached to the building.
  - iv. *Roof Material.* Roof material shall consist of material customarily used for conventional buildings, such as tile or composition shingles. If shingles are used, the pitch of the roof shall be not less than three inches vertical to 12 inches horizontal.
  - v. *Siding Material.* Siding material shall consist of exterior material customarily used for conventional buildings, such as stucco, wood, brick, stone, or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the building.
  - vi. *Skirting.* The unit's skirting shall extend to the finished grade.
  - vii. *Building Orientation.* The building, including the primary entrance, shall face the street.
  - viii. *Landscape and Screening.* Commercial modular buildings are subject to the standards of Chapter 17.68, Parking and Loading, and Chapter 17.70, Screening Standards.

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**17.84.250 Mobile Vendors (New)**

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- A. **Location.**
  - 1. All activities must be conducted entirely on private property and wholly within an approved vehicle.
  - 2. Mobile vendors may only operate in non-residential zones.
- B. **Alteration of Site Prohibited.** Mobile vendors shall not permanently alter the character or physical facilities of the property where they occur.

- C. **Number.** The maximum number of Mobile Vendor Vehicle permits that may be issued shall be subject to Woodland Municipal Code Section 10.20.060.D. No more than one mobile vendor per lot shall be permitted and shall be at least 1,000 feet from any other mobile vendor.
- D. **Parking.** Mobile vendors shall not:
1. Park or be located within 20 feet of a fire hydrant or public safety alarm box.
  2. Obstruct any walkways, drive aisles, sidewalks, or path of travel.
  3. Park on any unimproved (unpaved) surface.
  4. Displace more than three non-residential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on site are displaced.
- E. **Duration of Stay.**
1. Mobile vendors that are present fewer than 14 days in a calendar year, or which never stop in one location for longer than 30 minutes shall not be required to obtain a Mobile Vendor Permit (see Woodland Municipal Code, Section 10.20.040, Mobile vendor permit required).
  2. Mobile vendors that are present 14 days in a calendar year or more, or that remain in one location must obtain a Mobile Vendor Vehicle Permit and be subject to Zoning Administrator review.
  3. Mobile vendors that present for a special event of limited duration shall be approved through a Special Events Permit. See Woodland Municipal Code Section 10.20.020, Parking of peddlers and vendors on public rights-of-way).
- F. **Allowed Vehicles.** Operations shall only be conducted from a motor vehicle, or vehicle with a trailer consistent with state law and County Health Department approvals.
- G. **Permit Requirements.** Mobile vendors that require a Mobile Vendor Vehicle Permit shall be subject to the application requirements of Woodland Municipal Code, Chapter 10.20, Mobile Vendors and Peddlers, and the following findings:
1. The Mobile Vendor Vehicle permit is in conformance with the General Plan and Zoning Code.
  2. The Mobile Vendor Vehicle will locate on property that is improved and will be accessory to the primary permitted use that has a valid business license, and shall not be located on vacant, unimproved property.
  3. Adequate utilities, access, drainage, sanitation, and other necessary facilities are provided on the proposed site in a safe and secure manner. The City's Traffic Engineer and Fire Marshall shall review and must approve a location prior to installation/operation.
  4. The Mobile Vendor Vehicle has obtained all permits and authorization and approval from all applicable county and state agencies to operate as proposed and shall have an approved Bathroom Location agreement and an approved commissary location

- and agreement, subject to Zoning Clearance (see Section 17.100.030, Zoning Clearance).
5. The Mobile Vendor Vehicle and use will not be detrimental to the public health, safety, and welfare or create a nuisance.
- H. **Annual Renewal.** Mobile Vendor Vehicle Permit is valid for one year from the date of approval and must be renewed annually. A permittee may apply for a Mobile Vendor Vehicle Permit renewal by submitting to the Director at least 30 calendar days before the expiration of the permit, a renewal application, and a non-refundable renewal fee. Failure to timely submit a renewal application prior to expiration shall result in permit expiration, and an application for a new permit shall be required.
1. The Director shall either approve or deny the renewal of the permit within 30 calendar days of receipt of the complete application.
  2. The renewal application shall be on a form approved by the Director. The Director is authorized to establish procedures and guidelines to process Mobile Vendor Vehicle Permit renewal applications.
  3. The Director shall approve the renewal of a permit if he or she finds that the circumstances existing during the term of the permit and during the review period of the application for renewal are consistent with all of the findings required for approval of a new permit specified in Section 17.84.250.G, Permit Requirements and that no permittee or interested party of the Mobile Vendor Vehicle has committed, permitted, or failed to prevent violations of the Woodland Municipal Code, or any license or permit condition, during the preceding permit term.
- I. **Nuisance.** Mobile vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within City limits. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.
- J. **Automobile/Vehicle Services.** Automobile/vehicle services are prohibited as mobile vendors except car washing and windshield repair conducted in compliance with applicable stormwater control requirements.
- K. **Other.** Any reasonable conditions the Director or Zoning Administrator deems necessary to ensure compliance with the purposes of the zone and to make the findings required based on the permit required, the information contained in the application, public records, and/or recommendations from departmental staff.

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**17.84.260 Non-Traditional Financial Institutions (New)**

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- A. **Purpose and Applicability.** The purpose of this Section is to establish specific site planning, development, and/or operating standards for nontraditional financial institutions such as loan shops and check cashing businesses. The development standards of this Section shall apply to all non-traditional financial institutions in the City, unless specified otherwise.

- B. **Location Standards.** All new nontraditional financial institutions shall be located on an arterial or higher classification of right-of-way.
- C. **Standards.** In addition to the development standards of the underlying zone, the following special standards apply to all nontraditional financial institutions (existing and new):
  - 1. Operation of nontraditional financial institutions shall be limited from 7:00 a.m. to 7:00 p.m., daily.
- D. **Security.** A security plan shall be provided for review and approval by the Director and Chief of Police. The plan shall provide for adequate security including partitions, surveillance, and building access considerations. Bars on windows are prohibited.

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### 17.84.270 Outdoor Display, Sales, and Dining (New)

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- A. **Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section 17.84.370, Temporary Uses, and Section 17.100.080, Temporary Use Permit.
- B. **Produce Displays.** The outdoor display of fresh produce associated with an existing Food and Beverage Retail Sales establishment on the same site is allowed, subject to the following standards.
  - 1. The display shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, or required landscaped areas or block pedestrian walkways.
  - 2. All produce shall be removed or enclosed at the close of each business day.
- C. **Permanent or Ongoing Outdoor Display and Sales.** The permanent or ongoing outdoor display of merchandise, except for automobile/vehicle sales and leasing requires Zoning Administrator Permit approval (see Section 17.100.090, Zoning Administrator Permit) and shall comply with the following standards:
  - 1. **Relationship to Main Use.** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.
  - 2. **Allowable Merchandise.** Only merchandise sold at the business is permitted to be displayed outdoors.
  - 3. **Display Locations.** The displayed merchandise shall occupy a fixed, specifically approved, and defined location and shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, or required landscaped areas or block pedestrian walkways.
  - 4. **Display Appearance.** Merchandise displayed outdoors shall be kept in an orderly manner, on racks or shelves intended for the purpose of display and managed throughout the day to ensure displayed items remain neat and orderly. Clothing or other displayed items may not hang haphazardly off window trim or other storefront elements no intended for the purpose of displaying such items. Attention getting signage, not otherwise permitted, and posters are not permitted outdoors.

- D. **Outdoor Vending Machines Prohibited.** Outdoor vending machines other than those for the sale of newspapers are prohibited. Director may grant exceptions for specific vending machines such as those that dispense movies/DVDs, water, and/or online purchase pick up stations.
- E. **Outdoor Dining.** Outdoor dining and seating shall be located, developed, and operated in compliance with the following standards:
1. **Parking.** Where an outdoor dining and seating area occupies less than 500 square feet, additional parking spaces for the associated eating and drinking establishment are not required. Parking shall be provided according to the required ratio in Chapter 17.68, Parking and Loading, for any outdoor dining and seating area exceeding 500 square feet as determined by Director.
  2. **Pedestrian Pathway.** A four-foot pedestrian pathway shall be maintained and unobstructed. If there is more than a four-foot-wide pathway provided, outdoor dining may be located outside of the required four feet.
  3. **Accessory Use.** Outdoor dining and seating may be conducted as an accessory use located on the same parcel, on a contiguous adjacent parcel, or on a public right-of-way immediately adjacent to the tenant space subject to a City-issued encroachment permit.
  4. **Design Standards.** Outdoor dining and seating shall comply with all applicable adopted City design standards.
  5. **Litter.** No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the public sidewalk or right-of-way. Outdoor dining shall remain clear of litter at all times.
  6. **Hours of Operation.** The hours of operation of the outdoor dining and seating shall be limited to the hours of 8:00 a.m. and 10:00 p.m. If open later than 10:00 p.m. and/or within 500-feet of a residential use, a Zoning Administrator Permit is required. See Section 17.100.090, Zoning Administrator Permit.
  7. **Special Event Permit.** Outdoor events would be subject to a City-issued Special Event Permit.

### **17.84.280 Personal Cultivation of Cannabis**

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- A. **Purpose.** The purpose and intent of this Section is to regulate the personal cultivation of cannabis in a manner that protects the health, safety, and welfare of the community. This Section is not intended to interfere with a patient's right to medical cannabis, as provided for in California Health and Safety Code § 11362.5, as it may be amended, nor does it criminalize medical cannabis possession or cultivation by specifically defined classifications of persons, pursuant to state law. This Section is not intended to give any person independent legal authority to grow cannabis; it is intended simply to impose zoning restrictions on the cultivation of cannabis when it is authorized by California law for medical or other purposes.

**B. Prohibited Locations.**

1. Personal cultivation of cannabis, including by a qualified patient or primary caregiver, is prohibited outdoors.
2. No person shall cultivate cannabis indoors in the City, except within a detached, fully-enclosed, and secure secondary structure or primary residential structure that meets the requirements set forth in Subsection 17.84.280.C, Indoor Cultivation.

**C. Indoor Cultivation.**

1. Any person within the City may cultivate cannabis inside of any residence or enclosed and secure secondary structure that meets certain requirements specified in this Code, consistent with state law that permits indoor cultivation of cannabis for medical and non-medical purposes.
2. All indoor personal cultivation of cannabis shall conform to the following minimum standards:
  - a. The cannabis is cultivated by either:
    - i. A qualified patient exclusively for their own personal medical use;
    - ii. A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides medical cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom they are the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code § 11362.765(c); or
    - iii. A person 21 years of age or older for that person's personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Section and state law, as applicable.
  - b. Indoor grow lights in any structure shall not exceed an aggregate of 1,200 Watts and shall comply with all applicable Building Code regulations. Gas products (including, without limitation, CO<sub>2</sub>, butane, propane, and natural gas) or generators shall not be used within any structure used for the cultivation of cannabis.
  - c. Any detached, fully-enclosed, and secure secondary structure or residential structure used for the personal cultivation of cannabis must have a ventilation and filtration system installed that shall mitigate cannabis plant odors from exiting the interior of the structure and that shall comply with all applicable Building Code regulations, including obtaining all required permits and approvals. The ventilation and filtration system must be approved by the City and installed prior to commencing cultivation within the detached, fully-enclosed, and secure structure or residential structure.

