

**ARTICLE 3. REGULATIONS IN ~~SINGLE-FAMILY~~LOW DENSITY RESIDENTIAL (R-1) DISTRICTS<sup>1</sup>****SECTION:**

- §9015 Purpose And Intent
- §9016 Allowed Uses
- §9017 Permitted Uses
- §9018 Building Height Limits
- §9019 Required Site Area
- §9020 Required Yard Setbacks
- §9021 Required Parking
- §9022 Determination Of Appropriate Use

**§9015 PURPOSE AND INTENT**

The purpose of the regulations in the ~~single-family~~low density residential (R-1) district is to preserve, enhance, and protect the low density residential neighborhoods in the community. The R-1 zone is intended for residential areas characterized predominantly by single-family uses, duplexes, and with typical single-family residential subdivision lots ranging in size from six thousand (6,000) to ten thousand (10,000) square feet in size. This zone is consistent with the LDR (low density residential) land use designation of the city general plan. (Ord. 1001, §1, adopted 1998)

**§9016 ALLOWED USES**

The following uses are allowed in ~~single-family~~low density residential (R-1) districts:

Accessory buildings.

Accessory dwelling units (ADU) or junior accessory dwelling units (JADU) on lots developed with a primary single-family or multifamily residence or for which a primary residence is proposed subject to the following standards/criteria:

- A. The requirements of this subsection are applicable to all existing ADUs and JADUs as well as those proposed after the effective date hereof, except for legal nonconforming units, or as is otherwise specifically provided herein. Existing ADUs or JADUs as of the date hereof inconsistent with the provisions listed herein shall be considered legal nonconforming; provided, that they were legal at the time of their creation.
- B. Pursuant to California Government Code 65852.2(a)(1)(C) and 65852.22(d) and (e), ADUs and JADUs shall be deemed not to exceed the allowable density for the residential lot upon which an ADU or JADU is located, and ADUs and JADUs are deemed a residential use that is consistent with the existing general plan and zoning designation for the residential lot on which an ADU or JADU is located.
- C. These regulations do not allow the division of property upon which an accessory dwelling unit is located unless all requirements of the applicable zoning district and any other requirements of this code are met.
- D. The accessory dwelling unit or JADU may be used for rental purposes. The minimum term of a lease for an accessory dwelling unit or JADU shall be thirty (30) days.
- E. The ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
- F. For development of an ADU or JADU, the applicant shall record a deed restriction, which shall run with the land. A copy showing recordation with the Mendocino County Recorder shall be filed with the City, and shall include both of the following:
  - 1. A prohibition on the sale of the ADU or JADU separate from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers.
  - 2. For a JADU only, a restriction on the size and attributes of the JADU that conforms with this section.
- G. Accessory dwelling units may be attached to existing single-family or ~~multiple-multi~~family residences or detached as separate structures. Accessory dwelling units shall incorporate the same or substantially similar

architectural features, height, building materials and colors as the main dwelling unit or compatible dwellings located on adjacent properties. Architecture not similar to the architecture of the principal dwelling or buildings on adjacent properties shall be subject to the use permit process.

H. Junior accessory dwelling units are installed within a legally established bedroom within the existing walls of a fully permitted single-family dwelling or proposed single-family dwelling. In the case of a legal, nonconforming single-family dwelling unit, the applicant must demonstrate adequate septic capacity for the bedroom count, if the dwelling uses a septic system, and utilize an existing, fully permitted bathroom. A separate entrance to the junior accessory dwelling unit shall be provided. A junior accessory dwelling unit may include a full bathroom, or the occupant(s) may use a full bathroom inside the remainder of the single-family dwelling. A junior accessory dwelling unit shall contain an efficiency kitchen, which shall include a cooking facility for preparation and sanitation of food with appliances (e.g., microwave, toaster oven, hot plate) and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. The efficiency kitchen must be removed when the JADU use ceases.

I. The maximum size of an accessory dwelling unit shall be one thousand two hundred (1,200) square feet. The maximum size of a junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area. If the bathroom is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation.

J. Parking:

1. Parking requirements for the ADU shall be one off-street space (independently accessible or tandem) for each bedroom or ADU, whichever is less, in addition to the two (2) independently accessible parking spaces required for the existing single-family or multifamily residence. If the primary residence was legally constructed at a time when on-site parking was not required, then only the parking space(s) for the ADU shall be required. No off-street parking space shall be required for a JADU.

2. Off-street parking shall be permitted in setback areas in compliance with the definition of "off-street parking" found in section 9278B of this code or through tandem parking.

3. Parking standards will not be imposed for an ADU in any of the following instances:

- a. The ADU is located within one-half mile of public transit.
- b. The ADU is located within an architecturally and historically significant historic district.
- c. The ADU is part of the existing primary residence or an existing accessory structure.
- d. When on-street parking permits are required but not offered to the occupant of the ADU.
- e. When there is a car share vehicle located within one block of the ADU.

4. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall not require that those off-street parking spaces be replaced.

K. An ADU must meet all applicable building and fire codes, and shall have electric, water and sewer or septic service with the type of meter arrangement at the property owner's option. Water, sewer, and electrical services shall be available prior to the issuance of a building permit for an ADU. No new water or sewer connection fees may be required for ADUs that are contained within the existing space of a single-family or multifamily residence or accessory structure as provided in sections 3731A and 3861B of this code, unless the ADU is constructed with a new single-family home. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.

L. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services. Junior accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

- M. The ADU or JADU shall comply with all applicable requirements of this code.
- N. The maximum height for ADUs shall be eighteen feet (18'), except for attached ADUs, which shall have a maximum height of thirty feet (30'), pursuant to section 9018 of this code. Taller units may be approved through the use permit process.
- O. The following yard setback requirements shall apply to ADUs:
1. Front Yard: The same as the existing primary residence, but no closer than five feet (5').
  2. Side Yard Or Rear Yard, Single-Story Or Two-Story: Four feet (4').
  3. No setback shall be required for an existing living area, garage, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.
- P. The proposed ADUs shall have a separate front door, which, in the event of an attached unit, shall not be located along the front of the existing single-family or multifamily residence unless it is not obviously visible from the street in front of the residence.
- Q. For a JADU, either the primary single-family residence or the JADU shall be occupied by the property owner. Owner occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
- R. Any balcony, window or door of an ADU shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, or locating balconies, windows and doors toward the existing on-site primary residence. In addition, trees shall be planted and maintained in a viable condition by the property owner, where appropriate, to preserve the privacy of neighboring property owners.
- This requirement will not apply to an ADU that is contained within the existing space of a single-family or multifamily residence or accessory structure.
- S. Driveways accessing ADUs shall be set back a minimum of five feet (5') from any structure on an adjoining lot that has a bedroom adjacent to the proposed driveway.
- T. The minimum width of a driveway serving an ADU shall be twelve feet (12'), unless the City Fire Marshal determines that adequate fire protection can be provided to the ADU even though the driveway has a width less than twelve feet (12').
- U. Unless otherwise indicated, relief from the above criteria and standards may be pursued through the use permit process pursuant to Chapter 2, Article 20 of this division.
- V. Applications for a building permit for an ADU or a JADU shall be considered ministerially without discretionary review or a hearing within sixty (60) days after receiving the application if there is an existing primary dwelling on the lot. If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family 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 dwelling, but the application to create the ADU or JADU shall be considered without discretionary review.
- W. Applications for a building permit within any zoning district where residential uses are allowed by right shall be approved ministerially to develop any of the following:
1. One ADU ~~or~~ and one JADU per lot with a proposed or existing single-family dwelling if all of the following apply:
    - a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An

expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

- b. The space has exterior access from the proposed or existing single-family dwelling.
- c. The side and rear setbacks are sufficient for fire and safety.
- d. The JADU complies with the requirements of this section.

2. One detached, new construction, ADU that does not exceed four foot (4') side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in subsection W1 of this section.

3. Multiple ADUs within the 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, if each unit complies with State building standards for dwellings. The number of ADUs permitted within an existing multifamily dwelling structure shall be capped at twenty-five percent (25%) of the existing units in the multifamily dwelling, or one ADU, whichever is greater.

4. Not more than two (2) ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to four foot (4') rear and side yard setbacks.

X. For the development of ADUs and JADUs described in subsection W of this section, no additional parking or other development standards as set forth in subsections I, J, N through P, and R through U of this section shall be applied except for building code requirements.

Y. The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or JADU, the correction of nonconforming zoning conditions. For purposes of this section, "nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

Accessory uses normally incidental to single-family residences.

Community care facility, which provides service for six (6) or fewer persons, with the residents and operators of the facility being considered a family.

Fences:

A. Fences shall be limited to a maximum height of seven feet (7'). Fences exceeding seven feet (7') in height may be erected subject to the securing of a use permit.

B. No fence shall be constructed and no hedge or other screen planting shall be grown or permitted to grow, to a height exceeding three feet (3') within ten feet (10') from any property line abutting a street.

Home occupations (as defined in section 9278 of this chapter).

~~Manufactured homes certified under the national manufactured home construction and safety standards act of 1974 (42 USC section 5401 et seq.) are allowed on individual residential parcels subject to the following regulations:~~

~~A.— Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the city building official and designed and constructed pursuant to section 18551 of the state Health and Safety Code.~~

~~B.— Utilities: All utilities to the manufactured home shall be installed pursuant to city standard practices and policies.~~

~~C.— Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on-site construction.~~

Multiple-family residential dwellings in the form of duplexes, transitional housing, and supportive housing on corner lots. Multiple-family dwellings in the form of triplexes, fourplexes, single-room occupancies (SROs), and rooming and boarding houses are prohibited. Multiple-family dwellings that comply with the design and development standards in Article 5.75 (Objective Design and Development Standards for New Residential Construction) of this Chapter are permitted by right.

Single-family residential dwellings, including, manufactured/modular home, transitional housing, and supportive housing). Manufactured/modular home shall comply with the additional development standards in §Section 9022 ADDITIONAL REQUIREMENTS of this Code.

Small family child daycare home, which provides care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home. (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1168, §1, adopted 2016; Ord. 1181, §5, adopted 2017; Ord. 1205, §5, adopted 2020) Small and large family daycare homes.

### **§9017 PERMITTED USES**

The following uses may be permitted with the securing of a use permit:

Accredited public or private schools.

Bed and breakfast establishments.

Churches, chapels, and other places of religious assembly and instruction.

Community care facility for more than six (6) persons, but not more than twelve (12) persons.

Condominiums.

Large family child daycare home for a minimum of seven (7) to fourteen (14) children inclusive, including children under the age of ten (10) years who reside at the home.

Multiple-family dwellings in the form of duplexes, transitional housing, and supportive housing that do not comply with the design and development standards set forth in Objective Design and Development Standards for New Residential Construction (Article 5.75 of this Chapter).

Outdoor sales establishments.

Parks, community gardens, and playgrounds.

Public buildings and places of temporary public assembly. (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003)

### **§9018 BUILDING HEIGHT LIMITS**

The following shall be the maximum limits for height of buildings in Single-Family Residential (R-1) Districts:

A. For single-family dwellings, two-family-dwellings, and attached accessory dwelling units, a maximum height of thirty feet (30').

B. For accessory buildings a maximum height of twenty feet (20') or the maximum height of the main building whichever is less.

C. The height limits for both dwelling units and accessory structures may be exceeded with the securing of a use permit. The height limit for accessory dwelling unit may be exceeded through the use permit process, provided a finding is made that the higher structure would not adversely impact the health, safety, and general welfare of the public. (Ord. 1001, §1, adopted 1998; Ord. 1181, §5, adopted 2017)

**§9019 REQUIRED SITE AREA**

- A. Interior Lots: The required site area on interior lots in the R-1 zoning district is six thousand (6,000) net square feet, and the required lot width is sixty feet (60').
- B. Corner Lots: The required site area for corner lots in the R-1 zoning district is seven thousand (7,000) net square feet, and the required lot width is seventy feet (70').
- C. Existing Development/Density: In existing development/density there is no minimum site area.
- D. Nonconforming Lots: Development may occur on existing, nonconforming R-1 lots; a site development permit is required for existing lots four thousand five hundred (4,500) square feet and greater and a use permit is required on existing lots of less than four thousand five hundred (4,500) square feet. Minimum width in either case is forty feet (40'). (~~Ord. 1001, §1, adopted 1998~~)

**§9020 REQUIRED YARD SETBACKS**

The purpose of establishing yard areas in the R-1 zoning district is to ensure open spaces, and a low density appearance to single-family residential neighborhoods. In single-family residential (R-1) districts, yards shall be required in the following minimum widths, as measured from the street right of way:

- A. Front: ~~Twenty-Fifteen~~ feet (~~1520'~~) for residences and accessory structures, and ~~thirty-twenty-five~~ feet (~~25'30'~~) for garages and accessory structures.
- B. Sides: Ten feet (10') for residences and five feet (5') for accessory structures.
- C. Rear: ~~Twenty-Fifteen~~ feet (~~1520'~~) for residences, and five feet (5') for accessory structures.
- D. Corner Lots: On corner lots, there shall be a front setback line of ~~twenty-fifteen~~ feet (~~1520'~~) on each street side of a corner lot.

Except in cases where fifty percent (50%) of the same side of the block is already built out, then the average setback shall apply. The fifty percent (50%) average setback exception does not apply to accessory structures.

**E. Yard Setbacks For Unique Circumstances:**

1. Architectural Features: Cornices, eaves, canopies, and other similar architectural features for residential structures and accessory structures exceeding one hundred twenty (120) square feet in area may extend up to two feet (2') into any required yard.
2. Swimming Pools: Swimming pools shall not be located in front yards, and no closer than five feet (5') to any rear or side property line.
3. Open Porches; Landing Places; Outside Stairways: Open porches, landing places or outside stairways may extend into the required front yard setback provided a minimum of fifteen feet (15') is maintained between the stairway/landing place and the front property line. Open porches, landing places or outside stairways may extend up to two feet (2') into any required side yard, and six feet (6') into any required rear yard. Such porches, landing places, and outside stairways may be roofed, but shall not be enclosed with solid siding, glass, or screening materials, or otherwise made a part of the habitable portion of the structure.
4. Trellises: Trellises providing entry into property are allowed to be located within the front yard setback provided:
  - a. The trellis does not exceed a maximum height of ten feet (10').
  - b. The trellis is not more than ten feet (10') wide.
  - c. The trellis is not located in the public right of way.
  - d. The trellis does not obscure or block vehicular traffic lines of sight.