- d. A detached, fully-enclosed and secure secondary structure used for the personal cultivation of cannabis shall be located in the rear yard area of a parcel, maintain a minimum 10-foot setback from the rear yard property line and a side yard setback that is equal to the same side yard setback required for the residential lot on which the home sits, and the area surrounding the structure or yard must be enclosed by a solid fence at least six feet in height.
  - e. Cannabis cultivation occurring within a residence and/or detached structure shall not exceed more than a cumulative total of six living plants at one time and shall occur in a cumulative area totaling no larger than 50 square feet, regardless of how many persons are residing at the premises.
  - f. Personal cultivation of cannabis shall not inhibit the occupancy of the residence or take place in the kitchen or bathrooms of any structure.
  - g. Personal cultivation of cannabis shall not take place on any carpeted surface.
  - h. Cannabis cultivation areas, whether in a detached structure or inside a residence, shall not be readily accessible to persons under 21 years of age.
  - i. No exterior evidence of cannabis cultivation occurring at the property shall be visible from the public right-of-way.
- D. **Public Nuisance.** Any violation of this Section is declared to be a public nuisance and may be abated by the City pursuant to Woodland Municipal Code, Chapter 9.04, Nuisances.
- E. **Penalty.** A violation of this Section shall either be a misdemeanor or an infraction at the discretion of the prosecuting attorney. However, notwithstanding anything in this Code to the contrary, persons violating this Section shall not be subject to criminal liability under this Code solely to the extent such conduct or condition is immune from criminal liability pursuant to the Compassionate Use Act of 1996 (Health and Safety Code § 11362.5) and/or the Medical Marijuana Program (Health and Safety Code § 11362.7 et seq.) as they may be amended. This Section does not prohibit the City from abating violations of this Section by any administrative, civil, or other non-criminal means. In such cases, a violation of this Section may be considered the civil or administrative equivalent of an infraction or misdemeanor as applicable.

### **17.84.290 Personal Services**

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Personal service establishments shall be located, developed, and operated in compliance with the following standards:

- A. **Hours of Operation.** Hours of operation shall be limited to 6:00 AM to 10:00 PM unless otherwise specified in a use permit.
- B. **Massage Establishments.**
  - 1. Massage establishments shall comply with Woodland Municipal Code Chapter 5.20, Massage Establishments.
  - 2. Noncompliant establishments that offer massage in exchange for compensation, including sole proprietorships, shall be prohibited.

3. No exterior window shall be tinted, covered, or obstructed such that visibility into the business is reduced or eliminated.

### 17.84.300 Personal Storage Facilities

- A. **Prohibition on New Personal Storage Facilities.** New personal storage (mini-storage) facilities are not permitted.

### 17.84.310 Recycling Facilities (New)

- A. **General Requirements.** All recycling facilities, including reverse vending machines, recycling collection facilities, and recycling processing facilities, shall be located, developed, and operated in compliance with the California Beverage Container Recycling and Litter Reduction Act of 1986 (Public Resources Code § 14500) and the following standards:
  1. **Security.** Recycling facilities shall be secured from unauthorized entry or removal of material and have enough capacity to accommodate materials collected and collection schedule.
  2. **Maintenance.** Recycling facilities, including donation areas, shall be maintained in a clean, sanitary, and free of litter and any other undesirable materials.
- B. **Reverse Vending Machines.** In addition to the requirements Subsection 17.84.310.A, Recycling Facilities, reverse vending machines shall be located, developed, and operated in compliance with the following standards.
  1. **Accessory Use.** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted commercial or public use.
  2. **Location.**
    - a. Reverse vending machines shall be located within the same building as the permitted or conditionally permitted commercial or public use.
    - b. Machines shall not be located within 50 feet of a Residential zone or within 1,000 feet of any business that sells alcohol.
    - c. Machines shall not be located outdoors.
  3. **Identification.** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, the identity and phone number of the operator or person responsible to call if the machine is inoperative, and a notice stating that no material shall be left outside of the reverse vending machine.
  4. **Signs.** The maximum sign area on a reverse vending machine is four square feet per machine, not including operating instructions.
  5. **Trash Receptacle.** Operators shall provide a 40-gallon garbage can for nonrecyclable materials adjacent to the reverse vending machine.

6. **Maximum Size.** Reverse vending machines shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height.
  7. **Hours of Operation.** Operating hours shall be at least the operating hours of the primary use.
  8. **Lighting.** Reverse vending machines shall be illuminated to ensure comfortable and safe operations if operating hours are between dusk and dawn.
  9. **Material.** Reverse vending machines shall be constructed and maintained with durable waterproof and rustproof material.
- C. **Recycling Collection Facilities.** In addition to the requirements Subsection 17.84.310.A, Recycling Facilities, recycling collection facilities shall be located, developed, and operated in compliance with the following standards.
1. **Equipment.** No power-driven processing equipment may be used.
  2. **Items Accepted.** Recycling collection facilities shall accept only glass, metals, plastic containers, papers, and reusable items. Used motor oil may be accepted with the permission of the County Health Official. Recycling facilities for tires, concrete, and hazardous chemicals and other industrial materials are not permitted.
  3. **Location.**
    - a. Recycling collection facilities shall only be established in conjunction with a commercial or community service host facility in compliance with applicable building and fire codes.
    - b. Facilities shall not be located within 100 feet of a Residential zone or within 1,000 feet of any business that sells alcohol.
    - a. Facilities shall comply with the setback requirements of the zone, be at least 200 feet from the edge of any four-way intersection, and not obstruct pedestrian or vehicular circulation.
    - b. Attended recycling collection facilities located within 200 feet of a property zoned or occupied for Residential zone shall operate only during the hours between 9:00 AM and 7:00 PM.
    - c. Containers for the 24-hour donation of materials shall all be at least 100 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.
    - d. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
  4. **Containers.** Containers shall be constructed of durable waterproof and rustproof material and secured from unauthorized removal of material and maintained in good condition. Capacity sufficient to accommodate materials collected in the collection schedule.

5. **Signs and Identification.** Signs shall comply with the requirements of Chapter 17.72, Signs, in addition to the following standards:
  - a. The maximum sign area shall be 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The Director may authorize increases in the number, size, and nature of additional signs for necessary directional or identification purposes but not for outdoor advertising.
  - b. Containers shall be clearly marked to identify the type of accepted material, hours of operation, the identity and phone number of the operator or responsible person to call if the machine is inoperative, and a notice stating that no material shall be left outside the recycling enclosure or containers.
  
2. **Storage.**
  - a. Materials shall not be left outside of containers when attendant is not present.
  - b. All exterior storage shall be in sturdy containers which are covered, secured, and maintained in good condition.
  - c. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the Fire Chief.
  - d. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.
  - e. Containers shall be constructed of durable waterproof and rustproof material, shall have enough capacity to accommodate materials.
  
3. **Design and Screening.**
  - a. The Recycling collection facility shall comply with the design standards for the zone, shall not exceed 250 square feet or include more than three parking spaces.
  - b. Screening shall be in compliance with Chapter 17.70, Screening Standards, in addition to the following:
    - i. In all Commercial zones and the IF zone, all collection and storage of material shall take place within a completely enclosed building.
    - ii. In the Industrial zone, all collection and storage shall be screened from the public row by operating in an enclosed building, or:
      - (1) Within an area enclosed by an opaque fence at least six feet in height with landscaping;
      - (2) Located at least 200 feet from a Residential zone or a property occupied by a residential use.

D. **Recycling Processing Facilities.** In addition to the requirements subsection A above, recycling processing facilities shall be located, developed, and operated in compliance with the following standards.

1. **Minimum Lot Size.** The minimum lot size for recycling processing facilities is three acres.
2. **Location.** Facilities shall not be located within 200 feet of a Residential zone or within 1,000 feet of any business that sells alcohol.
3. **Screening.** The facility shall be screened from public rights-of-way by a screening wall or be within an enclosed structure.
4. **Pavement.** The area used for recycling, parking, and/or storage shall be paved.
5. **Outdoor Storage.**
  - a. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required screen wall.
  - b. Exterior storage of materials, other than baled material, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition.
  - c. Outdoor storage shall comply with the Fire Code for pile size, fire apparatus access, and fire hydrant protection.
6. **Processing.** Processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable and reusable materials.
7. **Fluids.** A processing facility may accept used motor oil and/or used oil filters for recycling from the generator in accordance with California Health and Safety Code § 25250.11. All storage of used motor oil and/or used oil filters must be within a containment apparatus capable of containing all stored oil in the event of a spill or leak. No containment apparatus shall exceed a capacity greater than 55 gallons. All used motor oil and/or used oil filter storage containers shall be located on an approved surface.
8. **Batteries.** A processing facility may accept used lead-acid batteries in accordance with the California Health and Safety Code § 25215.1. All batteries must be stored inside an enclosed building.
9. **Hours of Operation.** If the facility is within 500 feet of a Residential District, or an existing home, it may not operate between the hours of 7:00 PM and 7:00 AM.
10. **Personnel.** The facility shall be administered by on-site personnel during the hours the facility is open.

E. **Enforcement.**

1. All uses or changes in the use of the land, and the establishment, installation, operation, and maintenance of any improvement of the land, shall comply with the

provisions of this Code and the applicable regulations of all agencies and departments having jurisdiction.

2. This Section applies to the establishment and continued use of all recycling facilities. All facilities in existence prior to the effective date of this Code shall comply with the terms of this Code within 120 days from its effective date. Any such use not in conformance after this 120-day period shall be deemed to be a violation of this Code and subject to enforcement in accordance with Chapter 17.128, Enforcement.
3. Should the actual construction deviate from the plan as approved, the Certificate of Occupancy shall be withheld until the construction is in conformance with the approved plan.

### 17.84.320 Residential Limited Retail (New)

- A. **Purpose.** The purpose of this Section is to allow for the development of small-scale, neighborhood-serving commercial establishments that can provide convenient, walkable access to important amenities and that can increase the sense of community and value to the surrounding neighborhood. Limited residential use allows for the sensitive conversion of residential space to a compatible non-residential use.
- B. **Permitted Types.** As provided in the use table in the R-L, R-LM, NP, and R-M Residential districts, limited retail uses include counter-service cafes and coffee shops; delicatessens; bakeries; flower shops; and bike shops and bike repair services, and other similar uses as determined by the Director.
- C. **Location.** Residential limited retail is allowed only on corner lots where facing rights of way that are classified as collectors.
- D. **Permit Required.** A Zoning Administrator Permit is required in all Residential zones. See Section 17.100.090, Zoning Administrator Permit.
- E. **Design Standards.** Limited retail uses are subject to the following standards in addition to those of the underlying base zone:
  1. The commercial use must be easily recognizable from the front façade through the use of large windows or an active outdoor use such as produce stands or café seating.
  2. Outdoor seating is allowed, but, where abutting an existing residential use, must meet the rear setback and be minimum 10 feet from interior side setbacks.
    - a. Any outdoor use shall be oriented to minimize impacts on adjacent residences.
    - b. Noise attenuation shall be provided in the form of fountains or other features that mask or block noise.
    - c. In a rear or side yard landscaping or architectural landscape features shall be used when needed to screen outdoor areas from adjacent residential uses.
  3. Fencing adequate to screen views into adjacent residential properties shall be provided on the subject property.

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4. Landscaping shall be installed in addition to fencing to screen and soften impacts on adjacent residential properties.
  5. Window coverings or obscured glass shall be provided where a window is visible from an adjacent residential use.
  6. The commercial area shall be limited to the ground floor of a residential unit.
  7. Drive-throughs are prohibited.
- F. **Operational Standards.**
1. Alcohol sales may be considered through a Conditional Use Permit review process (see Section 17.100.100, Conditional Use Permit).
  2. Hours of operation shall be limited to 6:00 AM to 9:00 PM.
  3. Amplified music is not permitted outdoors.
  4. Lighting shall be shielded to reduce impact to adjacent residential uses.
  5. Any outdoor storage of materials or refuse must be enclosed and fully screened from public view.
  6. No off-street parking spaces required, in compliance with Table 17.68.030.B-1: Required Parking in the Downtown and Mixed-Use Zones.
  7. Large delivery trucks are prohibited and no double parking.
- G. **Findings.** The following findings shall be met prior to issuance of the permit required by the base zone:
1. The use must be oriented to serve the immediate neighborhood, promoting health, and facilitating a sense of community between neighbors.
  2. The use must complement the residential character of the neighborhood and will not adversely impact adjacent properties.

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**17.84.330 Short-Term Rental (New)**

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- A. **Purpose.** The City Council finds that unregulated transient occupancy uses in residential zones present a threat to the public welfare. The purposes of this Section are to:
1. Provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City;
  2. Ensure the collection and payment of transient occupancy taxes;
  3. Minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods;
  4. Retain the character of the neighborhoods in which short-term rentals occur;
  5. This Section is not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals; and
  6. This Section is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this Section.
- B. **Permit Required.** A Zoning Administrative Permit is required.
- C. **Permitted Locations.** Short-term rentals must be permitted in accordance with the provisions established in each zone and as provided in this Section.
- D. **Restrictions and Standards.** Short-term rentals are subject to the following restrictions and standards:
1. The short-term rental use is permitted in no more than one single-family dwelling per lot.
  2. The Zoning Administrative Permit authorizing the short-term rental use must be in the name of the owner-applicant, who must be an owner of the real property upon which the short-term rental use is to be permitted. One person may hold no more than one short-term rental permit. The permit is not transferable.
  3. Short-term rental uses are limited to single-family dwellings existing and constructed as of the date of application for the short-term rental permit.
  4. The maximum number of bedrooms used for short-term rental use in the short-term rental dwelling must be no greater than three. The total number of guests staying in the short-term rental dwelling at any one time must be no greater than the number of bedrooms plus two persons, up to a maximum of five persons.
  5. Short-term rental dwellings must meet all applicable building, health, fire, and related safety Codes at all times and shall be inspected by the Fire Department before any short-term rental activity can occur.
  6. A minimum of two on-site parking spaces must be provided for use by the short-term rental occupants.

7. The owner-applicant must keep on file with the City the name, telephone number, cell phone number, and e-mail address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be posted in a conspicuous location within the short-term rental dwelling. The local contact person shall be available 24 hours a day to accept telephone calls and respond physically to the short-term rental within a reasonable amount of time when the short-term rental is rented and occupied. The City shall post the name and contact information of the local contact person associated with each short-term rental on the City's webpage.
8. The owner-applicant must post "house policies" within each guest bedroom. The house policies must be included in the rental agreement, which must be signed by the renter and must be enforced by the owner-applicant or the owner-applicant's designated contact person. The house policies at a minimum must include the following provisions:
  - a. Quiet hours must be maintained from 10:00 PM to 7:00 AM, during which noise within or outside the short-term rental dwelling must not disturb anyone on a neighboring property.
  - b. Outdoor amplified sound is prohibited.
  - c. Vehicles must be parked in designated on-site parking spaces and must not be parked on the street overnight.
  - d. Parties or group gatherings which exceed the maximum number of allowed guests and/or which have the potential to cause traffic, parking, noise, or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
  - e. Guests must not leave any waste or trash outside the house. All trash containers shall be stored behind a fence and shall not be visible.
9. Weddings, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise, or other problems in the neighborhood are prohibited.
10. The owner-applicant must ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the City up to and including revocation of the Zoning Administrative Permit (see Section 17.96.150, Revocation of Permit) for the short-term rental use.
11. The owner-applicant, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or state law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, must prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the City up to and including revocation of the Zoning

Administrative Permit (see Section 17.96.150, Revocation of Permit) for the short-term rental use.

12. All advertising for any short-term rental, including electronic advertising on short-term rental websites, must include the number of the Zoning Administrative Permit for the short-term rental use granted to the owner-applicant.
13. The owner-applicant must maintain City business licenses and pay all transient occupancy taxes in accordance with Woodland Municipal Code Chapter 3.12, Transient Occupancy Tax as required.
14. Preference for the review and issuance of a new Zoning Administrative Permit for a short-term rental must be given to current residents of Woodland over nonresident applicants. Applicants whose primary residence is within the City must be reviewed and acted on ahead of other nonresident applications to implement the local preference policy for the Zoning Administrative Permit for short-term rental uses.
15. Applicants for short-term rental permits are required to have owned their homes for a minimum of two years prior to applying for and being issued a Zoning Administrative Permit for a short-term rental use.

#### 17.84.340 Single Room Occupancy Units (New)

Single room occupancy (SRO) units shall be located, developed, and operated in compliance with the following standards:

- A. **Maximum Occupancy.** Each SRO living unit shall be designed to accommodate a maximum of two persons.
- B. **Minimum Size.** An SRO living unit shall have at least 150 square feet of floor area, excluding closet and bathroom. No individual unit may exceed 400 square feet.
- C. **Minimum Width.** An SRO of one room shall not be less than 12 feet in width.
- D. **Entrances.** All SRO units shall be independently accessible from a single main entry, excluding emergency and other service support exits.
- E. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a small refrigerator; and cabinets for storage.
- F. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the Building Code for congregate residences with at least one full bathroom per floor.
- G. **Closet.** Each SRO unit shall have a separate closet.

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- H. **Common Area.** Common area in an amount equal to 10 square feet per living unit shall be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet in area of interior common space shall be provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.
- I. **Tenancy.** Tenancy of SRO units shall be limited to 30 or more days.
- J. **Facility Management.** An SRO Facility with 10 or more units shall provide full-time on-site management. An SRO Facility with less than 10 units shall provide a management office on-site.
- K. **Management Plan.** A management plan shall be submitted with the permit application for all SRO projects. At minimum, the management plan shall include the following:
  - 1. *Security/Safety.* Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
  - 2. *Management Policies.* Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliance;
  - 3. *Rental Procedures.* All rental procedures, including weekly and monthly tenancy requirements;
  - 4. *Staffing and Services.* Information regarding all support services, such as job referral and social programs; and
  - 5. *Maintenance.* Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

### 17.84.350 **Smoke Shops (New)**

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- A. **Purpose.** The purpose of this Section is to establish specific standards for smoke shops, to ensure that smoke shops are appropriately located and operated so as not to pose a significant threat to the public health, safety, and welfare, and to limit potential adverse impacts on sensitive uses located in surrounding neighborhoods.
- B. **Location.** All new smoke shops shall be located consistent with the following standards:
  - 1. Located a minimum of 1,000 feet from another smoke shop.
  - 2. Located a minimum of 500 feet from all of the following uses:
    - a. Schools;
    - b. City Facilities:
      - i. Parks and recreation facilities;
      - ii. Community centers;
      - iii. Libraries;
    - c. Youth organizations or facilities used primarily for youth events; and
    - d. Day care centers.

3. Located a minimum of 250 feet from any business involving an on-premises sale of liquor or alcoholic beverages, excluding restaurants and grocery stores/supermarkets.
  4. Located a minimum of 500 feet (250 feet if separated by a major street or arterial) from any Residential zone.
- C. **Advertising and Display of Tobacco Products.** Tobacco retailers shall comply with local, state and/or federal laws regarding sales, advertising, or display of tobacco products, including posting a sign prominently near the cash register or other point of sale, the legal age to buy tobacco products and checking the identification of all purchasers to ensure they are of legal age.
- D. **Access to Merchandise.** Products shall be secured so that only store employees have immediate access to the tobacco products and/or tobacco paraphernalia. Self-service displays are prohibited.
- E. **Exchange of Tobacco Products.**
1. No minor person may sell or exchange tobacco products.
  2. No minor person shall be given or sold tobacco products.
- F. **Standards.** In addition to any conditions imposed by the Review Authority, retail sales of tobacco products, smoking products, and vaping supplies that require a Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) shall comply with the following development standards:
1. All smoke shops shall be consistent with Woodland Municipal Code Section 9.28.230, Smoking and Woodland Municipal Code 9.28.240, Limitations to tobacco products and e-cigarettes, Woodland Municipal Code Section 9.28.250, Tobacco-free and e-cigarette-free zones at City parks and recreation facilities, and Woodland Municipal Code Section 9.28.260, Adoption of the Yolo County Code relating to tobacco retail permits, of the Woodland Municipal Code.
  2. Smoke shops shall comply with all applicable local, state, and federal laws regarding the advertising, display, or sales of tobacco products, smoking products, and vaping supplies. This includes but is not limited to the requirements of Woodland Municipal Code Section 9.28.240, Limitations to access to tobacco products and e-cigarettes, and Section 9.28.260 Adoption of Yolo County Code relating to tobacco retail permits.
  3. Only store employees shall have immediate access to the tobacco products, smoking products, vaping supplies, and tobacco/smoking paraphernalia. It is unlawful for any person, business, or smoke shop to sell, permit to be sold, offer for sale, or display for sale any tobacco product, smoking product, or vaping supply by means of self-service display or by means other than vendor-assisted sales.
  4. Smoke shops shall not sell or transfer a tobacco product, smoking product, vaping supply, or tobacco/smoking paraphernalia to another person who appears to be under the age of 27 years, without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law, to purchase and possess the tobacco product, smoking product, vaping supply, or tobacco/smoking paraphernalia.