- e. The trellis does not impede or block pedestrian circulation.
- f. The trellis does not pose a threat to the public health and safety as determined by the city building inspector.
- g. The trellis does not hinder the ability of the fire department from accessing the property with emergency equipment and providing emergency services.
- h. A building permit is secured for the construction of the trellis, if required by the city building inspector. Depending upon the height, size, and scale of the trellis, engineering calculations may be required. (Ord. 1001, §1, adopted 1998; Ord. 1082, §1, adopted 2006)

### **§9021 REQUIRED PARKING**

A. The minimum parking area required in Single-Family Residential (R-1) Districts is as follows:

1. Single-Family Dwelling: Two (2) on-site parking spaces per unit.

2. Duplex: One and half (1.5) on-site parking spaces per unit.

3. Accessory Dwelling Unit: Accessory dwelling units (ADUs) require one additional on site independently accessible parking space per ADU or per bedroom, whichever is less, except as provided in section 9016 of this code.

4. Other Uses: The parking requirements for all other allowed or permitted uses shall be subject to the provisions of section 9198 of this code.

~~two (2) on site independently accessible spaces for each dwelling unit. Accessory dwelling units (ADUs) require one additional on site independently accessible parking space per ADU or per bedroom, whichever is less, except as provided in section 9016 of this code. The parking requirements for all other allowed or permitted uses shall be subject to the provisions of section 9198 of this code.~~

B. Each required on-site parking space or garage space for single-family residential uses shall be a minimum of nine feet (9') in width and nineteen feet (19') in depth.

C. Each required on-site parking space or garage space for single-family residential uses shall open directly onto a driveway or aisle and be designed to provide safe and efficient ingress and egress for vehicles accessing such parking space. The maximum width for such driveways shall be twelve feet (12') for single wide driveways, and twenty feet (20') for double wide driveways and access lanes to parcels with no street frontage.

D. All driveways on corner lots shall be located a minimum distance of twenty feet (20') from the curb return. (Ord. 1001, §1, adopted 1998; Ord. 1181, §5, adopted 2017; Ord. 1205, §5, adopted 2020)

### **§9022 ADDITIONAL REQUIREMENTS**

A. Manufactured homes certified under the national manufactured home construction and safety standards act of 1974 (42 USC section 5401 et seq.) are allowed uses on individual residential parcels subject to the following regulations:

1. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the eCity bBuilding oOfficial and designed and constructed pursuant to section 18551 of the state Health and Safety Code.

2. Utilities: All utilities to the manufactured home shall be installed pursuant to standards set forth in Division 4 of this Code and additional eCity standard practices and policies.

3. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on site construction.

**§902~~32~~ DETERMINATION OF APPROPRIATE USE**

A. Whenever a use is not listed in this ~~article~~-Article as a use permitted by right or a use subject to a use permit in the R-1 zoning district, the planning director shall determine whether the use is appropriate for the zoning district, either as a right or subject to a use permit. In making this determination, the planning director shall find as follows:

1. The use would not be incompatible with other existing or allowed uses in the R-1 zoning district;
2. The use would not be detrimental to the continuing residential development of the area in which the use would be located; and
3. The use would be in harmony and consistent with the purpose of the R-1 zoning district.
4. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit, the planning director shall find that the proposed use is similar in nature and intensity to the uses listed as permitted uses. (~~Ord. 1001, §1, adopted 1998~~)

<sup>1</sup>~~Ord. 793, §2, adopted 1982; Ord. 803 A, §1, adopted 1983; Ord. 813, §1, adopted 1983; Ord. 813, §2, adopted 1983; rep. by Ord. 1001, §1, adopted 1998.~~

**ARTICLE 4. REGULATIONS IN MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICTS<sup>1</sup>**

**SECTION:**

- §9030 Purpose ~~And~~ Intent
- §9031 Allowed Uses
- §9032 Permitted Uses
- §9033 Building Height Limits
- §9034 Required Site Area
- §9035 Required Yard Setbacks
- §9036 Required Parking
- §9037 Additional Requirements
- §9038 Determination ~~Of~~ Appropriate Use

**§9030 PURPOSE AND INTENT**

The medium density residential zoning district is intended to provide land area and opportunities for a range of densities and a variety of housing types, including single-family and ~~multiple-family residential development, and townhomes, multiple-family residential development, and duplexes.~~ The maximum density is one to ~~fourteen-fifteen (4415)~~ dwelling units per acre of land. The R-2 district is also intended to provide for a compatible mix of medium density residential, educational, religious, quasi-medical, and small professional office land uses. The R-2 zoning district is consistent with the MDR (medium density residential) general plan land use designation. (Ord. 1001, §1, adopted 1998; Ord. 1189, §1, adopted 2018)

**§9031 ALLOWED USES**

The following uses are allowed in Medium Density Residential (R-2) Districts:

Accessory buildings and accessory uses.

Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in section 9016 of this code.

Community care facility (maximum clients – 6).

Home occupations (as defined in section 9301 of this chapter).

~~Manufactured homes certified under the national manufactured home construction and safety standards act of 1974 (42 USC section 5401 et seq.) are allowed on individual residential parcels subject to the following regulations:~~

~~A. — Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the city building official and designed and constructed pursuant to section 18551 of the state Health and Safety Code.~~

~~B. — Utilities: All utilities to the manufactured home shall be installed pursuant to city standard practices and policies.~~

~~C. — Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on-site construction.~~

Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.

Single-family dwellings, including manufactured/modular homes, transitional housing, and supportive housing). ~~Manufactured/modular home shall comply with the additional development standards in §9037 **ADDITIONAL-REQUIREMENTS** of this Code. ; duplexes, condominiums, apartment houses, and rooming or boarding houses.~~

Multiple-family dwellings (i.e., duplexes, triplexes, fourplexes, condominiums, apartments houses, transitional housing, supportive housing, single-room occupancies (SROs), and rooming or boarding houses). Multiple-family dwellings that comply with the design and development standards in Article 5.75 (**Objective Design and Development Standards for New Residential Construction**) of this Chapter are permitted by right.

~~Small family child daycare home (maximum clients—6). (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1205, §6, adopted 2020)~~ Small and large family child daycare homes.

### §9032 PERMITTED USES

The following uses may be permitted in medium density residential (R-2) zoning districts subject to first securing a use permit:

Accredited public or private schools.

Bed and breakfast establishments.

Churches, chapels, and other places of religious assembly.

Community care facility for more than six (6) persons, but not more than twelve (12) persons.

Dwelling groups.

~~Large family child daycare home for a minimum of seven (7) to fourteen (14) children inclusive, including children under the age of ten (10) years who reside at the home.~~

~~Multiple-family dwellings that do not comply with the design and development standards set forth in Article 5.75 of this Chapter~~ Objective Design and Development Standards for New Residential Construction (Article 5.75).

Outdoor sales establishment.

Parks, community gardens, and playgrounds.

Professional office converted from a single-family residence.

Rest homes, convalescent services, and other residential medical facilities.

Single-family dwelling on a three thousand (3,000) square foot lot (1 side 0 lot line and 1 side 5 foot setback provided that "0" lot lines are contiguous).

Social halls, lodges, public buildings, and places of temporary public assembly.

Temporary uses meeting the purpose and intent of the R-2 zoning district. The temporary use shall be for a maximum period of six (6) months, and shall be subject to permit renewal/time extension at the discretion of the planning director. (Ord. 1001, §1, adopted 1998)

### §9033 BUILDING HEIGHT LIMITS

The following shall be the maximum limits for height of buildings in medium density residential (R-2) districts:

- A. For main buildings a maximum height of thirty-~~five~~ five feet (~~350~~').
- B. For accessory buildings, a maximum height of twenty feet (20') or the maximum height of the main building, whichever is less.
- C. The height limits for main buildings and accessory structures may be exceeded with the securing of a use permit. (Ord. 1001, §1, adopted 1998)

### §9034 REQUIRED SITE AREA

In medium density residential (R-2) districts ~~there is no~~ required building site area. ~~shall be as follows:~~

~~A. — For each building or group of buildings a minimum of six thousand (6,000) square feet in area and a minimum width of sixty feet (60') on interior lots; a minimum of seven thousand (7,000) square feet in net area and a minimum width of seventy feet (70') on corner lots.~~

~~B. For each family unit intended to occupy any building or group of buildings on such building site area, a minimum of three thousand (3,000) square feet of net area.~~

~~C. A two (2) parcel land division is allowed for a duplex structure provided both parcels meet site area requirements.~~

~~D. In existing density cases, there is no minimum site area. (Ord. 1001, §1, adopted 1998)~~

### §9035 REQUIRED YARD SETBACKS

In Medium Density Residential (R-2) Districts, yards shall be required in the following minimum widths, as measured from the street right of way:

A. Front: ~~Fifteen feet (15') for dwellings and accessory structures, and twenty five feet (25') for garages.~~

1. Single-family dwellings: Fifteen feet (15') for primary and accessory structures, and twenty-five feet (25') for garages.

2. Multiple-family dwellings: Ten feet (10') for multiple-family primary and accessory structures, and twenty-five feet (25') for garages.

B. Sides: ~~Ten feet (10'), except as provided in Section 9032 of this Article.~~

1. Single-family dwellings: Ten feet (10'), except as provided in Section 9032 of this Article.

2. Multiple-family dwellings: Five feet (5') for multiple-family dwellings except for those multiple-family projects that comply with all the standards in Article 5.75 of this Chapter (Objective Design and Development Standards for New Residential Construction).

C. Rear: ~~Fifteen feet (15').~~

1. Single-family dwellings: Ten feet (10').

2. Multiple-family dwellings, single-story: Ten feet (10').

3. Multiple-family dwellings, multi-story: Fifteen feet (15').

Except in cases where fifty percent (50%) of the same side of the block is already built out, then the average setback shall apply.

D. Corner Lots: On corner lots, there shall be a front setback line of ~~fifteen-ten~~ feet (~~15'-10'~~) on each street side of a corner lot.

E. Special Yards And Distances Between Buildings: Minimum widths shall be as follows:

1. The distance between any ~~buildings-structures~~ in any dwelling group shall be a minimum of ten feet (10') for single-story and multi-story structures ~~and fifteen feet (15') if one or more of the structures is taller than a single story.~~

2. Any side yard providing vehicular access to single-row dwelling groups shall have a minimum width of twenty feet (20') for one-way access and twenty five feet (25') for dual access.

3. Any inner court providing vehicular access to double-row dwelling groups shall have a minimum width of twenty feet (20'), and a minimum width of twenty four feet (24') if bordered by parking stalls. (Ord. 1001, §1, adopted 1998)

### §9036 REQUIRED PARKING

~~The minimum parking required in Medium Density Residential (R-2) Districts shall be as follows:~~

A. The minimum parking area required in Medium Density Residential (R-2) Districts is as follows:

1. Single-Family Dwelling: Two (2) on-site parking spaces per unit.
2. Duplex: One and half (1.5) on-site parking spaces per unit.
3. Multiple-Family Dwelling: One (1) on-site parking space per unit.
4. Accessory Dwelling Unit: Accessory dwelling units (ADUs) require one additional on site independently accessible parking space per ADU or per bedroom, whichever is less, except as provided in section 9016 of this code.
5. Other Uses: The parking requirements for all other allowed or permitted uses shall be subject to the provisions of section 9198 of this code.

- ~~A. Single family dwellings: two (2) on site independently accessible parking spaces for each dwelling unit.~~
- ~~B. Duplexes: two (2) on site independently accessible parking spaces per unit.~~
- ~~C. Multiple family dwellings and condominiums: one on site independently accessible parking space for one bedroom units; two (2) on site independently accessible parking spaces for two (2) or more bedrooms per unit.~~
- ~~D. All other allowed or permitted uses shall be subject to the parking requirements contained in Section 9198 of this Chapter.~~

**BE.** Each required off-street parking space or garage space for multiple-family residential uses shall be a minimum of nine feet (9') in width and nineteen feet (19') in depth. Thirty percent (30%) of the parking stalls in a parking lot with ten (10) or more stalls shall be compact sized (8 feet in width and 16 feet in length).

**CF.** Each required off-street parking space or garage space for multiple-family residential uses shall open directly onto a driveway or aisle and be designed to provide safe and efficient ingress and egress for vehicles accessing such parking space. The maximum width for such driveways shall be twelve feet (12') for single-wide driveways, and twenty feet (20') for double-wide driveways and access lanes to parcels with no street frontage.

**DG.** All driveways on corner lots shall be located a minimum distance of twenty feet (20') from the curb return.

**EH.** Relief from the parking requirements in the R-2 Zoning District may be approved through the discretionary review process, provided a finding is made that a reduced number of spaces would not adversely impact the health, safety, or general welfare of the public. (Ord. 1001, §1, adopted 1998)

### **§9037 ADDITIONAL REQUIREMENTS**

A. A site development permit is required for development of more than a single duplex. However, excluding multiple-family residential projects as described in Section 9031 of this Code that are in compliance with the design and developments standards set forth in Article 5.75 of this Chapter are exempt from this requirement.

B. Manufactured homes certified under the national manufactured home construction and safety standards act of 1974 (42 USC section 5401 et seq.) are allowed on individual residential parcels subject to the following regulations:

1. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the city building official and designed and constructed pursuant to section 18551 of the state Health and Safety Code.
2. Utilities: All utilities to the manufactured home shall be installed pursuant to city standard practices and policies.
3. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on site construction.

**BC.** All development projects ~~that are not multiple-family residential projects, or that do not comply with the design and development standards set forth in Article 5.75 of this Chapter and that require discretionary review, shall include applicable or do not comply with the Objective Design and Development Standards for New Residential Construction (Chapter 5.75) for multiple family projects require discretionary review in the in the R-2 Zoning District requiring discretionary review and shall include a~~ proposed landscaping plan commensurate with the size and scale of the proposed development project. Landscaping plans shall be submitted as a required component of all site development and use permits at the time of application filing.

1. All proposed landscaping plans shall comply with the following standards:

~~a. Landscaping shall be proportional to the building elevations.~~

**ba.** Landscape plantings shall be those which grow well in Ukiah's climate without extensive irrigation. Native species are strongly encouraged.