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5. Smoke shops shall not permit any person who is younger than the minimum age established by state law for the purchase or possession of tobacco products, smoking products, vaping supplies, or tobacco/smoking paraphernalia, and to engage or participate in the sale of tobacco products, smoking products, vaping supplies, or tobacco/smoking paraphernalia.
6. No person, business, smoke shop, or other establishment shall sell or offer for sale cigarettes, vaping supplies, or other tobacco or smoking products not in the original packaging provided by the manufacturer and with all required health warnings.
7. No permit may be issued to authorize tobacco retailing at a location that is licensed under state law to serve alcoholic beverages for consumption on the premises (e.g., an “on sale” license issued by the California Department of Alcoholic Beverage Control) and no license may be issued to authorize tobacco retailing at any location offering food for sale for consumption by guests on the premises.
8. Litter and trash receptacles shall be conveniently located inside and outside the establishment, and trash and debris shall be removed from the receptacles on a daily basis.
9. The exterior of the establishment, including all signs, accessory buildings and structures, shall be maintained free of litter and graffiti at all times. Graffiti shall be removed within 24 hours of written notice from the City.
10. Loitering in the public right-of-way, parking area, and in front of the property and adjacent properties shall be prohibited.
11. The establishment shall conspicuously post the following interior sign stating: “We ID everyone under 27 years of age for tobacco sales.” The dimensions of this sign shall be at least eight inches by 11 inches. If the predominant language of the establishment’s clientele is not English, then a sign shall also be posted in that language.

#### G. **Training Requirements.**

1. Each person who sells tobacco products, smoking products, vaping supplies, or tobacco/smoking paraphernalia shall successfully complete a responsible tobacco retailing training. The program shall be completed within 60 days of assuming the position that involves sale of tobacco products, smoking products, vaping supplies, and/or tobacco/smoking paraphernalia and shall be periodically completed again not less than once every three years.
2. Records of successful completion of responsible tobacco retailing training shall be maintained on the premises and shall be presented to City and Yolo County Sheriff’s Department representatives upon request.

- H. **Existing Tobacco/Smoking/Vaping Product Retailers.** Any smoke shop legally established prior to the effective date of this Code shall not be required to obtain a Conditional Use Permit (see Section 17.100.100, Conditional Use Permit) and shall not be considered a legal nonconforming use subject to abatement, unless a modification of the approval for the use is sought and the modification is not considered minor subject to Section 17.100.110, Minor

Modification. Any existing smoke shop that has been discontinued for a period of 180 days or more shall require a Conditional Use Permit, prior to reestablishing retailing of tobacco/smoking products. See Section 17.100.100, Conditional Use Permit.

### 17.84.360 Telecommunication Facilities

- A. **Overview.** The following outlines the development permitting process as it applies to facilities described in this Code. Wireless telecommunications facilities which are generally considered to have minimal impacts or which are exempt from local review by state or federal statutes have been classified as exempt under this Section and are not regulated when in compliance with the development standards set forth in this Code. Other wireless telecommunications facilities which have the potential to create impacts have been categorized to allow for additional review. Unless listed below as exempt or prohibited, no wireless telecommunications facility shall be constructed without first undergoing the specific review process and obtaining the prescribed approval as set forth below.
1. ***Prohibited Telecommunications Facilities.*** The following telecommunications facilities shall be prohibited:
    - a. Public carrier telecommunications facilities located within designated habitat areas and habitat restoration areas. The City shall make available for public review a map identifying any such areas.
    - b. More than one monopole or tower within 1,000 feet of any other existing monopole or lattice tower(s), unless visual impacts are negligible and the applicant can demonstrate that the site is a technical necessity to meet demands of the geographic service area and the applicant's Citywide network.
    - c. Telecommunications facilities where the combined electromagnetic frequency radiation (EMF) exceeds the state or federal standard.
    - d. Telecommunication facilities within urban reserve areas or undesignated planning areas or within areas zoned or designated on the General Plan land use map for residential uses or on sites containing existing or planned public or private school facilities; or within 500 feet of areas so designated or zoned, except as follows:
      - i. Areas zoned commercial, subject to Conditional Use Permit review procedures (see Section 17.100.100, Conditional Use Permit) and a determination that all aspects of the proposed facility, including support facilities, are completely concealed (i.e., completely incorporated into the site architecture or designed in a manner that is not identifiable as a wireless facility by the casual observer; this exception does not provide for mono-pines or similarly "stealth" facilities) from view and remain at least 100 feet from areas zoned or designated on the General Plan land use map for residential uses or on sites containing existing or planned public or private school facilities.

- ii. Telecommunications facilities located on public or private school sites, supported and/or initiated by the applicable school district or governing entity, subject to the review procedures as set forth in Subsection 17.84.360.A.3, Director Review, or Subsection 17.84.360.A.5, Conditional Use Permit, are satisfied and provided the facilities meet the location and design standards set forth in this Section, except historic properties and sensitive habitat areas.
  - iii. Telecommunications facilities within the public right-of-way (PROW) or on City-owned property (including parks), provided the applicant procedures set forth in Subsection 17.84.360.A.3, Director Review, or Subsection 17.84.360.A.5, Conditional Use Permit, are satisfied and provided the facilities meet the location and design standards set forth in this Section, except historic properties and sensitive habitat areas.
2. **Compliance Review.** The following facilities are exempt from discretionary review under this Section, subject to minor design review to ensure compliance with development requirements set forth below:
- a. Interior and exterior facilities accessory to the residential use of the site including television antennas, satellite dishes, and amateur radio facilities meeting all requirements set forth below:
    - i. No more than one satellite dish exceeding 36 inches in diameter per parcel.
    - ii. Satellite dishes shall not extend above the peak of the roof or parapet.
    - iii. Antennas shall meet applicable height requirements.
    - iv. Antennas and dishes shall meet applicable setback requirements.
  - b. Flush-mounted panel antennas in Employment zones which meet the following standards:
    - i. The lowest part of the panel shall be at least 20 feet above grade.
    - ii. The panel and connections shall not project out more than 18 inches from the building surface it is mounted to.
    - iii. Panels, connections, and supports shall be treated to match the color scheme of the building.
    - iv. Panels and connections shall not project above the mounting façade.
    - v. The structure is not a historic site or a potentially historic resource.
    - vi. Ground-mounted support equipment cabinets or buildings shall be screened. The specific design is subject to City review based on a visual analysis of the particular site and may require fencing, walls, landscaping, or both.
    - vii. Exterior electrical lines serving the equipment cabinet or building shall be undergrounded.

- viii. The project site (the parcel on which the facility or lease area is located) is operating in compliance with all prior approvals including approved landscape plans, site plan and design review approvals, and/or conditions of existing use permit.
- c. Telecommunications facilities, including support facilities, concealed from public view (i.e., not visible) or fully integrated into the site architecture of nonresidential structures to be constructed or renovated.
  - i. The structure is not a historic site or a potentially historic resource.
  - ii. The project site (the parcel on which the facility or lease area is located) is operating in compliance with all prior approvals including approved landscape plans, site plan and design review approvals, and/or conditions of existing use permit.
- d. Public safety facilities include transmitters, repeaters, and remote cameras. Public safety facilities are to be located, preferably, on existing public structures such as buildings, towers, bridges, and light poles and shall be treated to match the supporting structure.
- e. Telecommunications facilities accessory to other public equipment for data acquisition such as irrigation controls, well monitoring, and traffic signal controls.
- f. Facilities erected and operated for emergency situations. Emergency facilities shall be removed at the conclusion of the emergency or shall be replaced by public safety facilities.
- g. Mobile facilities when placed on a site for less than 24 consecutive hours.
- h. Facilities specifically exempted under federal or state law including work subject to Pub. L. No. 112-96 § 6409, as follows:
  - i. The modification of an existing wireless tower or base station for the co-location of new transmission equipment or removal or replacement of existing transmission equipment, provided that such modification does not substantially change the physical dimensions of such tower or base station from the dimensions approved as part of the existing use permit for such tower or base station.
  - ii. For purposes of this Subsection, “substantially change the physical dimensions” means any of the following, and refers to a single change, or a series of changes over time (whether made by the same or different entities) viewed against the initial approval for the tower or base station that cumulatively have any of the effects described below:
    - a) Changing any physical dimension of the wireless tower or base station in a manner that creates a safety hazard, whether from wind loading, stress on the wireless tower, or in any other manner.

- b) Changing the physical dimension of a stealth wireless tower, where the changes would be inconsistent with the design of the stealth wireless tower, or make the wireless tower more visible.
  - c) Changing the physical dimensions would require work that would intrude upon the public right-of-way, or any environmentally sensitive area.
  - d) Increasing by more than 10 percent any of the following: the height or width in any direction of the wireless tower, or the area required for structures required to support the wireless tower, such as guy wires as approved and constructed through the discretionary permit process; provided that in no event shall the height exceed the maximum height permitted under the City's regulations.
  - e) Increasing by more than 10 percent any of: the height or area encompassed within any structure or object enclosing the wireless tower, such as a fence or line of bushes.
  - f) Increasing any of an existing antenna array's depth, circumference, or horizontal radius from the wireless tower in any direction by more than 10 percent.
  - g) Adding more than two antenna arrays to an existing wireless tower, or adding antenna arrays that, if the array were an existing array, would be of such depth, circumference, or radius as to fall outside of Subsection 17.84.360.F, unless such arrays were approved under Subsection 17.84.360.A.3.a or Subsection 17.84.360.A.3.e.
  - h) The mounting of the new or replacement transmission equipment would involve installing new equipment cabinet(s) not permitted under the initial approval and that will not fit within the existing enclosure for the wireless tower or base station or would require installation of a new cabinet or enclosure, excluding new equipment and cabinets that will be installed underground.
- iii. Additional application information. Any application for a wireless telecommunications facility under this Subsection 17.84.360.A.2.h shall include:
- a) A signed statement by a certified engineer, licensed and qualified in California, attesting that the work that will be performed will not trigger discretionary review under this Subsection. Such statement shall be submitted in addition to all other application information required under this Section.
  - b) A detailed description of the proposed modifications to the existing facility.
  - c) A photograph or description of the wireless tower or base station as originally constructed, if available, and a photograph of the

existing wireless tower or base station, and a graphic depiction of the wireless tower or base station after modification, showing all relevant dimensions.

- d) A description of all construction that will be performed in connection with the proposed modification.

Nothing in this Section prevents the City from imposing such other conditions on the grant of the permit consistent with obligations imposed with respect to the initial installation or with respect to facilities similar to those proposed by application. Any facility installed under this Subsection shall require a development permit.