~~c. All landscape plantings shall be of sufficient size, health and intensity so that a viable and mature appearance can be attained in a reasonably short amount of time.~~

~~cb.~~ Deciduous trees shall constitute ~~the majority of 51 percent (51%)~~ the trees proposed along the south and west building exposures; non-deciduous street species shall be restricted to areas that do not inhibit solar access.

**cc.** Parking lots with twelve (12) or more parking stalls shall have a tree placed between every four (4) parking stalls within a continuous linear planting strip rather than individual planting wells, unless clearly infeasible. Parking lot trees shall primarily be deciduous species, and shall be designed to provide a tree canopy coverage of fifty percent (50%) over all paved areas within fifteen (15) years of planting. Based upon the design of the parking lot, a reduced number of trees may be approved through the discretionary review process.

**cd.** Parking lots shall have a perimeter planting strip with both trees and shrubs.

**ce.** Parking lots with twelve (12) or more parking stalls shall have defined pedestrian sidewalks or marked pedestrian facilities of no less than 3 feet (3') in width within landscaped areas and/or separated from automobile travel lanes. Based upon the design of the parking lot, and the use that it is serving, relief from this requirement may be approved through the discretionary review process.

**cf.** Street trees may be placed on the property proposed for development instead of within the public right of way if the location is approved by the City Engineer, based upon safety and maintenance factors.

**cg.** All new developments shall include a landscaping coverage of twenty percent (20%) of the gross area of the parcel, unless based upon the small size of a parcel ~~as determined by the Planning Director, it would be unreasonable and illogical. A~~ A minimum of fifty percent (50%) of the landscaped area shall be dedicated to live plantings.

**ch.** Landscaping plans shall include an automatic irrigation system and lighting plan.

**ci.** All required landscaping for residential development projects shall be ~~adequately~~ maintained.

**cj.** All healthy existing mature trees on development project sites shall be preserved and incorporated into ~~the~~ the proposed landscaping plan, if feasible.

**cm.** The Planning Director, Zoning Administrator, Planning Commission, or City Council shall have the authority to modify the required elements of a landscaping plan depending upon the size, scale, intensity, and location of the development project. (Ord. 1001, §1, adopted 1998; Ord. 1168, §3, adopted 2016)

**§9038 DETERMINATION OF APPROPRIATE USE**

Whenever a use is not listed in this Article as a use permitted by right or a use subject to a use permit in the R-2 Zoning District, the Planning Director shall determine whether the use is appropriate for the Zoning District, either as of right or subject to a use permit. In making this determination, the Planning Director shall find as follows:

- A. That the use would not be incompatible with other existing or allowed uses in the R-2 Zoning District;
- B. That the use would not be detrimental to the continuing residential development of the area in which the use would be located; and
- C. That the use would be in harmony and consistent with the purpose of the R-2 Zoning District.
- D. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit, the Planning Director shall find that the proposed use is similar in nature and intensity to the uses listed as allowed uses. (Ord. 1001, §1, adopted 1998)

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<sup>1</sup> Ord. 793, §2, adopted 1982; rep. by Ord. 1001, §1, adopted 1998.

**ARTICLE 5. REGULATIONS IN HIGH DENSITY RESIDENTIAL (R-3) DISTRICTS<sup>1</sup>**

**SECTION:**

- §9045 Purpose ~~a~~And Intent
- §9046 Allowed Uses
- §9047 Permitted Uses
- §9048 Building Height Limits
- §9049 Required Site Area
- §9050 Required Yard Setbacks
- §9051 Required Parking
- §9052 Additional Requirements
- §9053 Determination ~~o~~f Appropriate Use

**§9045 PURPOSE AND INTENT**

The purpose of the R-3 zoning district is to implement the general plan policies for high density residential areas as a transition zone between low and medium density residential and commercial land uses with the emphasis upon residential uses. It is intended to provide opportunities for a mix of multiple-family residential development and low intensities commercial land uses. The R-3 zoning district is consistent with the HDR (high density residential) general plan land use designation. (Ord. 1001, §1, adopted 1998)

**§9046 ALLOWED USES**

The following uses are allowed in High Density Residential (R-3) Districts:

Accessory buildings and accessory uses. This shall not be construed as permitting any business use or occupation other than those specifically listed herein.

Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in section 9016 of this code.

Community care facility, which provides service for six (6) or fewer persons, with the residents and operators of the facility being considered a family.

Home occupations (as defined in section 9278 of this chapter).

~~Manufactured homes certified under the national manufactured home construction and safety standards act of 1974 (42 USC section 5401 et seq.) are allowed on individual residential parcels subject the following regulations:~~

~~A. — Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the city building official and designed and constructed pursuant to section 18551 of the state Health and Safety Code.~~

~~B. — Utilities: All utilities to the manufactured home shall be installed pursuant to city standard practices and policies.~~

~~C. — Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on site construction.~~

Public or private parking lots for automobiles, when the property is adjacent to any C-N, C-1, or C-2 district, or if required to accompany any new land use.

Second dwelling units as allowed in the R-1 districts in ~~S~~section 9016 of this chapter.

Single-family dwellings, including manufactured/modular homes, transitional housing, and supportive housing); ~~Manufactured/modular home shall comply with the additional development standards in Section §9052 -~~ ADDITIONAL REQUIREMENTS of this Code. ~~duplexes, condominiums, apartment houses, and rooming or boarding houses.~~

Multiple-family dwellings (i.e., duplexes, triplexes, fourplexes, condominiums, apartments, transitional housing, supportive housing, single-room occupancies (SROs), and rooming or boarding houses). Multiple-family dwellings that comply with the design and development standards in ~~Chapter~~Article 5.75 (Objective Design and Development Standards for New Residential Construction)of this Chapter are permitted by right.

~~Small family child daycare home, which provides care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home. (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1205, §7, adopted 2020)Small and large family child daycare homes.~~

**§9047 PERMITTED USES**

The following uses may be permitted in high density residential (R-3) districts subject to first securing a use permit:

Barbershops, beauty shops.

Churches, chapels, and other places of religious assembly.

Coin operated laundromat.

Dwelling groups.

Florist.

Hotels, motels, and bed and breakfast establishments.

Mobile home parks.

"Mom and pop" convenience grocery stores, delicatessens, bakeries, and coffee shops.

Multiple-family dwellings that do not comply with the design and development standards in Article 5.75 of this ChapterObjective Design and Development Standards for New Residential Construction (Article 5.75).

~~Nursery schools and large family child daycare homes for a minimum of seven (7) to fourteen (14) children-inclusive, including children under the age of ten (10) years who reside at the home.~~

Parks, community gardens, and playgrounds.

Professional offices.

Public buildings.

Rest homes, hospitals, pharmacies, and community care facilities serving more than six (6) persons, but not more than twelve (12) persons.

Video rentals/sales. (Ord. 1001, §1, adopted 1998)

**§9048 BUILDING HEIGHT LIMITS**

The following shall be the maximum limits for height of buildings in High Density Residential (R-3) Districts:

A. For main buildings a maximum height of forty-five feet (40'50'), unless abutting an R-1 or R-2 lot in which case a maximum height of thirty-five feet (30'35').

B. For accessory buildings, a maximum height of thirty feet (30') or the maximum height of the main building whichever is less. (Ord. 1001, §1, adopted 1998)

**§9049 REQUIRED SITE AREA FOR MOBILE HOME PARKS**

A. ~~For each building or group of buildings a minimum of six thousand (6,000) square feet in area and a minimum width of sixty feet (60') on interior lots; a minimum of seven thousand (7,000) square feet in area and a minimum-~~

~~width of seventy feet (70') on corner lots. In High Density Residential (R-3) Districts there is no required building site area.~~

~~B. For each family unit intended to occupy any building or group of buildings on such building site area there shall be at least one thousand five hundred (1,500) square feet of site area.~~

~~BC. For The required building site for~~ each mobile home park shall be a minimum of two (2) acres. (Ord. 1001, §1, adopted 1998)

#### **§9050 REQUIRED YARD SETBACKS**

In High Density Residential (R-3) Districts, yards shall be required in the following minimum widths, except as provided in Section 9032 of this Chapter:

- A. Front: ~~Fifteen feet (15') for dwellings and accessory structures, and twenty five feet (25') for garages.~~
1. Single-family dwellings: Fifteen feet (15') for dwellings and accessory structures, and twenty-five feet (25') for garages.
  2. Multiple-family dwellings: Ten feet (10') for multiple-family dwellings and accessory structures, and twenty-five feet (25') for garages.
- B. Sides: Five feet (5'), except for those multiple-family projects that comply with the design and development standards set forth in Article 5.75 of this Chapter~~all the standards in Article 5.75 (Objective Design and Development Standards for New Residential Construction).~~ except as provided in Section 9032 of this Chapter.
- C. Rear: ~~Ten feet (10').~~
1. Single-family dwellings: Ten feet (10').
  2. Multiple-family dwellings, single-story: Ten feet (10').
  3. Multiple-family dwellings, multi-story: Fifteen feet (15').
- D. Corner Lots: On corner lots, there shall be a front setback line of ~~fifteen-ten~~ feet (15' 10') on each side of the property facing a street.

Except in cases where fifty percent (50%) of the same side of the block is already built out, then the average setback shall apply.

E. Special Yards And Distances Between Buildings: Minimum widths shall be as follows:

- ~~1. The distance between any buildings-structures in any dwelling group shall be a minimum of ten feet (10') for single story structures and fifteen feet (15') if one or more of the structures is taller than a single story.~~
2. Any side yard providing vehicular access to single-row dwelling groups shall have a minimum width of twenty feet (20') for one-way access and twenty five feet (25') for dual access.
3. Any inner court providing vehicular access to double-row dwelling groups shall have a minimum width of twenty feet (20'), and a minimum width of twenty four feet (24') if bordered by parking stalls. (Ord. 1001, §1, adopted 1998)

#### **§9051 REQUIRED PARKING**

~~The minimum parking required in High Density Residential (R-3) Districts shall be as follows:~~

A. The minimum parking area required in High Density Residential (R-3) Districts is as follows:

1. Single-Family Dwelling: Two (2) on-site parking spaces per unit.
2. Duplex: One and half (1.5) on-site parking spaces per unit.

3. Multiple-Family Dwelling: One (1) on-site parking space per unit.

~~4. Accessory Dwelling Unit: Accessory dwelling units (ADUs) require one additional on-site independently accessible parking space per ADU or per bedroom, whichever is less, except as provided in section 9016 of this code.~~

5. Other Uses: The parking requirements for all other allowed or permitted uses shall be subject to the provisions of section 9198 of this code.

~~A. Single family dwellings: two (2) on-site independently accessible parking spaces for each dwelling unit.~~

~~B. Duplexes: two (2) on-site independently accessible parking spaces per unit.~~

~~C. Multiple family dwellings and condominiums: one on-site independently accessible parking space for one-bedroom units; two (2) on-site independently accessible parking spaces for two (2) or more bedrooms per unit.~~

~~D. All other allowed or permitted uses shall be subject to the parking requirements contained in Section 9198 of this Chapter.~~

~~EB.~~ Each required off-street parking space or garage space for multiple-family residential uses shall be a minimum of nine feet (9') in width and nineteen feet (19') in depth. Thirty percent (30%) of the parking stalls in a parking lot with ten (10) or more stalls shall be compact sized (8 feet in width and 16 feet in length).

~~CF.~~ Each required off-street parking space or garage space for multiple-family residential uses shall open directly onto a driveway or aisle and be designed to provide safe and efficient ingress and egress for vehicles accessing such parking space. The maximum width for such driveways shall be twelve feet (12') for single-wide driveways, and twenty feet (20') for double-wide driveways and access lanes to parcels with no street frontage.

~~DG.~~ All driveways on corner lots shall be located a minimum distance of twenty feet (20') from the curb return.

~~EH.~~ Relief from the parking requirements in the R-3 Zoning District may be approved through the discretionary review process, provided a finding is made that a reduced number of spaces would not adversely impact the health, safety, and general welfare of the public. (Ord. 1001, §1, adopted 1998)

### **§9052 ADDITIONAL REQUIREMENTS**

A. All new construction, exterior modifications to existing buildings or on-site work shall require a site development permit pursuant to subsection 9261B of this Chapter, ~~excluding multiple-family residential projects as described in Section 9046, that comply with the design and development standards in Article 5.75 of this Chapter.~~

B. Manufactured homes certified under the national manufactured home construction and safety standards act of 1974 (42 USC section 5401 et seq.) are allowed on individual residential parcels subject the following regulations:

1. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the city building official and designed and constructed pursuant to section 18551 of the state Health and Safety Code.

2. Utilities: All utilities to the manufactured home shall be installed pursuant to city standard practices and policies.

3. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on-site construction.

~~BC.~~ All development projects ~~that are not applicable multi-family residential projects, or do not comply with the design and development standards in Article 5.75 of this Chapter, Objective Design and Development Standards for New Residential Construction (Article 5.75) for multiple family projects and that require discretionary review in the R-3 Zoning District requiring discretionary review and~~ shall include a proposed landscaping plan commensurate with the size and scale of the proposed development project. Landscaping plans shall be submitted as a required component of all site development and use permits at the time of application filing.

1. All proposed landscaping plans shall comply with the following standards:

~~a~~b. Landscape plantings shall be those which grow well in Ukiah's climate without extensive irrigation. Native species are strongly encouraged.

~~c~~. All landscape plantings shall be of sufficient size, health and intensity so that a viable and mature appearance can be attained in a reasonably short amount of time.

~~b~~d. Deciduous trees shall constitute ~~the majority~~ 51 percent (51%) of the trees proposed along the south and west building exposures; non-deciduous street species shall be restricted to areas that do not inhibit solar access.

~~c~~e. Parking lots with twelve (12) or more parking stalls shall have a tree placed between every four (4) parking stalls within a continuous linear planting strip rather than individual planting wells, unless clearly infeasible. Parking lot trees shall primarily be deciduous species, and shall be designed to provide a tree canopy coverage of fifty percent (50%) over all paved areas within fifteen (15) years of planting. Based upon the design of the parking lot, a reduced number of trees may be approved through the discretionary review process.

~~d~~f. Parking lots shall have a perimeter planting strip with both trees and shrubs.

~~e~~e. Parking lots with twelve (12) or more parking stalls shall have defined pedestrian sidewalks or marked pedestrian facilities of no less than 3 feet (3') in width within landscaped areas and/or separated from automobile travel lanes. Based upon the design of the parking lot, and the use that it is serving, relief from this requirement may be approved through the discretionary review process.

~~f~~h. Street trees may be placed on the property proposed for development instead of within the public right of way if the location is approved by the City Engineer, based upon safety and maintenance factors.

~~g~~i. All new developments shall include a landscaping coverage of twenty percent (20%) of the gross area of the parcel, unless based upon the small size of a parcel ~~as determined the Planning Director, it would be unreasonable and illogical~~. A minimum of fifty percent (50%) of the landscaped area shall be dedicated to live plantings.

~~h~~j. Landscaping plans shall include an automatic irrigation system and lighting plan.

~~i~~k. All required landscaping for commercial development projects shall be ~~adequately~~-maintained.

~~j~~l. All healthy existing mature trees on development project sites shall be preserved and incorporated into the proposed landscaping plan, if feasible.

~~k~~m. The Planning Director, Zoning Administrator, Planning Commission, or City Council shall have the authority to modify the required elements of a landscaping plan depending upon the size, scale, intensity, and location of the development project. (Ord. 1001, §1, adopted 1998; Ord. 1168, §3, adopted 2016)

#### §9053 DETERMINATION OF APPROPRIATE USE

Whenever a use is not listed in this Article as a use permitted as of right or a use subject to a use permit in the R-3 Zoning District, the Planning Director shall determine whether the use is appropriate for the Zoning District, either as of right or subject to a use permit. In making this determination, the Planning Director shall find as follows:

- A. That the use would not be incompatible with other existing or allowed uses in the R-3 Zoning District;
- B. That the use would not be detrimental to the continuing residential development of the area in which the use would be located; and
- C. That the use would be in harmony and consistent with the purpose of the R-3 Zoning District.

D. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit, the Planning Director shall find that the proposed use is similar in nature and intensity to the uses listed as allowed uses. (Ord. 1001, §1, adopted 1998)

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<sup>1</sup> Ord. 793, §2, adopted 1982; Ord. 817, §1, adopted 1983; Ord. 827, §1, adopted 1984; rep. by Ord. 1001, §1, adopted 1998.

## ARTICLE 6. REGULATIONS IN NEIGHBORHOOD COMMERCIAL (C-N) DISTRICTS<sup>1</sup>

### SECTION:

§9060	Purpose And Intent
§9061	Uses Allowed
§9062	Uses Permitted With Securing Of A Use Permit
§9063	Building Height Limits
§9064	Building Site And Lot Area Requirements
§9065	Front Setback Lines
§9066	Yard Requirements
§9067	Parking Requirements
§9067.5	Lot Coverage
§9068	Additional Requirements
§9069	Determination Of Appropriate Use

### §9060 PURPOSE AND INTENT

The purpose of the Neighborhood Commercial (C-N) Zoning District is to encourage and promote a balanced mix of low intensity professional office, commercial, single-family and multiple-family residential, and quasi-public land uses. The maximum residential density is one to fifteen (15) dwelling units per gross acre of land. Large and incompatible commercial retail stores, such as supermarkets, chain drugstores, convenience stores, and discount clothing stores, are not allowed or permitted. Similarly, highway-serving commercial uses, such as motels, and gas stations/automotive repair businesses are not allowed or permitted. The C-N District is intended to provide low intensity commercial services, such as medical offices, small retail stores, and personal services to the adjacent and integrated residential community. Additionally, the provisions of this Article are intended to assure that development is compatible with the surrounding community, in terms of both design and use, and does not adversely impact surrounding properties. (Ord. 1006, §1, adopted 1998)

### §9061 USES ALLOWED

The following uses are allowed in Neighborhood Commercial Zoning Districts:

Accessory uses to any of the uses allowed in this district.

Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in section 9016 of this code.

Home occupations.

#### Low barrier navigation centers.

Professional and medical offices, barbershop, beauty shop, drugstore, florist, delicatessen (seating/tables permitted), small grocery store, and all other uses which, in the opinion of the planning director, are similar. The planning director may refer a determination regarding similar uses to the planning commission for a decision.

Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.

Single-family dwelling, including - manufactured/modular homes, transitional housing, and supportive housing. Manufactured/modular home shall comply with the additional development standards in Section §9068 of this Code. ADDITIONAL REQUIREMENTS.

#### Small and large family daycare homes.

Multiple-family dwellings (i.e., duplexes, triplexes, fourplexes, condominiums, apartment houses, transitional housing, supportive housing, single-room occupancies (SROs), and rooming or boarding houses). Multiple-family dwellings that comply with the design and development standards in Article 5.75 (Objective Design and Development Standards for New Residential Construction) are permitted by right.

Small homeless facilities Emergency shelters, small.

A mix of any of the above allowed uses. (Ord. 1006, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1205, §8, adopted 2020)

### **§9062 USES PERMITTED WITH SECURING OF A USE PERMIT**

The following uses may be permitted in neighborhood commercial (C-N) districts, subject to first securing a use permit pursuant to provisions contained in section 9262 of this chapter:

Bakery.

Bed and breakfast establishment.

Bookstore.

Coffee shop.

~~Large homeless facilities~~ Emergency shelters, large.

Medical care facility or hospital.

Multiple-family dwellings that do not comply with the Objective Design and Development Standards for New Residential Construction (Article 5.75).

Personal service establishment.

Places of religious worship, assembly or instruction.

Public or private schools.

~~Rental dwelling units, when combined in a mixed development with any allowed or permitted use(s).~~

Retail stores not listed in section 9061 of this article, except for large commercial retail stores, such as department stores, supermarkets, chain drugstores, and discount clothing stores.

Sit down restaurant or cafe (no drive-thru restaurants shall be permitted).

Small and large family child daycare homes.

Tailor shop.

A mix of any of the above permitted uses.

Other uses which, in the opinion of the planning director, are similar. The planning director may refer a determination regarding similar uses to the planning commission for a decision. (Ord. 1006, §1, adopted 1998; Ord. 1047, §1, adopted 2003)

### **§9063 BUILDING HEIGHT LIMITS**

The following shall be the maximum limits for height of buildings in neighborhood commercial (C-N) districts:

- A. For main buildings, a maximum height of thirty ~~five~~ five feet (350').
- B. For accessory buildings, a maximum height of twenty feet (20').
- C. To exceed the height limit, a use permit must first be secured. (Ord. 1006, §1, adopted 1998)

### **§9064 BUILDING SITE AND LOT AREA REQUIREMENTS**

In neighborhood commercial (C-N) districts, the building site area shall be as follows:

- A. Commercial. For each main building a minimum of seven thousand (7,000) square feet of area, and a width of seventy feet (70').

B. Residential and Mixed-Use. No minimum building site area.

~~BC.~~ Existing lots as of the date of ordinance 1006, under seven thousand (7,000) square feet are considered legal building sites.

~~CD.~~ All newly created parcels shall have a minimum of seven thousand (7,000) square feet of area. (Ord. 1006, §1, adopted 1998)

**§9065 FRONT SETBACK LINES**

The provisions for front setback lines in Neighborhood Commercial (C-N) Districts shall be as follows:

A. On interior lots, the front setback line shall be a minimum of ten feet (10') measured from the street right-of-way line fronting such lot, ~~except in cases where fifty percent (50%) of one side of the block is already built out, the average (median) setback shall apply.~~

B. On corner lots, there shall be a front setback line on each street side of a corner lot. The front setback line shall be a minimum of ten feet (10') measured from the street right-of-way line adjacent to such lot. (Ord. 1006, §1, adopted 1998)

**§9066 YARD REQUIREMENTS**

In Neighborhood Commercial (C-N) Districts, yards shall be required in the following widths:

A. Front Yards For Single-Story Buildings: On both interior and corner lots the front setback line shall be a minimum of ten feet (10') measured from the street right-of-way line fronting such lot, ~~except in cases where fifty percent (50%) of one side of the block is already built out, the average (median) setback shall apply.~~

B. Front Yards For Multiple-Story Buildings: On both interior and corner lots the front setback line shall be a minimum of ten feet (10') for the first story and fifteen feet (15') for the second story measured from the street right-of-way line fronting such lot, ~~except in cases where fifty percent (50%) of one side of the block is already built out, the average (median) setback shall apply.~~

C. Side Yards: The minimum depth required shall be five feet (5') ~~for single story structures, and ten feet (10') for two (2) story structures, except in cases where fifty percent (50%) of one side of the block is already built out, the average (median) setback shall apply.~~

D. Rear Yards: The minimum depth required shall be ten feet (10'), ~~except in cases where fifty percent (50%) of one side of the block is already built out, the average (median) setback shall apply. (Ord. 1006, §1, adopted 1998).~~

Except in cases where fifty percent (50%) of one side of the block is already built out, the average (median) setback shall apply.

**§9067 PARKING REQUIREMENTS**

The minimum parking area and number of on-site parking spaces required in the Neighborhood Commercial (C-N) Zoning District shall be as follows:

A. Commercial Uses.

1. Retail Stores, Professional Offices, And Business Offices: One parking space for each three hundred (300) square feet of gross leasable space.

2. Personal Services And Personal Improvement Facilities: One parking space for each three hundred fifty (350) square feet of gross floor area.

3. Restaurant: One parking space for every three (3) seats, with a minimum of four (4) spaces. An additional parking space for each two (2) employees at maximum shift.

4. Bicycle Parking: Safe bicycle parking facilities shall be provided in all new commercial developments where it is determined through the discretionary review process that the use would attract bicyclists. The number of

bicycle parking spaces required shall be not less than ten percent (10%) of the number of required off-street automobile parking spaces. Such safe bicycle parking shall be located convenient to the entrance(s) to the use.

~~A. — Retail Stores, Professional Offices, And Business Offices: One parking space for each three hundred (300) square feet of gross leasable space.~~

~~B. — Personal Services And Personal Improvement Facilities: One parking space for each three hundred fifty (350) square feet of gross floor area.~~

~~C. — Restaurant: One parking space for every three (3) seats, with a minimum of four (4) spaces. An additional parking space for each two (2) employees at maximum shift.~~

~~D. — Bicycle Parking: Safe bicycle parking facilities shall be provided in all new commercial developments where it is determined through the discretionary review process that the use would attract bicyclists. The number of bicycle parking spaces required shall be not less than ten percent (10%) of the number of required off-street automobile parking spaces. Such safe bicycle parking shall be located convenient to the entrance(s) to the use.~~

B. Residential Uses. The minimum parking areas are required for the following residential uses:

1. Single-Family Dwelling: Two (2) on-site parking spaces per unit.

2. Duplex: One and half (1.5) on-site parking spaces per unit.

3. Multiple-Family Dwelling: One (1) on-site parking space per unit.

4. Accessory Dwelling Unit: Accessory dwelling units (ADUs) require one additional on site independently accessible parking space per ADU or per bedroom, whichever is less, except as provided in section 9016 of this code.

~~EC.~~ Other Uses: All other uses are subject to the provisions contained in Article 17 of this Chapter.

~~FD.~~ Exceptions: Relief from the parking requirements in the C-N Zoning District may be approved through the discretionary review process, provided a finding is made that there is a unique circumstance associated with the use or property that results in a demand for less parking than normally expected.

~~GE.~~ Rear Or Side Lots: If parking is to be provided on the rear or sides of lots, fencing and landscaping shall be required to effectively screen the development from adjoining properties. (Ord. 1006, §1, adopted 1998)

#### **§9067.5 LOT COVERAGE**

The maximum lot coverage shall be ~~forty-sixty~~ percent (4060%) of the gross size of the parcel(s). Relief from the lot coverage standard can be approved through the discretionary review process, based upon the size, scope, and intensity of the development proposal. (Ord. 1006, §1, adopted 1998)

#### **§9068 ADDITIONAL REQUIREMENTS**

The following additional requirements are applicable in the Neighborhood Commercial (C-N) Districts:

A. A site development permit shall be required for development projects in the Neighborhood Commercial (C-N) Zoning District, pursuant to the requirements of subsection 9261B of this Chapter, excluding multiple-family residential projects as described in Section 9061 that comply with the design and development standards in Article 5.75 of this Chapter.

~~B. — Second story development shall be designed to preserve the privacy of adjoining property owners.~~

~~EB.~~ No fence shall be constructed over three feet (3') in height in any required front yard.

C. Manufactured homes certified under the national manufactured home construction and safety standards act of 1974 (42 USC section 5401 et seq.) are allowed on individual parcels subject to the following regulations:

1. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the city building official and designed and constructed pursuant to section 18551 of the state Health and Safety Code.

2. Utilities: All utilities to the manufactured home shall be installed pursuant to city standard practices and policies.

1. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on site construction.

D. All development projects ~~that are not multiple-family residential projects, applicable or do not comply with the design and development standards in Article 5.75 of this Chapter, and that Objective Design and Development Standards for New Residential Construction (Article 5.75) for multiple family projects require discretionary review, in the in the C N Zoning District requiring discretionary review and~~ shall include a proposed landscaping plan commensurate with the size and scale of the proposed development project and surrounding area. Landscaping plans shall be submitted as a required component of all site development and use permits at the time of application filing.

1. All proposed landscaping plans shall comply with the following standards:

~~a. Landscaping shall be proportional to the building elevations.~~

~~a~~b. Landscape plantings shall be those which grow well in Ukiah's climate without extensive irrigation. Native species are strongly encouraged.

~~e. All landscape plantings shall be of sufficient size, health and intensity so that a viable and mature appearance can be attained in a reasonably short amount of time.~~

~~b~~d. Deciduous trees shall constitute 51 percent (51%) ~~the majority of~~ the trees proposed along the south and west building exposures; non-deciduous street species shall be restricted to areas that do not inhibit solar access.

~~c~~e. Parking lots with twelve (12) or more parking stalls shall have a tree placed between every four (4) parking stalls within a continuous linear planting strip rather than individual planting wells, unless clearly infeasible. Parking lot trees shall primarily be deciduous species, and shall be designed to provide a tree canopy coverage of fifty percent (50%) over all paved areas within fifteen (15) years of planting. Based upon the design of the parking lot, a reduced number of trees may be approved through the discretionary review process.