3. **Director Review.** The following telecommunications facilities shall be subject to review by the Director, including design and site plan review, provided they meet the development requirements set forth below and meet the location and design standards set forth in Subsection 17.84.360.B, Location and Design Standards for Non-Exempt Facilities. Facilities that fail to meet the development requirements as set forth below shall be elevated to the review procedures as set forth in Subsection 17.84.360.A.4, Zoning Administrator Review, or, at the discretion of the Director, may be elevated to the review procedures as set forth in Subsection 17.84.360.A.5, Conditional Use Permit.

- a. Modification of an existing wireless tower or base station for the co-location of new transmission equipment or removal or replacement of existing transmission equipment provided the following standards are complied with:
  - i. The telecommunications facility has been constructed and is operating in accordance with all prior approvals including approved landscape plans, site plan and design review approvals, and/or conditions of existing use permit.
  - ii. The project site (the parcel on which the facility or lease area is located) is operating in compliance with all prior approvals including approved landscape plans, site plan and design review approvals, and/or conditions of existing use permit.
  - iii. The new array does not increase, by more than 15 percent any of the following: height or width in any direction of the wireless tower, or the area required for structures required to support the wireless tower, such as guy wires as approved and constructed through the discretionary permit process; provided that in no event shall the height exceed the maximum height permitted under the City's regulations.
  - iv. The new array does not increase, by more than 15 percent any of the following: the height or area encompassed within any structure or object enclosing the wireless tower, such as a fence or line of bushes.
  - v. The new array does not increase, by more than 15 percent, the existing antenna array's depth, circumference, or horizontal radius from the wireless tower in any direction.

- vi. The panel array is the second or third grouping on the structure containing the existing telecommunications facility.
  - vii. A microwave dish greater than 36 inches in diameter is not being proposed as part of the array.
  - viii. The combined EMF for all arrays does not exceed applicable state or federal standards.
  - ix. The new array will meet the conditions of any existing use permit.
  - x. The new array does not require major modifications to the structure containing the existing telecommunications facility.
  - xi. Ground-mounted equipment shall be screened from public view. The specific design is subject to City review based on a visual analysis of the particular site and may require fencing, landscaping, or both.
  - xii. The telecommunications facility is not subject to Pub. L. No. 112-96, § 6409.
- b. Any mobile antenna when placed on a site for more than 24 hours but less than 30 days, which meets the following standards:
- i. Antenna vehicle/trailer shall be located only on an improved surface.
  - ii. Parking and access for support personnel shall be on an improved surface.
  - iii. Day and night safety marking shall be provided.
  - iv. The antenna vehicle/trailer and support parking shall not be located within a public right-of-way.
- c. Roof mounted facilities on nonresidential structures that are not entirely concealed from public view, which meet the following standards:
- i. The facility and related equipment shall be screened from view or architecturally integrated into the building design so that only support brackets and panels are visible from the opposite side of the right-of-way in front of the building.
  - ii. Panels shall match the color scheme of the building façade.
  - iii. Ground-mounted equipment cabinets/buildings shall be screened from public view. The specific design is subject to City review based on a visual analysis of the particular site and may require fencing, landscaping, or both.
  - iv. Shall not exceed the allowable height limit for the zone.
  - v. The structure is not a designated historic site or a potentially historic resource.
  - vi. The project site (the parcel on which the facility or lease area is located) is operating in compliance with all prior approvals including approved

- landscape plans, site plan and design review approvals, and/or conditions of existing use permit.
- d. Flush-mounted antennas in Commercial zones, which meet the following standards:
- i. Placement of the panel shall not interfere with or encroach upon vehicular or pedestrian accessways.
  - ii. The panel and connections shall not project out more than eighteen inches from the building surface it is mounted to.
  - iii. Panels, connections, and supports shall be treated to match the color scheme of the building.
  - iv. The structure is not a designated historic site or a potentially historic resource.
  - v. Ground-mounted support equipment cabinets or buildings shall be adequately screened. The specific design is subject to City review based on a visual analysis of the particular site and may require fencing, landscaping, or both.
  - vi. Exterior electrical lines serving the equipment cabinet or building shall be undergrounded.
  - vii. Panels shall not protrude above the roofline.
  - viii. The project site (the parcel on which the facility or lease area is located) is operating in compliance with all prior approvals including approved landscape plans, site plan and design review approvals, and/or conditions of existing use permit.
- e. Antenna arrays mounted on existing billboards, water towers and other similarly scaled structures.
- i. Placement of the new array shall not exceed applicable height requirements.
  - ii. The proposed array fits within the three dimensional envelope of the existing structure to which the array will be attached.
  - iii. The new array does not require substantial modifications to the existing structure to which the array will be attached.
  - iv. The original structure was erected and is operated in accordance with the conditions of the original use permit.
  - v. The co-location request does not include microwave transmitters exceeding 36 inches in diameter.
  - vi. The combined EMR for all arrays does not exceed state or federal standards.
  - vii. May be subject to annual review as provided for in this Code.

- f. Telecommunications facilities, excluding towers, on publicly owned or publicly utilized lands (including City-owned land such as parks, general facilities, and utility apparatus) or on existing utility, signal or lighting structures within the public right-of-way, easement, or City-owned land which meet the following standards:
  - i. Facilities shall meet the requirements of subsection B, Location and Design Standards for Non-Exempt Facilities except as follows:
    - a) Low power facilities to meet the needs of the immediate neighborhood may be proposed on existing light towers in public parks.
  - ii. Antennas placed on signal or street light poles shall not exceed two feet in length or six inches in diameter.
  - iii. Permits for telecommunication facilities proposed in the PROW shall be issued in a manner consistent with applicable law regarding the physical use and occupation of the PROW and only to applicants who have met all the conditions and requirements of this Section and who establish a right to enter the PROW. The applicant must state the basis for its claimed right to enter the PROW, subject to independent confirmation by the City. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN. If the applicant is asserting a right to enter the PROW to close a significant gap in coverage, it shall provide evidence of the coverage gap and evidence that the site selected is the least intrusive means of closing that gap.
  - iv. Antennas and all support equipment shall be treated to match the supporting structure.
  - v. Telecommunication facility installations located above the surface grade in the PROW, including, but not limited to, those on streetlights, traffic signal standards, or joint utility poles, shall consist of small equipment components that are compatible in scale and proportion to the structures they are mounted on and compatible with the neighborhood in which they are located. Antennas should generally be located on existing structures, such as street light poles or joint utility poles, and be visually compatible with the existing structure and surroundings. All equipment, including antennas, shall be the smallest and least visually intrusive equipment feasible. Equipment shall be painted or otherwise coated to be visually compatible with the support structure and shall be subject to the issuance of a license or other special form or written agreement with the City.
  - vi. Proposals for telecommunication facilities shall not exceed 40 feet in height. This standard may be modified upon finding that cumulative visual impacts are not significant and that the telecommunication facility is necessary to provide services not possible with location on

- an existing tower or structure in the service area. Independent review of the request, at the applicant's cost, may be required by the Director.
- vii. Accessory equipment, excluding required electrical meters, shall be placed in an underground vault or entirely within the proposed pole. However, applications proposing to place accessory equipment within the pole, instead of underground vaults, shall be subject to design review and approval. If it is determined that the proposed telecommunication facility with accessory equipment in the pole is not acceptable, accessory equipment shall be placed in an underground vault. Factors that may be considered in evaluating whether to permit placement of accessory equipment within the pole instead of in an underground vault are aesthetics, such as whether placing equipment in the pole would result in a larger, more visually obtrusive telecommunication facility, and public safety, such as whether the proposed facility would visually obstruct pedestrian, bicycle, or vehicular traffic. An applicant contesting undergrounding bears the burden of establishing that undergrounding is not feasible. If it is determined that undergrounding is not feasible, such accessory equipment shall comply with all applicable laws and regulations and shall be visually screened or camouflaged. All wall and landscaping materials shall be selected so that the resulting screening will be visually integrated with the architecture and landscape architecture of the surroundings.
  - viii. Telecommunication facilities in the PROW or on City-owned property in or within 500 feet of residential, school, or Mixed-Use zones shall be subject to the review procedures as set forth in 17.84.360.A.5, Conditional Use Permit.
  - ix. The City retains the right to deny an application for this type of telecommunication facility based on aesthetic or land use impacts.
4. **Zoning Administrator Review.** The following telecommunications facilities shall be reviewed in accordance with Subsection 17.92.020.D, Zoning Administrator, provided they meet the development requirements set forth below and meet the location and design standards set forth in Subsection 17.84.360.B, Location and Design Standards for Non-Exempt Facilities. Facilities that fail to meet the development requirements as set forth below shall be elevated to the review procedures as set forth in Subsection 17.84.360.A.5, Conditional Use Permit.
- a. Replacement of previously approved towers not authorized under the provisions of the existing permit, provided that such modification does not substantially change (by more than 10 percent) the physical dimensions of such tower or base station from the dimensions approved as part of the existing use permit for such tower or base station consistent with Subsection 17.84.360.A.2.h.ii definition of "substantial change" (unless otherwise exempt from discretionary review pursuant to Subsection 17.84.360.A.2.h, Work subject to Pub. L. No. 112-96 § 6409.