~~d~~f. Parking lots shall have a perimeter planting strip with both trees and shrubs.

~~e~~g. Parking lots with twelve (12) or more parking stalls shall have defined pedestrian sidewalks or marked pedestrian facilities of no less than 3 feet (3') in width within landscaped areas and/or separated from automobile travel lanes. Based upon the design of the parking lot, and the use that it is serving, relief from this requirement may be approved through the discretionary review process.

~~f~~h. Street trees may be placed on the property proposed for development instead of within the public right of way if the location is approved by the City Engineer, based upon safety and maintenance factors.

~~g~~i. All new developments shall include a landscaping coverage of twenty percent (20%) of the gross area of the parcel, unless based upon the small size of a parcel ~~as determined the Planning Director, it would be unreasonable and illogical~~. A minimum of fifty percent (50%) of the landscaped area shall be dedicated to live plantings.

~~h~~j. Landscaping plans shall include an automatic irrigation system and lighting plan.

~~i~~k. All required landscaping for commercial development projects shall be ~~adequately maintained in a viable condition~~.

j. The Planning Director, Zoning Administrator, Planning Commission, or City Council shall have the authority to modify the required elements of a landscaping plan depending upon the size, scale, intensity, and location of the development project.

E. All commercial land uses shall be limited in hours of operation from seven o'clock (7:00) A.M. to six o'clock (6:00) P.M., except where the Planning Commission approves alternative hours through the discretionary permit review process.

F. Existing development as of the date hereof inconsistent with the provisions listed herein, shall be considered legal nonconforming, provided that they were legal at the time of their creation, and shall be subject to the provisions of Section 9209 of this Chapter. (Ord. 1006, §1, adopted 1998; Ord. 1168, §3, adopted 2016)

#### **§9069 DETERMINATION OF APPROPRIATE USE**

Whenever a use is not listed in this Article as a use permitted as of right or a use subject to a use permit in the C-N Zoning District, the Planning Director shall determine whether the use is appropriate for the Zoning District, either as of right or subject to a use permit. In making this determination, the Planning Director shall find as follows:

A. That the use would not be incompatible with other existing or allowed uses in the C-N Zoning District.

B. That the use would not be detrimental to the continuing development of the area in which the use would be located.

C. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit, the Planning Director shall find that the proposed use is similar in nature and intensity to the uses listed as permitted uses. All determinations of the Planning Director regarding whether a use can be allowed or permitted in the Neighborhood Commercial (C-N) Zoning District shall be final unless a written appeal to the City Council, stating the reasons for the appeal, and the appeal fee, if any, established from time to time by City Council resolution, is filed with the City Clerk within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. The City Council shall conduct a duly noticed public hearing on the appeal in accordance to the applicable procedures as set forth in this Chapter. At the close of the public hearing, the City Council may affirm, reverse, revise or modify the appealed decision of the Planning Director. All City Council decisions on appeals of the Planning Director's actions are final for the City. (Ord. 1006, §1, adopted 1998)

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<sup>1</sup> Ord. 793, §2, adopted 1982; Ord. 921, §1, adopted 1991; Ord. 950, §1, adopted 1994; rep. by Ord. 1006, §1, adopted 1998)

**ARTICLE 7. REGULATIONS IN COMMUNITY COMMERCIAL (C-1) DISTRICTS<sup>1</sup>**

**SECTION:**

- §9080 Purpose And Intent
- §9081 Allowed Uses
- §9082 Permitted Uses
- §9083 Building Height Limits
- §9084 Building Site Area Required
- §9085 Required Yard Setbacks
- §9086 Required Parking
- §9087 Additional Requirements
- §9088 Determination Of Appropriate Use

**§9080 PURPOSE AND INTENT**

The purpose of the Community Commercial Zoning District is to provide a broad range of commercial land use opportunities along the primary transportation corridors within the City. It is intended to promote, and provide flexibility for commercial development, and to encourage the establishment of community-wide commercial serving land uses and provide opportunities to integrate multiple-family housing and mixed-use projects. The Community Commercial (C-1) Zoning District is consistent with the Commercial (C) General Plan land use designation. (Ord. 1006, §1, adopted 1998)

**§9081 ALLOWED USES**

The following uses are allowed in the Community Commercial (C-1) Zoning District:

Accessory uses to any of the uses allowed in this district.

Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in Section 9016 of this Code.

Community care facility which provides service for six (6) or fewer persons, with the residents and operators of the facility being considered a family.

Condominiums.

Hotels, motels, and bed and breakfast establishments.

Low barrier navigation centers.

Multiple-family dwellings (i.e., duplexes, triplexes, fourplexes, transitional housing, supportive housing, single-room occupancies (SROs)), and that comply with the design and development standards in Article 5.75 (Objective-Design and Development Standards for New Residential Construction) of this Chapter are permitted by right.

Personal improvement and personal service establishments.

Places of religious worship, assembly or instruction.

Professional offices and banks.

Public or private schools.

Restaurants.

Retail stores.

Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.

Small family child daycare home, which provides care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home. **Small and large family child daycare homes**

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~~Small homeless facilities, pursuant to section 9171 of this chapter. (Ord. 1006, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1205, §9, adopted 2020)~~[Emergency shelters, small.](#)

**§9082 PERMITTED USES**

The following uses require approval of a use permit pursuant to the provisions contained in section 9262 of this chapter:

Auto repair shop, auto body and painting shop, car wash, auto service (gas) station, and new and used car sales.

Bar, dance hall, live entertainment establishment and nightclub.

Billiard parlor, amusement arcade, and bowling alley.

Cabinet shop.

Cannabis manufacturing – Level 1.

Cannabis microbusiness.

Cannabis nursery.

Cannabis retailer.

Cannabis testing laboratory.

Community care facility for more than six (6) persons, but not more than twelve (12) persons.

~~Large family child daycare home for a minimum of seven (7) to fourteen (14) children inclusive, including children under the age of ten (10) years who reside at the home.~~

~~Large homeless facility, pursuant to section 9171 of this chapter.~~[Emergency shelters, large.](#)

Machine shop.

Mini/convenience storage.

Mixed residential and commercial land uses on one parcel. ~~provided they are found to be compatible.~~

Outdoor sales establishments that occur for no more than thirty (30) days within a twelve (12) month period may be considered by the zoning administrator. All other applications shall be heard by the planning commission.

A. All outdoor sales establishments shall comply with the following criteria:

1. Parking: Parking shall be designated for a minimum of three (3) automobiles, located off the public right of way with no automobile maneuvering permitted in the public right of way. The use permit may require additional parking, depending on the nature of sales proposed.
2. Signage: A maximum of twenty five percent (25%) of the largest side of the vehicle or structure used in the sales operation. In addition, one sandwich board or A-frame sign pursuant to subsection 3227A5 of this code.
3. Utilities: The need for sanitary sewer, water, and electrical services shall be determined through the use permit process, and all hookups shall comply with this code.
4. Business License: Business license must be prominently displayed at all times, and the operator shall have proof of board of equalization sales permit.

Parking lot.

~~Single-family dwelling- (i.e., single-family home, manufactured/modular home, transitional housing, and supportive housing). Manufactured/modular home shall comply with the additional development standards in Section §9087 ADDITIONAL REQUIREMENTS of this Code, duplex, multiple-family residential units, and mobile home park.~~

~~Multiple-family dwellings that do not comply with the Objective Design and Development Standards for New Residential Construction (Article 5.75) design and development standards in Article 5.75 of this Chapter.~~

~~Mobile home parks.~~

Social halls and lodges.

Theater.

Veterinarian. (Ord. 1006, §1, adopted 1998; Ord. 1186, §1, adopted 2018)

**§9083 BUILDING HEIGHT LIMITS**

The maximum height of any building in a community commercial (C-1) district shall be fifty feet (50'). (Ord. 1006, §1, adopted 1998)

**§9084 BUILDING SITE AREA REQUIRED**

~~No minimum building site area except for residential development which shall be as follows:~~

~~A. Commercial. For each building or group of buildings a minimum of six thousand (6,000) square feet in area and a minimum width of sixty feet (60') on interior lots; a minimum of seven thousand (7,000) square feet in area and a minimum width of seventy feet (70') on corner lots.~~

~~B. Residential and Mixed-Use. No minimum building site area.~~

~~C. Mobile Home Parks. Minimum of two (2) acres. (Ord. 1006, §1, adopted 1998; Ord. 1110, §1, adopted 2008)~~

~~A. For each building or group of buildings a minimum of six thousand (6,000) square feet in area and a minimum width of sixty feet (60') on interior lots; a minimum of seven thousand (7,000) square feet in area and a minimum width of seventy feet (70') on corner lots.~~

~~B. For each family unit intended to occupy any building or group of buildings a minimum of one thousand five hundred (1,500) square feet of site area. The total number of residential units allowed in mixed use projects may be based on an average of one unit per one thousand five hundred (1,500) square feet over the entire project site including the portion devoted to commercial uses.~~

~~C. For each mobile home park a minimum of two (2) acres. (Ord. 1006, §1, adopted 1998; Ord. 1110, §1, adopted 2008)~~

**§9085 REQUIRED YARD SETBACKS**

In community commercial (C 1) districts, yards shall be required in the following minimum widths:

A. Front yards for single story buildings: The front setback line shall be a minimum of five feet (5') measured from the street right of way line fronting such lot. On corner lots, a ten foot (10') vision triangle may be required for traffic safety.

B. Front yards for multiple story buildings: The front setback line shall be a minimum of five feet (5') measured from the street right of way line fronting such lot (generally being the edge of sidewalk). On corner lots, a ten foot (10') vision triangle may be required for traffic safety.

C. Rear and side yards: None required except where the rear or side of a lot abuts on an R 1, R 2, or R 3 district, in which case such rear or side yard shall be that of the adjoining zone. (Ord. 1006, §1, adopted 1998; Ord. 1110, §1, adopted 2008)

**Commented [MT1]:** Let's discuss why this is different from the note in the "C-N" district about keeping site areas in commercial zones.

**§9086 REQUIRED PARKING**

The minimum parking area required in the community commercial (C-1) zoning districts shall be as follows:

**A. Commercial Uses.**

1. Retail Stores, Professional Offices, And Business Offices: One parking space for each three hundred (300) square feet of gross leasable floor area.

2. Personal Services And Personal Improvement Facilities: One parking space for each three hundred fifty (350) square feet of gross leasable floor area.

3. Commercial Recreation And Public Assembly: One parking space for each four (4) person capacity.

4. Restaurant: One parking space for every three (3) seats, with a minimum of four (4) spaces. An additional parking space for each two (2) employees at maximum shift.

5. Bicycle Parking: Safe bicycle parking facilities shall be provided in all commercial developments, where it is determined that the use would attract bicyclists. The number of bicycle parking spaces required shall be not less than ten percent (10%) of the number of required off street automobile parking spaces. Such safe bicycle parking shall be located convenient to the entrance(s) to the use.

~~A. — Retail Stores, Professional Offices, And Business Offices: One parking space for each three hundred (300) square feet of gross leasable floor area.~~

~~B. — Personal Services And Personal Improvement Facilities: One parking space for each three hundred fifty (350) square feet of gross leasable floor area.~~

~~C. — Commercial Recreation And Public Assembly: One parking space for each four (4) person capacity.~~

~~D. — Restaurant: One parking space for every three (3) seats, with a minimum of four (4) spaces. An additional parking space for each two (2) employees at maximum shift.~~

~~E. — Bicycle Parking: Safe bicycle parking facilities shall be provided in all commercial developments, where it is determined that the use would attract bicyclists. The number of bicycle parking spaces required shall be not less than ten percent (10%) of the number of required off street automobile parking spaces. Such safe bicycle parking shall be located convenient to the entrance(s) to the use.~~

**BF.** Downtown Parking District: All parcels within the downtown parking district no. 1 are not subject to the C 1 zoning district parking standards. These parcels shall comply with the provisions of the downtown parking improvement program.

**C. Residential Uses: The minimum parking areas are required for the following residential uses:**

1. Single-Family Dwelling: Two (2) on-site parking spaces per unit.

2. Duplex: One and half (1.5) on-site parking spaces per unit.

3. Multiple-Family Dwelling: One (1) on-site parking space per unit.

4. Accessory Dwelling Unit: Accessory dwelling units (ADUs) require one additional on-site independently-accessible parking space per ADU or per bedroom, whichever is less, except as provided in section 9016 of this code.

**DG.** Other Uses: All other uses are subject to the provisions contained in ~~article~~ Article 17 of this ~~chapter~~ Chapter.

EH. Exceptions: Relief from the parking requirements in the C 1 zoning district may be approved through the discretionary review process, provided a finding is made that there is a unique circumstance associated with the use or property that results in a demand for less parking than normally expected. (Ord. 1006, §1, adopted 1998)

#### **§9087 ADDITIONAL REQUIREMENTS**

The following additional requirements are applicable in the community commercial (C-1) zoning district:

A. A site development permit shall be required for development projects in the community commercial (C-1) zoning district, pursuant to the requirements of subsection 9261B of this chapter, excluding multiple-family residential projects as described in Section 9081 that comply with the design and development standards in Article 5.75 of this Chapter.

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B. Any balcony, window, or door shall use at least one of the following development approaches to lessen the privacy impacts onto adjacent properties. These techniques include, use of obscured glazing, landscaped/privacy buffer in the required setback with a minimum of five feet (5'), window placement above eye level, or locating balconies, windows, and doors facing toward the street and backyard. Trees and landscaping used as a landscaped/privacy buffer shall be planted and maintained by the property owner to preserve the privacy of adjacent property owners. Second-story development shall be designed to preserve the privacy of adjoining property owners.

C. ~~Repealed.~~

C. Manufactured homes certified under the national manufactured home construction and safety standards act of 1974 (42 USC section 5401 et seq.) are allowed on individual parcels subject to the following regulations:

1. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the city building official and designed and constructed pursuant to section 18551 of the state Health and Safety Code.

2. Utilities: All utilities to the manufactured home shall be installed pursuant to city standard practices and policies.

3. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on site construction.

D. All development projects that are not applicable multiple-family residential projects, or do not comply with the design and development standards in Article 5.75 of this Chapter, and that Objective Design and Development Standards for New Residential Construction (Article 5.75) for multiple family projects require discretionary review in the in the C-1 zoning district requiring discretionary review and, shall include a proposed landscaping plan commensurate with the size and scale of the proposed development project. Landscaping plans shall be submitted as a required component of all site development and use permits at the time of application filing. Properties within the downtown master plan (DMP) area are exempt from the landscaping requirements.