- i. The project site (the parcel on which the facility or lease area is located) is operating in compliance with all prior approvals including approved landscape plans, site plan and design review approvals, and/or conditions of existing use permit.
  - b. Additions and/or expansions of legal nonconforming uses, including co-locations, which do not meet the criteria for exempt facilities under Subsection 17.84.360.A.2.h, Work subject to Pub. L. No. 112-96 § 6409. At the discretion of the Zoning Administrator, such applications may be elevated to the Planning Commission for review and approval.
    - i. The project site (the parcel on which the facility or lease area is located) is operating in compliance with all prior approvals including approved landscape plans, site plan and design review approvals, and/or conditions of existing use permit.
- 5. **Conditional Use Permit.** The following telecommunications facilities shall be reviewed in accordance with Section 17.100.100, Conditional Use Permit, provided they meet the development requirements set forth below and meet the location and design standards set forth in Subsection 17.84.360.B, Location and Design Standards for Non-Exempt Facilities.
  - a. Telecommunications facilities within historic districts, on sites or buildings designated historic or potentially historic resources.
    - i. A site specific historic evaluation may be required by the City and shall be paid for by the applicant if the proposed project site or building is over 50 years old.
    - ii. The facility must comply with the applicable development regulations of the land use zone and all other applicable regulations pertaining to the preservation of historical sites.
    - iii. Construction of the facility must not result in a reduction in required parking provided on the site.
    - iv. The facility must be concealed from public view or integrated into the site architecture so as not to be noticed or identified as a telecommunication facility by the casual observer.
    - v. Must be reviewed by applicable historical preservation commission prior to final action by City.
    - vi. Limited to building mounted facilities.
  - b. Wireless telecommunications facilities on publicly owned lands not otherwise subject to local land use zoning, but lying within the local jurisdiction, when the wireless telecommunications facility is not solely maintained or operated for the primary public use of the site.
  - c. Monopole facilities, single carrier wireless towers, and lattice tower in any non-residentially zoned area, subject to the following standards:

- i. Shall be subject to periodic review as identified in this Code.
- ii. Monopoles and lattice towers shall be located and designed to minimize visual impacts. Towers located in high visibility locations shall incorporate “stealth” design techniques to camouflage the tower to the maximum extent feasible as art/sculpture, clock tower, flag pole, tree or any other appropriate and compatible visual form.
- iii. Monopoles and lattice towers shall be located on the rear half of the parcel, unless aesthetic benefit is achieved through an alternative location, as determined by the Planning Commission.
- iv. New private monopoles and lattice towers shall not be located in any land developed or zoned for any residential and/or school zone/use, pursuant to Subsection A.1, Prohibited Telecommunication Facilities.
- v. Monopoles and lattice towers shall generally not be permitted within 1,000 feet of an existing tower or facility. This standard may be modified upon finding by the Planning Commission that cumulative visual impacts are not significant and that the tower is necessary to provide services not possible with co-location on an existing tower or structure in the service area. Independent review of the request, at the applicant’s cost, may be required by the Planning Commission.
- vi. Monopoles and lattice towers shall be designed at the minimum functional height. Tower height shall generally not exceed the maximum height for buildings in the zone in which it is located by more than 12 feet. This standard may be modified upon a finding by the Planning Commission that cumulative visual impacts are not significant and that the height is necessary to provide services not possible with a tower meeting the height standard. Independent review of the request, at the applicant’s cost, may be required by the Director. If no maximum building height is established in this Title, the height of the tower shall be reviewed for the visual impact on the surrounding land uses and the community.
- vii. As a condition of approval for all monopoles and lattice towers, the applicant shall provide the City with a written commitment that it will allow other service providers to co-locate antennas on towers where technically and economically feasible. Support structures and site area for telecommunication facilities shall be designed and of adequate size to allow at least one additional service provider to co-locate on the structure, including sufficient area available for ground mounted equipment.
- viii. Ground-mounted equipment shall be under ground or screened from public view, including, but not limited to, decorative fencing and/or landscaping. If the Planning Commission determines that screening is not adequate, it may require that equipment be placed underground.

- ix. Parking and access shall be on an improved surface, subject to review and approval by the Planning Commission.
- x. The project site (the parcel on which the facility or lease area is located) is operating in compliance with all prior approvals including approved landscape plans, site plan and design review approvals, and/or conditions of existing use permit.
- d. Towers located on property owned, leased, or otherwise controlled by the City (or wireless facilities on publicly/City-owned property or PROW within 500 feet of residential/school buffer) provided prior written acknowledgement and pre-authorization for such antenna or tower is approved by the City.
  - i. Shall be subject to development requirements as set forth in Subsection 17.84.360.A.3.f, Facilities, excluding towers, on publicly owned or publicly utilized lands, and subject to Subsection 17.84.360.A.5.c, Monopole facilities, single carrier wireless towers, and lattice tower in any non-residentially zoned area.
- e. Other telecommunications facilities not listed as exempt, permitted, or prohibited shall comply with the following minimum physical standards and other requirements as deemed appropriate by the Planning Commission:
  - i. Adequate access shall be provided.
  - ii. Facility shall be concealed or designed as a stealth facility to the satisfaction of the Planning Commission.
  - iii. No reduction in parking below that required by this Code.
  - iv. Concurrent review and approval by the City and the County.

**B. Location and Design Standards for Non-Exempt Facilities.**

- 1. The following standards are applicable to all telecommunication facilities except exempt facilities identified in Subsection A.2.h:
  - a. If technological improvements or developments occur that allow the use of materially smaller or less visually obtrusive equipment, the service provider may be required to replace or upgrade an approved telecommunication facility upon application for a new permit in order to minimize the facility's adverse impacts on land use compatibility and aesthetics. This provision would only apply to the specific site where the application for modification is requested.
  - b. All telecommunication facilities shall be installed and maintained in compliance with the requirements of the California Building Standards Code, the Americans with Disabilities Act, as well as other restrictions specified in this Section and other applicable provisions of this Code.
  - c. *Design Standards.* All telecommunication facilities shall:
    - i. Utilize state of the art stealth technology as appropriate to the site and type of facility. Specifically, all telecommunication facilities shall

- employ and maintain camouflage design techniques to minimize visual impacts and provide appropriate screening. Such techniques shall be employed to make the installation, operation, and appearance of the facility as visually inconspicuous as possible and to hide the installation from predominant views from surrounding properties. Where no stealth technology is proposed for the site, a detailed analysis as to why stealth technology is physically and technically infeasible for the project shall be submitted with the application.
- ii. Antennae and support structures, where utilized, must be monopole type. Monopole support structures shall not exceed four feet in diameter unless technical evidence is provided showing that a larger diameter is necessary to attain the proposed tower height and that the proposed tower height is necessary.
  - iii. In the case of existing structures, telecommunication facilities shall be located in a manner so as to minimize visual impacts from surrounding properties and public rights-of-way.
  - iv. All flush-mounted antenna(s) and support structures shall be painted to be architecturally compatible with the building on which it is located or painted to minimize the visual impacts where the structures extend above the roof line and minimize visual impacts from surrounding properties. The specific color is subject to City review based on a visual analysis of the particular site.
  - v. Accessory equipment must be designed and screened from public view. The specific design is subject to City review based on a visual analysis of the particular site and may include decorative fencing and/or landscaping. If landscaping is required, landscape plans shall be prepared by a licensed landscape architect.
  - vi. Support structures and site area for telecommunication facilities shall be designed and of adequate size to allow at least one additional service provider to co-locate on the structure, including sufficient area available for ground mounted equipment, subject to the specific design standards and aesthetic considerations of the specific telecommunication facility location and Conditional Use Permit requirements in Subsection 17.84.360.A.5, Conditional Use Permit.
  - vii. All proposed fencing shall be decorative and compatible with the adjacent buildings and properties within the surrounding area and shall be designed to limit and/or allow for removal of graffiti.
  - viii. Placement of ground mounted equipment shall not substantially hinder the future development potential of any property.
- d. *Height.* All telecommunication facilities shall be designed to meet the minimum functional height required.

- i. Unless this Section imposes a more restrictive height limitation on a specific type of facility, facility height shall not extend more than 12 feet beyond the maximum allowable building height for the zone, except as otherwise allowed in this Section. If a maximum building height has not been established in this Title, the height of the facility shall be reviewed for the visual impact on the surrounding land uses and the community.
  - ii. If the facility is not attached to a building, the height of the facility shall be reviewed for the visual impact on the surrounding land uses and the community.
  - iii. The height of a telecommunication tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, the tip of the highest antenna or piece of equipment attached thereto.
- e. *Setbacks.* The following setback requirements shall apply to all telecommunication facilities except facilities in the public right-of-way and on City-owned property:
- i. All facilities shall comply with the required building setbacks for the zone in which the site is located. However, in no instance shall the facility (including antenna equipment) be located closer than five feet of any property line. Additional setback requirements may be established in conjunction with a Conditional Use Permit for those antennae exceeding the height limit for the zone.
  - ii. Facilities shall not be located within the required front yard area of any parcel, unless specifically approved by the Planning Commission.
  - iii. The Planning Commission may reduce setbacks through the Conditional Use Permit process (see Section 17.100.100, Conditional Use Permit) upon determination that aesthetic impacts would be reduced and/or open space improved.
- f. *Landscaping.*
- i. Landscaping, wherever appropriate, shall be used as screening to reduce visual impacts of telecommunication facilities. Any proposed landscaping shall be visually compatible with existing vegetation in the vicinity.
  - ii. Existing landscaping in the vicinity of a proposed telecommunication facility shall be protected from damage during and after construction. Submission of a tree protection plan may be required to ensure compliance with this requirement.
  - iii. Off-site landscaping may be required to mitigate off-site impacts, subject to willing property owners. Additional landscaping may also be

required in public rights-of-way to obscure visibility of facilities from passing motorists, bicyclists, and pedestrians.

- iv. When required, a landscape and irrigation plan prepared by a licensed landscape architect shall be submitted at the Building Permit stage for review and approval by the Community Development Department.
- g. *Signage.* A permanent, weather-proof identification sign must be placed on the gate of the fence surrounding the telecommunication facility or base shelter or, if there is no fence, on the facility itself. The sign must identify the facility operator(s), type of use, provide the operator's address, and specify a 24-hour telephone number at which the operator can be reached so as to facilitate emergency services.
- h. *Access.* Parking and access to and for the maintenance of telecommunication facilities shall be on an improved surface and no required parking for the primary use shall be lost due to placement of the pole and support facilities unless otherwise permitted by the Planning Commission. A minimum of one parking space shall be provided and calculated separately from the required parking for the primary use, for maintenance of the telecommunication facility. Required fire access shall be maintained.
- i. *Lighting and Placement.* Facility lighting shall comply with the local requirements of the City. Towers shall not be artificially lighted, unless required by the FAA or other applicable public safety authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- j. *Noise.* In general, noise levels shall comply with the applicable state and local guidelines. In no instance shall noise levels produced by the facility or appurtenant equipment exceed 65 dBA as measured at the site property line. Back-up generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between 8:30 a.m. and 4:30 p.m.

2. **Management.**

- a. *Periodic Review.* The City may conduct a periodic review of the telecommunications facility to consider whether or not the facility is conforming with the (including the co-location) conditions of its discretionary approval or appropriate permits. The City shall consider whether or not the facility is conflicting with emerging land uses approved under the applicable master or Specific Plan. If the City concludes that adverse impacts to emerging land uses can be reduced through the use of new technology, or through the retirement of the current facility, the carriers shall work with the City to develop a plan for achieving these mitigating goals. The City may impose a condition limiting the duration of any permit for a telecommunications facility located on property zoned other than industrial only after making findings of fact that such a condition is warranted. As part of such condition, the City shall

specify the development threshold which could trigger termination of the permit following a duly noticed public hearing.

- b. *Abandonment.* If any telecommunications facility is not operated for a continuous period of six months, the service provider shall notify the Zoning Administrator. A telecommunications facility shall be considered abandoned and shall be removed by the facility owner within the next six months and the site restored back to its original setting. The City may, at its discretion, require the posting of a performance surety to cover the cost of the removal of abandoned facilities.
- c. *Public Health and Safety (EMF and RF).* No telecommunications facility or combination of facilities shall generate, at any time, EMF, or radio frequency radiation (RF) in excess of the FCC adopted standards for human exposure, as amended over time.

All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed, the property owner or responsible party shall bring such facilities into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling agency. Any violation of this Subsection shall constitute grounds for revocation of any permits and/or approvals granted under this Section (see Section 17.96.150, Revocation of Permit). Such violations shall also constitute grounds for abatement and removal of the telecommunications facility by the City at the property owner's expense.

If it is found that wireless telecommunications facilities are or will be detrimental to the health, safety, or welfare of persons working or residing near such facilities, then the service provider(s) shall be solely responsible for the removal, adjustment, or replacement of the facilities. In no case shall the facility remain in operation if it is found to create a hazard to health, safety, or welfare. A facility shall not be found to create a hazard to health, safety, or welfare as a result of EMF or RF emissions from the facility so long as it meets all then current standards established by the FCC, or other federal agency having jurisdiction.

**C. Findings for Approval for Telecommunications Facility Applications.**

- 1. The proposal meets or exceeds the criteria of this Code and is consistent with the General Plan and applicable land use designations.
- 2. That the site for the intended use is adequate in size, shape, topography, accessibility, and other physical characteristics to accommodate the use and required provisions of this Title.
- 3. The proposal for the telecommunications facility is in its design and appearance is consistent or compatible with the development and design of the surrounding structures and neighborhood.

4. That the proposed use will be organized, designed, constructed, operated, and maintained so as to be compatible with the character of the area as intended in the General Plan or any Specific Plan.
  5. That adequate streets and highways exist to carry the type and quantity of traffic anticipated to accommodate access for maintenance and/or service vehicles.
- D. **Appeals.** Any person dissatisfied with the decision to either approve or deny a development permit for the construction or modification of a wireless telecommunications permit, excluding exempt facilities, may file an appeal in accordance with the procedures set forth in Division II: Administration and Procedures, as applicable. Staff decisions regarding exempt facilities may be appealed in the same manner as a decision of the Zoning Administrator as set forth in Subsection 17.92.020.D, Zoning Administrator.

### **17.84.370 Temporary Uses (Updated)**

This Section establishes standards for uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

- A. **Temporary Uses Not Requiring a Temporary Use Permit.** The following types of temporary uses may be conducted without a Temporary Use Permit (see Section 17.100.080, Temporary Use Permit). Other permits, such as Building Permits, may be required (see Section 17.100.130, Building Permit)
1. **Yard Sales.** Sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.
    - a. No more than two garage/yard sales shall be conducted on a site in any calendar year.
    - b. No single sale event shall be conducted for more than two consecutive weekends. Each weekend that sales are conducted constitutes a single sale event.
    - c. Yard sales shall be conducted between the hours of 8:00 AM to 7:00 PM.
    - d. Personal property sold at a sale must not include secondhand goods obtained for purposes of resale.
    - e. Only temporary signs conforming to the standards in Chapter 17.72, Signs are permitted. The temporary signs shall not be posted earlier than one day prior to the sale event.
    - f. The display of property for sale shall be located at least five feet from the property line.
  2. **Non-Profit Fund Raising.** Fund raising sales for up to three days per event is permitted on a site by a non-profit organization, not to be conducted more frequently than three times per year per site.
  3. **Temporary Construction Office Trailers.** On-site temporary construction offices during the period of construction. Screening may be required by the Director.

4. **Sales Office and Model Homes.** Model homes with sales offices and temporary information/sales offices in new residential developments are subject to the following requirements.
    - a. *Time Limits.*
      - i. *Temporary Sales Office.* A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of six months or completion of the first phase of development, whichever occurs first.
      - ii. *Model Homes.* Model homes established and operation for a term period of four years or until completion of the sale of the lots or units, whichever comes first.
    - b. *Return to Residential Use.* Prior to the sale of any of the model homes as a residence, any portion used for commercial purposes shall be converted to its intended residential purpose.
  5. **Live Music.** Temporary live music performances that do not require a Temporary Use Permit (see Section 17.100.080, Temporary Use Permit) include:
    - a. Non-amplified music performances, indoor or outdoor.
    - b. Indoor amplified music performances accessory to a commercial use, provided the temporary use complies with the Performance Standards of Section 17.76, Performance Standards.
  6. **Mobile Vendor Services.** Mobile vendor services as described in Section 17.84.240, Manufactured Home Parks, RV/Trailer Parks, and Manufactured Buildings are exempt from the requirements of this Section.
  7. **Special Events Exempt.** Special events, as defined and regulated by Woodland Municipal Code Chapter 12.40.010, Special Events, are exempt from the requirements of this Section.
- B. **Temporary Uses Requiring a Temporary Use Permit.** The following temporary uses may be permitted pursuant to Section 17.100.080, Temporary Use Permit, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process.
1. **Seasonal Sales.** The annual sales of holiday related items such as Christmas trees, pumpkins, and similar items may be permitted in accordance with the following standards:
    - a. *Time Period.* Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday. Christmas tree sales are allowed from Thanksgiving Day through December 31.
    - b. *Goods, Signs and Temporary Structures.* All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.

- c. The property shall not be used in such a manner as to create a nuisance due to noise, dust, litter, or other factors.
  - d. The City reserves the right to shut down a temporary seasonal sales operation if the operation is posing safety concerns, has become a nuisance, or has violated any requirements of this Subsection. All costs associated with the removal and/or abatement shall be paid for by the property owner.
- 2. **Construction Uses.** Temporary structures and uses incidental to the construction of a building or a group of buildings, including, but not limited to, construction staging of materials and equipment that is not located on the approved development site.
- 3. **Promotional Sales and Other Events.** These are events that do not qualify as a Special Event requiring review by the Special Events Committee pursuant to Woodland Municipal Code Chapter 12.40, Special Events. Temporary short term special events shall not exceed a total of seven days in any one calendar year may be permitted in accordance with the following standards:
  - a. *Location.* Events are limited to non-residential zones.
  - b. *Number of Events.* No more than four events at one site shall be allowed within any 12-month period.
  - c. *Parking.* The available parking shall not be reduced to less than 66 percent of the minimum number of spaces required by Chapter 17.68, Parking and Loading.
  - d. *Time Limit.* When located adjacent to a Residential zone, the hours of operation shall be limited to 9:00 AM to 8:00 PM.
  - e. *Temporary Outdoor Sales.* Temporary outdoor sales, including, but not limited to, grand opening events, and other special sales events, are also subject to the following standards:
    - i. Temporary outdoor sales shall be part of an existing business on the same site.
    - ii. Outdoor display and sales shall be located on a paved or other approved hard surfaced area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
    - iii. Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
- 4. **Temporary Prefabricated Storage, Shipping or Cargo Containers.** Containers may be allowed on a temporary basis in non-residential areas for longer than 96 hours, but no longer than 90 days, for construction related purposes subject to Development Review Tier 1 (see Section 17.100.050, Development Review Tier 1: Minor), for review

of placement, and a Temporary Use Permit (see Section 17.100.080, Temporary Use Permit), subject to the following provisions.

- a. Containers must be removed upon the project completion.
  - b. Anticipated time frame for removal of the containers must be provided and approved by Director. An extension of duration may be permitted by the Director subject to conditions of approval.
  - c. No stacking of containers is allowed.
  - d. Containers must be placed on private property and shall in no way obstruct the public right of way or visibility.
  - e. Containers shall be accessible for periodic fire/life safety inspection. Each container requires additional ground area in the parcel, adjacent to the container, equal or greater than one-half the area of corresponding container.
  - f. Containers must comply with the Building Code.
5. **Temporary Uses Related to Recycling.** In Commercial and Mixed-Use zones, temporary uses related to recycling, including donation boxes, require approval of the Director. Recycling uses are also subject to the requirements of Section 17.84.310, Recycling Facilities.
6. **Temporary and Transitional Container Uses.**
- Uses such as coffee kiosks, shipping container eateries/ beer gardens, and other low barrier entry, transitional and temporary uses may be considered subject to a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit) and a Development Review Tier 3 Permit (see Section 17.100.070, Development Review Tier 3). The Director may elevate the application to the Planning Commission if the Director finds the proposal warrants public review.
- a. Such uses are intended to activate underutilized parcels as more permanent projects are completed over time.
  - b. Such uses are subject to the standards of Subsection 17.84.240.D, Commercial Modular Buildings.
  - c. Transitional temporary uses must adhere to all development and design standards of the base zone and all Building, Fire and Health Code requirements.
7. **Temporary Uses Requiring a Zoning Administrator Permit.** The Zoning Administrator may consider uses on a temporary basis that are not specifically listed in the use table. Other temporary uses may be allowed with the approval of a Zoning Administrator Permit (see Section 17.100.090, Zoning Administrator Permit) provided they are not intended to extend longer than six months and they are determined to not impact neighboring uses or otherwise create significant impact. The Director may elevate any temporary use application to the Planning Commission if the Director finds the proposal warrants public review.

- C. **Performance and Review Standards.** The following apply to all temporary uses:

1. Approval of a business license, Zoning Clearance (see Section 17.100.030, Zoning Clearance), and any permits as required by this or any other Section of this Code.
2. Written permission of the owner and/or operator of the property.
3. Time frame for the temporary use, event start, hours of operation, and event end.
4. Submittal of a site plan to identify the location of the proposed temporary use and any activities or storage or display of goods, parking, access.
5. Signage proposed in compliance with Chapter 17.72, Signs.
6. The temporary use shall not interfere with driveways, corner sight requirements or sidewalk access.
7. Goods shall be displayed in a neat and orderly fashion.
8. Temporary uses shall not create a nuisance, excessive noise, glare, odor, particulates, or impacts to public health and safety that would negatively affect adjacent properties and uses.
9. Evidence of the temporary use shall be cleaned and removed by close of business on the last day the approved license is valid.
10. Conditions of Approval as necessary related to size, location, hours of operation, etc., to ensure that a temporary use will not conflict with General Plan policies.

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### 17.84.380 Two-Unit Projects

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- A. **Purpose.** The purpose of this Section is to allow and appropriately regulate two-unit projects in accordance with California Government Code § 65852.21.
- B. **Definition.** A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this Section.
- C. **Application.**
  1. Only individual property owners may apply for a two-unit project. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C Corp, S Corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
  2. An application for a two-unit project must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
  3. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Section of the Code, in accordance with applicable law. The City Council

may establish and change the fee by resolution. The fee must be paid with the application.

**D. Approval.**

1. An application for a two-unit project is approved or denied ministerially, by the Director, without discretionary review.
2. The ministerial approval of a two-unit project does not take effect until the City has confirmed that the required documents have been recorded, such as the deed restriction and easements.