1. All proposed landscaping plans shall comply with the following standards:

~~a. Landscaping shall be proportional to the building elevations.~~

ba. Landscape plantings shall be those which grow well in Ukiah's climate without extensive irrigation. Native species are strongly encouraged.

~~e. All landscape plantings shall be of sufficient size, health and intensity so that a viable and mature appearance can be attained in a reasonably short amount of time.~~

db. Deciduous trees shall constitute 51 percent (51%) the majority of the trees proposed along the south and west building exposures; non-deciduous street species shall be restricted to areas that do not inhibit solar access.

ec. Parking lots with twelve (12) or more parking stalls shall have a tree placed between every four (4) parking stalls within a continuous linear planting strip rather than individual planting wells, unless clearly

infeasible. Parking lot trees shall primarily be deciduous species, and shall be designed to provide a tree canopy coverage of fifty percent (50%) over all paved areas within fifteen (15) years of planting. Based upon the design of the parking lot, a reduced number of trees may be approved through the discretionary review process.

**fd.** Parking lots shall have a perimeter planting strip with both trees and shrubs.

**ge.** Parking lots with twelve (12) or more parking stalls shall have defined pedestrian sidewalks or marked pedestrian facilities **of no less than 3 feet (3') in width** within landscaped areas and/or separated from automobile travel lanes. Based upon the design of the parking lot, and the use that it is serving, relief from this requirement may be approved through the discretionary review process.

**hf.** Street trees may be placed on the property proposed for development instead of within the public right of way if the location is approved by the city engineer, based upon safety and maintenance factors.

**ig.** All new developments shall include a landscaping coverage of twenty percent (20%) of the gross area of the parcel, unless because of the small size of a parcel **as determined the Planning Director, such coverage would be unreasonable.** A minimum of fifty percent (50%) of the landscaped area shall be dedicated to live plantings.

**jh.** Landscaping plans shall include an automatic irrigation system and lighting plan.

**ki.** All required landscaping for commercial development projects shall be **adequately** maintained in a viable condition.

**lj.** The planning director, zoning administrator, planning commission, or city council shall have the authority to modify the required elements of a landscaping plan depending upon the size, scale, intensity, and location of the development project.

E. No fence shall be constructed over three feet (3') in height in any required front yard setback area.

F. Existing development as of the date of this article inconsistent with the provisions listed herein, shall be considered legal nonconforming, provided that they were legal at the time of their creation, and shall be subject to the nonconforming provisions contained in this chapter. (Ord. 1006, §1, adopted 1998; Ord. 1110, §1, adopted 2008; Ord. 1168, §3, adopted 2016)

#### **§9088 DETERMINATION OF APPROPRIATE USE**

Whenever a use is not listed in this article as a use permitted by right or a use subject to a use permit in the C-1 zoning district, the planning director shall determine whether the use is appropriate for the zoning district, either as a right or subject to a use permit. In making this determination, the planning director shall find as follows:

A. That the use would not be incompatible with other existing or allowed uses in the C-1 zoning district.

B. That the use would not be detrimental to the continuing development of the area in which the use would be located.

C. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit, the planning director shall find that the proposed use is similar in nature and intensity to the uses listed as permitted uses. All determinations of the planning director regarding whether a use can be allowed or permitted in the community commercial (C-1) zoning district shall be final unless a written appeal to the city council, stating the reasons for the appeal, and the appeal fee, if any, established from time to time by city council resolution, is filed with the city clerk within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. The city council shall conduct a duly noticed public hearing on the appeal in accordance to the applicable procedures as set forth in this chapter. At the close of the public hearing, the city council may affirm, reverse, revise or modify the appealed decision of the planning director. All city council decisions on appeals of the planning director's actions are final for the city. (Ord. 1006, §1, adopted 1998)

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<sup>1</sup> Ord. 793, §2, adopted 1982; Ord. 921, §2, adopted 1991; rep. by Ord. 1006, §1, adopted 1998.

## ARTICLE 8. REGULATIONS IN HEAVY COMMERCIAL (C-2) DISTRICTS<sup>1</sup>

### SECTION:

§9095	Purpose And Intent
§9096	Allowed Uses
§9097	Permitted Uses
§9098	Building Height Limits
§9099	Yards Required
§9100	Parking Required
§9101	Additional Requirements
§9102	Determination Of Appropriate Use

### §9095 PURPOSE AND INTENT

The purpose of the heavy commercial zoning district is to provide opportunities for commercial service, wholesale activities, auto repair shops, agricultural supply stores, and other activities which are generally inappropriate in areas developed with professional offices and retail stores. The heavy commercial zone also encourages the integration of multiple-family housing. -The heavy commercial (C-2) zoning district is consistent with the commercial (C) general plan land use designation. (Ord. 1006, §1, adopted 1998)

### §9096 ALLOWED USES

The following uses are allowed in the Heavy Commercial (C-2) Zoning District:

Accessory uses to any allowed or permitted uses.

Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in section 9016 of this code.

Business service.

Cabinet shop, sign shop, and machine shop.

Construction sales and service.

Equipment repair shop.

Farm equipment sales and feed stores.

Kennel, pet shop, and pet services.

Laundry service and laundromat.

Low barrier navigation centers.

Mini/convenience storage.

Multiple-family dwellings (i.e., duplexes, triplexes, fourplexes, transitional housing, supportive housing, single-room occupancies (SROs)), that comply with the design and development standards in Article 5.75 of this Chapter (Multiple Family Objective Design and Development Standards) are permitted by right.

New and used automobile sales.

Recycling facility.

Safety service.

Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.

Service (gas) station, automobile repair, automobile body and painting shop, and car washing facility.

Transportation service.

Warehousing and distribution (limited).

Wholesale store. (Ord. 1006, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1205, §10, adopted 2020)

### **§9097 PERMITTED USES**

The following uses require approval of a use permit pursuant to the provisions contained in section 9262 of this chapter:

Cannabis cultivation – Large indoor.

Cannabis cultivation – Large mixed light.

Cannabis cultivation – Medium indoor.

Cannabis cultivation – Medium mixed light.

Cannabis cultivation – Small indoor.

Cannabis cultivation – Small mixed light

Cannabis cultivation – Specialty cottage.

Cannabis cultivation – Specialty indoor.

Cannabis cultivation – Specialty mixed light.

Cannabis distribution.

Cannabis manufacturing – Level 1.

Cannabis microbusiness.

Cannabis nursery.

Cannabis retailer.

Cannabis testing laboratory.

Establishment, maintenance, operation and removal of circuses, carnivals, amusement parks, open air theaters, or other similar temporary establishments involving large assemblages of people.

Hotels, motels, and bed and breakfast establishments.

Light industrial and manufacturing uses.

~~Mixed residential and commercial land uses on one parcel provided they are found to be compatible.~~

Mobile home parks.

~~Multiple-family dwellings (i.e., duplexes, triplexes, fourplexes, transitional housing, supportive housing, single-room occupancies (SROs)), that do not comply with the design and development standards in Article 5.75 of this Chapter Objective Design and Development Standards for New Residential Construction) (Article 5.75), in conformance with the development standards for the R-3 zoning district.~~

Outdoor sales establishments that occur for no more than thirty (30) days within a twelve (12) month period may be considered by the zoning administrator. All other applications shall be heard by the planning commission.

A. All outdoor sales establishments shall comply with the following criteria:

1. Parking: Parking shall be designated for a minimum of three (3) automobiles, located off the public right of way with no automobile maneuvering permitted in the public right of way. The use permit may require additional parking, depending on the nature of sales proposed.
2. Signage: A maximum of twenty five percent (25%) of the largest side of the vehicle or structure used in the sales operation. In addition, one sandwich board or "A" frame sign pursuant to subsection 3227A5 of this code.
3. Utilities: The need for sanitary sewer, water, and electrical services shall be determined through the use permit process, and all hookups shall comply with this code.
4. Business License: Business license must be prominently displayed at all times, and the operator shall have proof of board of equalization sales permit.

Parks, playgrounds, community gardens, and other recreational uses.

Public and quasi-public buildings, structures and uses.

Resident manager/security personnel housing.

Retail stores, restaurants, and professional offices.

Temporary uses complying with the purpose and intent of this district. The temporary use shall be for a maximum period of six (6) months, and shall be subject to permit renewal/time extension at the discretion of the planning director.

Warehousing and distribution (general). (Ord. 1006, §1, adopted 1998; Ord. 1186, §2, adopted 2018)

#### **§9098 BUILDING HEIGHT LIMITS**

The maximum height of any building in a C-2 district shall be as follows:

- A. ~~Forty-Fifty~~ feet (~~40'50'~~) for primary buildings.
- B. ~~Twenty-Thirty~~ feet (~~20'30'~~) for accessory buildings.
- C. To exceed the height limits for primary and accessory buildings, a use permit must first be secured. (Ord. 1006, §1, adopted 1998)

#### **§9099 YARDS REQUIRED**

In C-2 districts yards shall be required in the following minimum widths:

- A. Front yards for single-story buildings: On both interior and corner lots the front setback line shall be a minimum of five feet (5') measured from the street right of way line fronting such lot. On corner lots, a ten foot (10') vision triangle may be required for traffic safety.
- B. Front yards for multiple-story buildings: The front setback line shall be a minimum of five feet (5') measured from the street right of way line fronting each side of the lot. On corner lots, a ten foot (10') vision triangle may be required for traffic safety.
- C. Rear and side yards: None required except where the rear or side of a lot abuts on an R-1, R-2, or R-3 district, in which case such rear or side yard shall be that of the adjoining zone. (Ord. 1006, §1, adopted 1998; Ord. 1110, §1, adopted 2008)

#### **§9100 PARKING REQUIRED**

The minimum parking area required in the heavy commercial (C-2) zoning district shall be as follows:

- A. Commercial Uses.

1. Wholesale Stores: One parking space for each four hundred (400) square feet of gross leasable space.

2. Automobile Sales: One space for each five hundred (500) square feet of floor area plus one space for each two thousand (2,000) square feet of outdoor display area.

3. Cabinet Shop, Machine Shop, And Sign Shop: One space for each employee on the maximum shift plus required space for office areas. Two (2) spaces are also required for customer parking, and one space for each vehicle operated from or on the site.

4. Warehouse, Mini/Convenience Storage: One parking space for each two thousand five hundred (2,500) square feet. Four (4) additional spaces are also required for customers, one parking space for each two (2) employees at maximum shift, and one space for each vehicle operated from or on the site.

5. Retail Stores, Professional Offices, And Business Offices: One parking space for each three hundred (300) square feet of gross leasable floor area.

6. Bicycle Parking: Safe bicycle parking facilities shall be provided in all new commercial developments where it is determined that the use would attract bicyclists. The number of bicycle parking spaces required shall be not less than ten percent (10%) of the number of required off street automobile parking spaces. Such safe bicycle parking shall be located convenient to the entrance(s) to the use.

~~A. Wholesale Stores: One parking space for each four hundred (400) square feet of gross leasable space.~~

~~B. Automobile Sales: One space for each five hundred (500) square feet of floor area plus one space for each two thousand (2,000) square feet of outdoor display area.~~

~~C. Cabinet Shop, Machine Shop, And Sign Shop: One space for each employee on the maximum shift plus required space for office areas. Two (2) spaces are also required for customer parking, and one space for each vehicle operated from or on the site.~~

~~D. Warehouse, Mini/Convenience Storage: One parking space for each two thousand five hundred (2,500) square feet. Four (4) additional spaces are also required for customers, one parking space for each two (2) employees at maximum shift, and one space for each vehicle operated from or on the site.~~

~~E. Bicycle Parking: Safe bicycle parking facilities shall be provided in all new commercial developments where it is determined that the use would attract bicyclists. The number of bicycle parking spaces required shall be not less than ten percent (10%) of the number of required off street automobile parking spaces. Such safe bicycle parking shall be located convenient to the entrance(s) to the use.~~

~~F. Retail Stores, Professional Offices, And Business Offices: One parking space for each three hundred (300) square feet of gross leasable floor area.~~

B. Residential Uses: The minimum parking areas are required for the following residential uses:

1. Multiple-Family Dwelling: One (1) on-site parking space per unit.

~~GC.~~ Other Uses: All other uses are subject to the provisions contained in article 17 of this chapter.

~~HD.~~ Exceptions: Relief from the parking requirements in the C-2 zoning district may be approved through the discretionary review process, provided a finding is made that there is a unique circumstance associated with the use or property that results in a demand for less parking than normally expected. (Ord. 1006, §1, adopted 1998)

### **§9101 ADDITIONAL REQUIREMENTS**

The following additional requirements are applicable in the heavy commercial (C-2) zoning district:

A. A site development permit shall be required for development projects in the heavy commercial (C-2) zoning district, pursuant to the requirements of subsection 9261B of this ~~C~~chapter, excluding multiple-family residential

projects as described in Section 9096 that comply with the design and development standards set forth in Article 5.75 of this Chapter.

~~B. Second story development shall be designed to preserve the privacy of adjoining property owners. Any balcony, window, or door shall use at least one of the following development approaches to lessen the privacy impacts onto adjacent properties. These techniques include, use of obscured glazing, landscaped/privacy buffer in the required setback with a minimum of five feet (5'), window placement above eye level, or locating balconies, windows, and doors facing toward the street and backyard. Trees and landscaping used as a landscaped/privacy buffer shall be planted and maintained by the property owner to preserve the privacy of adjacent property owners.~~

~~C. Repealed.~~

~~DC. All development projects that are not applicable or do not comply with the Objective Design and Development Standards for New Residential Construction (Article 5.75) for multiple-family projects require discretionary review in the C-2 zoning district requiring discretionary review and~~ shall include a proposed landscaping plan commensurate with the size and scale of the proposed development project. Landscaping plans shall be submitted as a required component of all site development and use permits at the time of application filing.

1. All proposed landscaping plans shall comply with the following standards:

~~a. Landscaping shall be proportional to the building elevations.~~

~~ab.~~ Landscape plantings shall be those which grow well in Ukiah's climate without extensive irrigation. Native species are strongly encouraged.

~~c. All landscape plantings shall be of sufficient size, health and intensity so that a viable and mature appearance can be attained in a reasonably short amount of time.~~

~~bd.~~ Deciduous trees shall constitute 51 percent (51%) ~~the majority of~~ the trees proposed along the south and west building exposures; non-deciduous street species shall be restricted to areas that do not inhibit solar access.

~~ce.~~ Parking lots with twelve (12) or more parking stalls shall have a tree placed between every four (4) parking stalls within a continuous linear planting strip rather than individual planting wells, unless clearly infeasible. Parking lot trees shall primarily be deciduous species, and shall be designed to provide a tree canopy coverage of fifty percent (50%) over all paved areas within fifteen (15) years of planting. Based upon the design of the parking lot, a reduced number of trees may be approved through the discretionary review process.

~~df.~~ Parking lots shall have a perimeter planting strip with both trees and shrubs.

~~eg.~~ Parking lots with twelve (12) or more parking stalls shall have defined pedestrian sidewalks or marked pedestrian facilities of no less than 3 feet (3') in width within landscaped areas and/or separated from automobile travel lanes. Based upon the design of the parking lot, and the use that it is serving, relief from this requirement may be approved through the discretionary review process.

~~fh.~~ Street trees may be placed on the property proposed for development instead of within the public right of way if the location is approved by the city engineer, based upon safety and maintenance factors.

~~gi.~~ All new developments shall include a landscaping coverage of twenty percent (20%) of the gross area of the parcel, unless based upon the small size of a parcel as determined the Planning Director, it would be unreasonable and illogical. A minimum of fifty percent (50%) of the landscaped area shall be dedicated to live plantings.

~~hj.~~ Landscaping plans shall include an automatic irrigation system and lighting plan.

~~ik.~~ All required landscaping for commercial development projects shall be ~~adequately~~ maintained in a viable condition.

~~jl.~~ The planning director, zoning administrator, planning commission, or city council shall have the authority to modify the required elements of a landscaping plan depending upon the size, scale, intensity, and location of the development project.

~~ED.~~ No fence shall be constructed over three feet (3') in height in any required front yard setback area.

~~FE.~~ Existing development as of the date of this article inconsistent with the provisions listed herein, shall be considered legal nonconforming, provided that they were legal at the time of their creation, and shall be subject to the nonconforming provisions contained in this chapter. (Ord. 1006, §1, adopted 1998; Ord. 1110, §1, adopted 2008; Ord. 1168, §3, adopted 2016)

#### **§9102 DETERMINATION OF APPROPRIATE USE**

Whenever a use is not listed in this article as a use permitted as of right or a use subject to a use permit in the C-2 zoning district, the planning director shall determine whether the use is appropriate for the zoning district, either as of right or subject to a use permit. In making this determination, the planning director shall find as follows:

A. That the use would not be incompatible with other existing or allowed uses in the C-2 zoning district.

B. That the use would not be detrimental to the continuing development of the area in which the use would be located.

C. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit, the planning director shall find that the proposed use is similar in nature and intensity to the uses listed as permitted uses. All determinations of the planning director regarding whether a use can be allowed or permitted in the heavy commercial (C-2) zoning district shall be final unless a written appeal to the city council, stating the reasons for the appeal, and the appeal fee, if any, established from time to time by city council resolution, is filed with the city clerk within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. The city council shall conduct a duly noticed public hearing on the appeal in accordance to the applicable procedures as set forth in this chapter. At the close of the public hearing, the city council may affirm, reverse, revise or modify the appealed decision of the planning director. All city council decisions on appeals of the planning director's actions are final for the city. (Ord. 1006, §1, adopted 1998)

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<sup>1</sup> Ord. 793, §2, adopted 1982; Ord. 828, §1, adopted 1984; rep. by Ord. 1006, §1, adopted 1998.

## CHAPTER 2 ZONING

### ARTICLE 20. ADMINISTRATION AND PROCEDURES<sup>1</sup>

#### SECTION:

- §9260: Purpose
- §9261: Discretionary Planning Permits
- §9262: Use Permit Procedures
- §9263: Site Development Permit Procedures
- §9264: Variance Procedures
- §9265: Zoning Text Amendments; Rezoning
- §9266: Appeals
- §9267: Prezoning
- §9268: Zoning Administrator

#### **§9260 PURPOSE**

The purpose of this Article is to establish the development permit and rezoning/prezoning processing procedures, and to establish the process and legal procedures associated with the enforcement of the provisions of this Chapter. Additionally, this Article establishes the office of the Zoning Administrator. (Ord. 1002, §2, adopted 1998)

#### **§9261 DISCRETIONARY PLANNING PERMITS**

The City's discretionary planning permits include use permits, site development permits, and variances.

A. Use Permits: A use permit is an entitlement that permits a certain use of land in a zoning district where the use is not allowed by right. Each zoning district contains both allowed and permitted land uses. "Allowed" land uses are allowed without a use permit, while "permitted" uses can only be established with the securing of a use permit. Use permits are usually issued with "conditions", and are intended to provide flexibility by permitting land uses that will not have an adverse impact on surrounding land uses or the general public. The detailed provisions for use permits are contained in Section [9262](#) of this Article.

B. Site Development Permits: Site development permits are required for the construction of new multiple-family residential ([see exemption B\(1\) below](#)), commercial, and industrial structures, or the substantial exterior modification of existing multiple-family residential, commercial, and industrial structures. Projects exempt from the site development permit process include interior building remodels, repair and maintenance of structures or parking areas, minor alterations on building exteriors, and minor accessory structures to established, multiple-family residential, commercial, and industrial buildings. Upon request, the Planning Director shall determine whether a project is exempt under this subsection in accordance with the following standards:

1. Multiple-family residential projects that comply with all the design and development standards in ~~Chapter Article 5.75 of this Chapter (Objective Design and Development Standards for New Residential Construction)~~ are exempt; or

24. The project involves an addition of less than one hundred fifty (150) square feet to an existing structure, and the addition would not be highly visible from any public street; or

32. The project involves minor facade modifications that would not significantly change the architectural character or appearance of the structure.

The detailed provisions for site development permits are contained in Section [9263](#) of this Article.

C. Variance Permits: A variance is a permit to deviate from the terms of the Zoning Ordinance. It provides relief from specific site development regulations. It is provided for because there are individual lots which, due to some unusual characteristic, cannot be put to productive use if all detailed regulations (e.g., yard setbacks, height) are strictly applied. Variances are not issued for land uses ("use variance") or relief of lot size requirements. The detailed provisions for variances are contained in Section [9264](#) of this Article.

D. Major And Minor Use Permits, Site Development Permits, And Variances: At the time of application submittal, the Planning Director or assigned designee shall determine if the proposed project constitutes a major or minor use permit, site development permit, or variance. The Planning Director or assigned designee shall be guided by the following criteria when determining whether a discretionary planning permit is major or minor:

1. In the C-1, C-2, and M Zoning Districts, facade improvements, small additions/expansions of more than one hundred fifty (150) square feet, but less than one thousand (1,000) square feet to existing structures, minor amendments to previously approved permits, and changes in use of existing structure(s) that do not require additional parking, and will not generate substantial amounts of additional traffic, noise, or other potential nuisances shall be considered minor in nature. Additions of one thousand (1,000) square feet or more shall be considered major discretionary projects. In the R-2, R-3, and C-N Zoning Districts, additions of six hundred forty (640) or more square feet shall be considered major discretionary projects.

In the C-N (Neighborhood Commercial) Zoning District, a use permit is required to exceed the maximum thirty percent (30%) floor area ratio standard. A proposal to exceed this standard by less than ten percent (10%) is considered a minor use permit.

2. New construction on vacant parcels, large additions/expansions to existing buildings, substantial amendments to previously approved permits, and changes in use of existing

structure(s) that would require an expansion of an existing parking facility, or that could generate substantial amounts of additional traffic, noise, or other nuisances shall be considered a major permit.

3. Minor variance applications are those seeking less than fifty percent (50%) relief from a yard setback requirement in a particular zoning district, or a height of less than five feet (5') over what is allowed in a particular zoning district.

4. Other small and relatively insignificant applications as determined by the Planning Director shall be considered minor.

E. Use Or Project Not Established: Whenever in this Article a permit is subject to revocation because the use or project for which the permit was issued is not established within required time limits, "not established" shall mean that the permittee has not taken substantial steps and has not incurred substantial expense to construct, complete and commence the use for which the permit was issued, and is not diligently completing the project and commencing the use for which the permit was issued. (Ord. 1002, §2, adopted 1998)

#### **§9262 USE PERMIT PROCEDURES**

Use permit application and processing procedures shall be as follows:

A. General: Use permits shall be issued as provided in this Chapter only for land uses or purposes for which such permits are required. The Zoning Administrator or Planning Commission shall conduct a public hearing and decide all applications for use permits required by this Chapter. If the Planning Director determines that the use permit application is minor in nature, it shall be scheduled for a public hearing before the Zoning Administrator. If the Planning Director determines that the use permit application is major, it shall be scheduled for consideration by the Planning Commission for public hearing and action.

Projects requiring a use permit for new construction or exterior modifications need not have a separate site development permit. Site development review, criteria, and findings shall be incorporated into the use permit process.

B. Application Filing And Submittal Requirements: Applications for use permits shall be filed with the City Planning Department and shall be accompanied by a plot plan sufficient to show the details of the proposed use or building, as well as surrounding land uses, and any other project related information deemed necessary by the Planning Director. Application fees shall be established from time to time by resolution of the City Council adopted in accordance with the procedures required by law. The payment of the established fee shall be made at the time of application submittal.

C. Public Noticing Requirements: The City shall follow the public noticing procedures of the California Government Code. Failure of any person to receive mailed notice or failure to post

notice shall not invalidate any proceedings conducted by the decision-making body. Unless in conflict with the notice requirements of the Government Code, notices of public hearings on applications for use permits shall be given at least ten (10) days prior thereto, by the following manner:

1. Publication in a newspaper of general circulation in the City.
2. Notice by mail, using addresses from the latest equalized assessment roll, to all owners of property within a three hundred foot (300') distance of any boundary of the subject property, and to the project applicant or agent, as well as to the property owner of record.
3. Notice shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide essential facilities and services which may be significantly affected.
4. The subject property shall be posted in three (3) locations ten (10) days prior to the public hearing.

D. Action On Use Permits: All applications for use permits shall be considered and acted upon by either the Zoning Administrator or the Planning Commission.

1. The Zoning Administrator shall review, conduct public hearings, and decide upon all minor use permit applications.
2. Appeals of the Zoning Administrator actions shall be heard by the City Council for a final decision.
3. The Planning Commission shall review, conduct public hearings, and decide upon all major use permit applications.
4. Appeals of the Planning Commission actions shall be heard by the City Council for a final decision.
5. At the discretion of the Planning Director, any use permit application may be scheduled for consideration and decision-making by the Planning Commission.
6. Any use permit application which is reviewed by the Zoning Administrator or the Planning Commission may be approved, conditionally approved, or denied.

E. Findings: Findings are required to grant a use permit.

1. The Zoning Administrator or the Planning Commission, on the basis of the evidence submitted at the hearing, may grant use permits required by the provisions of this Article whenever findings of fact support the following determinations:

a. The proposed land use is consistent with the provisions of this Title as well as the goals and policies of the City General Plan.

b. The proposed land use is compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare.

2. The findings shall not be vague and conclusionary. The findings shall be sufficiently detailed to apprise a reviewing court of the basis for the action by bridging the gap between the evidence and the decision-maker's conclusions, and shall be based upon evidence contained in the administrative record.

F. Conditions Of Approval: Conditions of project approval may be imposed on use permit applications.

1. In approving a use permit, the Zoning Administrator or Planning Commission may include such conditions as are deemed reasonable and necessary to preserve the integrity and character of the zoning district and the General Plan. Such conditions shall promote the safe and orderly use of the property, and assure compatibility with surrounding land uses. Nothing in this Chapter shall be construed to limit the discretion or the authority of the Zoning Administrator or Planning Commission to require conditions, provided the conditions constitute a lawful exercise of the police power and not a taking of private property under the Fifth Amendment of the United States Constitution.

2. The Zoning Administrator or Planning Commission may condition a use permit to prohibit the occupancy of a building, structure, or land use until an inspection has been made which finds that the building, structure, or land use complies with all conditions specifically required to be completed prior to occupancy. If a use permit is so conditioned, the Zoning Administrator or Planning Commission shall notify the City Building Official of such conditions. If a building permit is issued for a building or structure which is subject to a use permit so conditioned, the Building Official shall not approve a final inspection of such building or structure until the conditions have been met; provided, however, that responsibility for assuring applicant compliance with the provisions of the use permit remains with the Planning Director. The Planning Commission or the Zoning Administrator may also require conditions be completed prior to the issuance of building permits.

G. Effective Date: The use permit shall be deemed legally in effect when the appeal period has lapsed, unless a timely appeal is properly filed. If an appeal is filed, the use permit shall become

effective upon final approval by the City Council. This date shall be so noted in the official use permit application file and shall also be noted upon the issued use permit and/or approval confirmation letter.

H. Expiration And Revocation: The following provisions detail the use permit expiration and revocation process:

1. Revocation: An approved use permit may be revoked through the City's revocation process if the use for which the use permit was granted is not being conducted in compliance with the use permit as conditioned, or:

a. If any land use for which a use permit has been granted and issued is not established within two (2) years of the use permit's effective date; or

b. If the established land use for which the permit was granted has ceased or has been suspended for twenty four (24) consecutive months.

2. Procedure: If a use permit is subject to revocation under subsection H1 of this Section, the City shall follow the procedures set forth herein.

a. Notice: Notice of a hearing before the Planning Commission shall be provided in accordance with subsection C of this Section.

b. Hearing: The Planning Commission shall conduct a public hearing to determine whether the permit shall be revoked and shall make findings that comply with subsection E2 of this Section.

c. Appeal: The Planning Commission decision shall be subject to appeal in accordance with Section [9266](#) of this Article.

3. New Application: Nothing herein shall prohibit the holder of a permit revoked pursuant to subsection H1a or H1b of this Section, from applying for a new permit in accordance with the procedures for new applications.