**E. Requirements.** A two-unit project must satisfy each of the following requirements:

1. **Map Act Compliance.** The lot must have been legally subdivided.
2. **Zone.** The lot is in a single-family residential zone which includes:
  - a. R-L, N-P and R-LM zones; the R-3, R-4, and R-5 single-family residential zones in the Spring Lake Specific Plan; and the R-4 and R-5 single-family zones in the Southeast Area Specific Plan.
3. **Lot Location.**
  - a. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
  - b. A wetland.
  - c. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
  - d. A hazardous waste site that has not been cleared for residential use.
  - e. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection Building Code standards.
  - f. Within a 100-year flood hazard area, unless the site has either:
    - i. Been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
    - ii. Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
  - g. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
  - h. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
  - i. Habitat for protected species.
  - j. Land under conservation easement.

4. **Not Historic.** The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a City or County landmark or as a historic property or district.
5. **No Impact on Protected Housing.** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
  - a. Housing that is income-restricted for households of moderate, low, or very low income.
  - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
  - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (California Government Code § 7060-7060.7) at any time in the 15 years prior to submission of the urban lot split application.
  - d. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a notarized statement as to this fact with the application for the parcel map.
6. **Quantity.**
  - a. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this Section of the Code, an ADU, or a JADU.
  - b. A lot that is not created by an urban lot split may have a two-unit project under this Section, plus any ADU or JADU that must be allowed under state law and the City's ADU ordinance.
  - c. In no case shall there be more than four total units of any kind in total provided as a result of an urban lot split or on a lot that is not created by an urban lot split.
7. **Unit Size.**
  - a. Each primary dwelling built that is developed under this Section is limited to 800 square feet of floor area.
  - b. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project.
  - c. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.
  - d. *Exception.* One or both primary dwelling units may be expanded if able to meet lot coverage and setback requirements as established in Chapter 17.24,

Residential Zones, inclusive of all units and accessory structures on the property.

8. **Height Restrictions.**

- a. On a lot that is larger than 2,000 square feet, a new primary dwelling may be 30 feet in height if the rear setback is 20 feet or the side setback is five feet, otherwise, no new primary dwelling unit may exceed 16 feet in height, measured from grade to peak, or tallest point, of the structure.
- b. On a lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds 16 feet in height as measured from grade to peak or tallest point, must be stepped back by an additional seven feet; no balcony deck or other portion of the second story may project into the step-back.
- c. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a two-unit project.

9. **Demolition Cap.** The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

10. **Lot Coverage.** Structures shall not cover more than 50 percent of the total lot area. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

11. **Open Space.** A minimum of 30 percent of the required rear yard shall be open space. This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

12. **Setbacks.**

- a. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
- b. Dwellings must be at least four feet from the interior side and rear property lines.
- c. Dwellings must be at least 15 feet from a corner street side setback.
- d. A front yard setback of at least 25 feet shall be maintained from the front of a new or existing dwelling unit to the required rear yard area of another dwelling unit.
- e. Dwellings must be at least 25 feet from the front property lines. Exceptions are as follows:
  - i. Front yard setbacks of 20 feet are permitted for houses where garages or carports are set back 25 feet. Front yard setbacks of 20 feet are allowed for garages equipped with roll up doors or carports.

- f. The front setback area must:
    - i. Provide adequate line of sight visibility from driveways, corners, and intersections;
    - ii. Be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans approved by a licensed landscape architect; and
    - iii. Allow for vehicular and fire-safety access to the front structure.
13. **Parking.** Each new primary dwelling unit must have at least one off-street parking space per unit unless one of the following applies:
- a. The lot is located within one-half mile walking distance of either:
    - i. A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours;
    - ii. The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods; or
    - iii. A site that contains:
      - a) An existing rail or bus rapid transit station, or
      - b) A ferry terminal served by either a bus or rail transit service.
  - b. The site is located within one block of a permanent car-share pick up or drop off vehicle location.
14. **Accessibility.** All dwellings and structures built or substantially remodeled on the lot must be ADA accessible. "Substantially remodeled" means that more than 10 percent of the existing floor area is the subject of a Building Permit (see Section 17.100.130, Building Permit) or that the existing floor area, including non-livable space, increases by more than 10 percent. Pedestrians shall have a clear path of travel a minimum of four feet wide and ADA compliant from the principal building entrances to the street.
15. **Architecture.** See Section 17.56.020, Single-Family and Duplex Design Standards,
16. **Landscaping.**
- a. All required street front and street-facing side setbacks, except areas used for parking, exit and entry, shall be landscaped.
    - i. Required landscape areas shall be planted with a combination of ground covers, shrubs, vines, and trees. No more than 25 percent of the required landscaped area may be turf and shall not be used in areas less than 10 feet wide.
    - ii. Required landscape areas may include paved, gravel, or bark surfaces, provided they do not cover more than 30 percent of the required landscape area.

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- iii. Garden area and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
- b. To the extent possible, existing mature trees on the site shall be preserved whenever it is possible and practical to do so. The project shall comply with the City's Tree Preservation Ordinance.
- c. A landscape plan shall be provided with each submittal and shall at minimum include:
  - i. Property lines and public utility easements; structures, streetlights, transformers, trash enclosures, utilities.
  - ii. Grading, including finished planter elevations, grade differentials with adjacent properties, retaining walls, on-site drainage features.
  - iii. Proposed planting list including: botanical and common names, quantities of each species, container sizes, spread and height of plant at maturity, rate of growth (fast, moderate, slow).
  - iv. Distance of trees to all structures. Large trees (40-90 feet in height at maturity) shall not be planted closer than 15-feet to any structure. Medium sized trees (30-40 feet in height at maturity) shall not be planted closer than 10 feet to any structure.
- d. All landscaping must be drought-tolerant tolerant and shall be suitable for the local climate. All new landscaping shall comply with the City's Water Conservation Ordinance, California Model Water Efficient Landscape Ordinance, and the CalGreen Code.
- e. Automated irrigation system shall be installed to provide coverage of all irrigated landscaped areas and shall have automatic rain shut-off valves.
- f. Deciduous shade trees are permitted around the east, west, and south sides of residences to help reduce cooling loads during summer and allow solar gain during the winter months.
- g. Landscaping and/or architectural treatments shall be provided to screen views of service elements that include storage areas, trash enclosures, mechanical equipment transformers, HVAC, and other similar elements. Screening shall either be landscaping a minimum of three feet high or architectural screens designed to match building features.
- h. Pedestrian walkways and paths of travel shall not be combined with, or be part of driveways unless textures, patterns, and colors are provided to designate separate pedestrian paths.
- i. There shall be a clear transition between the City sidewalk or public property, and the development property. This is to be achieved through changes in pavement textures, landscaping, and front fencing.
  - i. Fencing in the required front setback, or five feet from the corner side yard setback, shall not exceed three feet six inches, in compliance with

Section 17.64.030, Fences, Walls, and Hedges. Chain link fencing is prohibited.

- j. When next to a side or rear property line of an adjacent property, a solid six-foot high wood or masonry fence shall be provided on the property line as a buffer.
  - k. Landscaping that is required to help achieve screening of views into an adjacent property shall be planted along the rear or side property line to achieve a 75 percent summer opacity and 60 percent winter opacity within three years of planting. At minimum, four medium to large size shrubs at maturity shall be planted per 50 linear feet of buffer. Shrubs shall be a minimum five gallon in size.
  - l. All landscaping shall be installed prior to issuance of a Certificate of Occupancy.
17. **Nonconforming Conditions.** A two-unit project may only be approved if all nonconforming zoning conditions are corrected, consistent with Section 17.80.040, Nonconforming Uses.
  18. **Utilities.** Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.
  19. **Building and Safety.** All structures built on the lot must comply with all local Building Code requirements.
  20. **Separate Conveyance.**
    - a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
    - b. Condominium airspace divisions and common interest developments are not permitted within the lot.
    - c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
  21. **Regulation of Uses.**
    - a. *Residential Only.* No nonresidential use is permitted on the lot.
    - b. *No Short Term Rentals.* No dwelling unit on the lot may be rented for a period of less than 30 days.
  22. **Owner Occupancy.** Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.
  23. **Notice of Construction.**
    - a. At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:

- i. Notice that construction has been authorized;
    - ii. The anticipated start and end dates for construction;
    - iii. The hours of construction;
    - iv. Contact information for the project manager (for construction-related complaints); and
    - v. Contact information for the Building and Safety Department.
  - b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this Section. This notice requirement is purely to promote neighborhood awareness and expectation.
24. **Deed Restriction.** The owner must record a deed restriction, acceptable to the City, that does each of the following:
- a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
  - b. Expressly prohibits any nonresidential use of the lot.
  - c. Expressly requires the individual property owners to state that they intend to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile for at least three years from the date of approval by the City.
25. **Specific Adverse Impacts.**
- a. Notwithstanding anything else in this Section, the City may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
  - b. "Specific adverse impact" has the same meaning as in Government Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include: (a) inconsistency with this Code or General Plan land use designation; or (b) the eligibility to claim a welfare exemption under Revenue and Taxation Code § 214(g).
  - c. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

## Chapter 17.88 Flood Management

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### 17.88.010 Purpose

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The purpose of this Section is to provide protection against flood damage for uses and service facilities in designated flood prone areas by requiring proper design at the time of initial construction.

### 17.88.020 Floodplain Area Map

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The Floodplain Area Map, provided in Chapter 17.16, Maps, identifies areas of the City subject to flooding.

### 17.88.030 Flood Protection

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The flood protection required by this Section is based on sound engineering principles. The floodplain hazard areas are subject to flooding (one percent chance in any one year) which may result in flood losses by uses which are inadequately elevated or otherwise protected from flood damage. The regulatory provisions that follow reflect a reasonable attempt to analyze the flood hazard for specific lands. This does not imply, however, that all areas outside those designated as “FP” floodplain overlay zones will be free from flooding or flood damage.

### 17.88.040 Requirements

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The following requirements shall apply in the Floodplain Area:

- A. No Building Permit (see Section 17.100.130, Building Permit) or other entitlement shall be issued nor shall any structure be erected unless certification is provided to the Director from a registered professional engineer that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood zone more than one foot at any point within the community.
- B. Residential structures shall have the lowest floor, including a basement, elevated to or above the base flood elevation as specified on the FIRM and Flood Insurance Study for the City.
- C. Nonresidential structures shall meet the requirements set forth in Subsection 17.88.040.B or be adequately flood proofed below the base flood elevation. If flood proofing is proposed, a

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professional engineer shall provide to the Director calculations certifying that the hydrostatic forces, velocities, uplift, and the like, have been designed for.

- D. No Building Permit (see Section 17.100.130, Building Permit) shall be issued unless satisfactory evidence has been provided to the City Engineer that new or replacement public and on-site utilities and facilities are located and constructed to minimize or eliminate flood damage and infiltration.
- E. No Building Permit (see Section 17.100.130, Building Permit) shall be issued unless satisfactory evidence is provided to the Director that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law.

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