I. Renewal: Use permits may be renewed for an additional period not to exceed one year provided, if an application for renewal is filed with the Planning Department prior to the expiration of the permit. The application shall consist of a detailed letter explaining the reason(s) for the request. The Planning Director shall grant or deny an application to renew a use permit, and shall provide an explanation of his decision, in writing, to the applicant. The Planning Director's decision to approve a renewal shall generally be based upon a determination that all the circumstances associated with the original approval are substantially the same at the time of the renewal application. An appeal of the Planning Director's decision may be made to the City

Council for a final decision. Any such appeal must comply with the requirements of Section [9266](#) of this Article. (Ord. 1002, §2, adopted 1998)

### **§9263 SITE DEVELOPMENT PERMIT PROCEDURES**

The following regulations govern the submittal, review, and processing of site development permits:

A. General: Site development permits shall be issued as provided in this chapter only for site development projects for which such permits are required. The Design Review Board shall review and make recommendations to the Zoning Administrator, Planning Commission and City Council on site development permit applications, planned development applications and precise development plans. The Zoning Administrator or Planning Commission shall conduct a public hearing and decide all applications for site development permits required by this chapter. If the Planning Director determines that the site development permit application is minor in nature, it shall be scheduled for a public hearing before the Zoning Administrator. If the Planning Director determines that the site development permit application is major, it shall be referred to the Planning Commission for public hearing and action.

B. Application Filing And Submittal Requirements: All applications for site development permits shall include the following information:

1. A detailed site plan sufficient to fully illustrate the proposed project and adjoining land uses.
2. Elevation drawings of all proposed structures.
3. Details of all proposed signs.
4. A landscaping plan detailing all new and existing landscaping to be incorporated into the design of the project.
5. A floor plan of the proposed structure.
6. A parking plan.
7. Any other project-related information requested by the Planning Director.
8. The actual application form and filing fee, which shall be established from time to time by resolution adopted by the City Council in accordance with such procedures as required by law.

C. Public Noticing Requirements For Zoning Administrator And Planning Commission Meetings: Failure of any person to receive mailed notice or failure to post notice shall not invalidate any proceedings conducted by the decision-making body. Notices of public hearings on applications

for site development permits shall be given at least ten (10) days prior thereto, by the following manner:

1. Publication in a newspaper of general circulation in the City.
2. Notices shall be mailed, using addresses from the latest equalized assessment roll, to all owners of property within a three hundred foot (300') distance of any boundary of the subject property, and to the project applicant or agent, as well as to the property owner of record.
3. Notice shall also be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide essential facilities and services which may be significantly affected.
4. The subject property shall also be posted in three (3) locations ten (10) days prior to the public hearing.

D. Action On Site Development Permits: All applications for site development permits shall be considered and acted upon by either the Zoning Administrator or the Planning Commission.

1. The Zoning Administrator shall review, conduct public hearings, and decide upon all minor site development permit applications.
2. Appeals of the Zoning Administrator actions shall be heard by the City Council for a final decision.
3. The Planning Commission shall review, conduct public hearings, and decide upon all major site development permit applications.
4. Appeals of the Planning Commission actions shall be heard by the City Council for a final decision.
5. At the discretion of the Planning Director, any site development permit application may be directed to the Planning Commission for consideration and decision-making action.
6. Any site development permit application which is reviewed by the Zoning Administrator or the Planning Commission may be approved, conditionally approved, or denied.

E. Findings: The Zoning Administrator and/or Planning Commission shall make findings when acting to approve site development permit applications. The findings shall not be vague and conclusionary. The findings shall be sufficiently detailed to apprise a reviewing court of the basis of the action by bridging the gap between the evidence and the decision-maker's conclusions,

and shall be based upon evidence contained in the administrative record. Failure to make findings that support the following determinations shall result in a denial of the site development permit application:

1. The proposal is consistent with the goals, objectives, and policies of the City General Plan.
2. The location, size, and intensity of the proposed project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.
3. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.
4. Sufficient landscaped areas have been reserved for purposes of separating or screening the proposed structure(s) from the street and adjoining building sites, and breaking up and screening large expanses of paved areas.
5. The proposed development will not restrict or cut out light and air on the property, or on the property in the neighborhood; nor will it hinder the development or use of buildings in the neighborhood, or impair the value thereof.
6. The improvement of any commercial or industrial structure will not have a substantial detrimental impact on the character or value of an adjacent residential zoning district.
7. The proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks, and the natural grade of the site.
8. There is sufficient variety, creativity, and articulation to the architecture and design of the structure(s) and grounds to avoid monotony and/or a box-like uninteresting external appearance.

F. Conditions Of Approval: Conditions of project approval may be imposed on site development permit applications.

1. In approving a site development permit, the Zoning Administrator or Planning Commission may include such conditions as are deemed reasonable and necessary to maintain or assure compliance with the standards/criteria listed in subsection E of this section. Nothing in this section shall be construed to limit the discretion of the authority of the Zoning Administrator or Planning Commission to require conditions.
2. The Zoning Administrator or Planning Commission may condition a site development permit to prohibit occupancy of a project building until an inspection has been made which finds that the project building, landscaping and other required improvements have

been completed, and the project complies with all conditions specifically required to be completed prior to occupancy. If a site development permit is so conditioned, the Planning Director shall notify the City Building Official of such conditions. If a building permit is issued for a building or structure which is subject to a site development permit so conditioned, the Building Official shall not approve a final inspection of such building or structure until the conditions have been satisfied. The Planning Commission or the Zoning Administrator may also require conditions be completed prior to the issuance of building permits.

G. **Effective Date:** The site development permit shall be deemed legally in effect when the appeal period has lapsed, unless a timely appeal is properly filed. If a timely appeal is filed, the permit shall be deemed legally effective when finally approved by the City Council. This date shall be so noted in the official site development permit application file and shall also be noted upon the issued site development permit and/or approval confirmation letter.

H. **Expiration And Revocation:** The following provisions detail the site development permit expiration and revocation process:

1. **Revocation:** An approved site development permit may be revoked through the City's revocation process if the site development project is not being conducted in compliance with the site development permit, as conditioned, or:

a. If any project for which a site development permit has been granted and issued is not established within two (2) years of the site development permit's effective date; or

b. If the established land use for which the permit was granted has ceased or has been suspended for twenty-four (24) consecutive months.

2. **Procedure:** If a site development permit is subject to revocation under subsection H1 of this Section, the City shall follow the procedures set forth herein.

a. **Notice:** Notice of a hearing before the Planning Commission shall be provided in accordance with subsection C of this section.

b. **Hearing:** The Planning Commission shall conduct a public hearing to determine whether the permit shall be revoked and shall make findings that comply with subsection E of this section.

c. **Appeal:** The Planning Commission decision shall be subject to appeal in accordance with section 9266 of this code.

3. New Application: Nothing herein shall prohibit the holder of a permit revoked pursuant to subsection H1a or H1b of this section from applying for a new permit in accordance with the procedures for new applications.

I. Renewal: Site development permits may be renewed for an additional period not to exceed one year provided, prior to the expiration of the permit, an application for renewal is filed with the Planning Department. The application shall consist of a detailed letter explaining the reason(s) for the request. The Planning Director shall grant or deny an application to renew a site development permit, and shall provide an explanation of his decision, in writing, to the applicant. The Planning Director's decision to approve a renewal shall generally be based upon a determination that all the circumstances associated with the original approval are substantially the same at the time of the renewal application. An appeal of the Planning Director's decision may be made to the City Council for a final decision. Any such appeal must comply with the requirements of Section 9266 of this code. (Ord. 1002, §2, adopted 1998; Ord. 1136, §2, adopted 2012)

#### **§9264 VARIANCE PROCEDURES**

Variance applications and processing procedures shall be as follows:

A. Application Filing And Submittal Requirements: Applications for variances shall be made to the City Planning Department by filling out the required variance application form, and submitting a detailed plot plan of the subject property, as well as surrounding land uses, elevation drawings, and any other project-related information deemed necessary by the Planning Director. The appropriate filing fee must also be paid at the time of application submittal.

B. Public Noticing Requirements: The City shall follow the public noticing procedures of the California Government Code. Failure of any person to receive mailed notice or failure to post notice shall not invalidate any proceedings conducted by the decision-making body. Unless in conflict with the provisions of the Government Code, notices of public hearings on applications for variances shall be given at least ten (10) days prior thereto, by the following manner:

1. Publication in a newspaper of general circulation in the City.
2. Notices shall be mailed, using addresses from the latest equalized assessment roll, to all owners of property within a three hundred foot (300') distance of any boundary of the subject property, and to the project applicant or agent, as well as to the property owner of record.
3. Mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide essential facilities and services which may be significantly affected.
4. The subject property shall be posted in three (3) locations ten (10) days prior to the public hearing.

C. Action On Variances: All applications for variances shall be considered and acted upon by either the Zoning Administrator or the Planning Commission.

1. The Zoning Administrator shall review, conduct public hearings, and decide upon all minor variance applications.
2. Appeals of the Zoning Administrator actions shall be heard by the City Council for a final decision.
3. The Planning Commission shall review, conduct public hearings, and decide upon all major variance applications.
4. Appeals of the Planning Commission actions shall be heard by the City Council for a final decision.
5. At the discretion of the Planning Director, any variance application may be directed to the Planning Commission for consideration and decision-making action.
6. Any variance application which is reviewed by the Zoning Administrator or the Planning Commission may be approved, conditionally approved, or denied.

D. Findings: Findings are required to grant a variance.

1. The Zoning Administrator or Planning Commission, on the basis of the evidence submitted at the hearing, may grant variances from the requirements of this Chapter when:
  - a. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Article deprives such property of privileges enjoyed by other property in the vicinity and subject to identical zoning regulations.
  - b. The issuance of the variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and subject to identical zoning regulations.
  - c. The grant of the variance would not be detrimental to surrounding property owners.
2. The findings shall not be vague and conclusionary. The findings shall be sufficiently detailed to apprise a reviewing court of the basis for the action by bridging the gap between the evidence and the decision-maker's conclusions, and shall be based upon evidence contained in the administrative record.

E. Conditions: Any variance granted may be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and subject to identical zoning regulations.

F. Effective Date: The variance shall be deemed legally in effect when the appeal period has lapsed, unless a timely appeal is properly filed. If such an appeal is filed, the variance shall be deemed legally effective upon final approval by the City Council. This date shall be so noted in the official variance permit application file and shall also be noted upon the issued variance permit and/or approval confirmation letter.

G. Expiration And Revocation: The following provisions detail the variance expiration and revocation process:

1. Revocation: An approved variance may be revoked through the City's revocation process if the variance project is not being conducted in compliance with the variance as conditioned, or:

a. If any project for which a variance has been granted and issued is not established within two (2) years of the variance's effective date; or

b. If the structure for which the variance was granted is removed for a period of two (2) years.

2. Procedure: If a variance is subject to revocation under subsection G1 of this Section, the City shall follow the procedures set forth herein.

a. Notice: Notice of a hearing before the Planning Commission shall be provided in accordance with subsection B of this Section.

b. Hearing: The Planning Commission shall conduct a public hearing to determine whether the permit shall be revoked and shall make findings that comply with subsection D of this Section.

c. Appeal: The Planning Commission decision shall be subject to appeal in accordance with Section [9266](#) of this Article.

3. New Application: Nothing herein shall prohibit the holder of a permit revoked pursuant to subsection G1a or G1b of this Section from applying for a new permit in accordance with the procedures for new applications.

H. Renewal: Variances may be renewed for an additional period not to exceed one year provided, prior to the expiration of the variance, an application for renewal is filed with the Planning Department. The application shall consist of a detailed letter explaining the reason(s) for the request. The Planning Director shall grant or deny an application to renew a variance, and

shall provide an explanation of his decision, in writing, to the applicant. The Planning Director's decision to approve a renewal shall generally be based upon a determination that all the circumstances associated with the original approval are substantially the same at the time of the renewal application. An appeal of the Planning Director's decision may be made to the City Council for a final decision. Any such appeal must comply with the requirements of Section [9266](#) of this Article. (Ord. 1002, §2, adopted 1998)

### **§9265 ZONING TEXT AMENDMENTS; REZONING**

The text of this Chapter, the boundaries of zoning districts, or planned development ordinances, may be changed whenever the public necessity, convenience, and general welfare require such amendment, or when corresponding changes are made to the City General Plan, by following the procedures set forth in this Article.

- A. Initiation Of Amendments: An amendment to the text or maps may be initiated by:
  - 1. The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the Planning Department and be accompanied by a fee, if any, that has been established from time to time by resolution of the City Council.
  - 2. A minute order action of intention of the City Council or Planning Commission.
  - 3. Planning Department staff for compliance with the City General Plan, or public health, safety, and general welfare.
- B. Application Filing And Submittal Requirements: Applications for zoning text, district boundary, and planned development ordinance amendments shall be filed with the City Planning Department, and shall include a completed application form, filing fee, and any additional information, studies, plans, or documentation which might assist the Planning Department in better understanding the proposal or are requested by the Planning Director or his/her designee.
- C. Public Noticing Requirements: Notices of public hearings on zoning text, district boundary, and planned development ordinance amendment applications shall be publicly noticed according to State law.
- D. Action On Text Amendment, Rezoning Applications: The Planning Commission shall hold at least one public hearing on any proposed Zoning Code text amendment and/or General Plan amendment, and formulate a recommendation to the City Council.

The Planning Commission's recommendation shall be advanced to the City Council for consideration at the next available City Council meeting. The City Council shall conduct a public hearing, duly noticed according to State law, prior to taking a final action on the project.

E. Findings: The City Council shall make findings supporting their action on zoning text, district, and planned development ordinance amendment applications, if advised to do so by the City Attorney. (Ord. 1002, §2, adopted 1998)

### **§9266 APPEALS**

All determinations of the Zoning Administrator or the Planning Commission regarding minor discretionary planning permits, shall be final unless a written appeal, stating the reasons for the appeal, and the appeal fee, if any, established from time to time by City Council resolution, are filed with the City Clerk within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken.

An appeal of the decision of the Zoning Administrator shall go to the City Council for a final decision. Such an appeal must be made in writing stating the reasons for the appeal, must include the appeal fee, if any, established from time to time by City Council resolution, and must be filed with the City Clerk within ten (10) days of the date the decision was made. The Planning Commission shall conduct a duly noticed public hearing on the appeal in accordance to the applicable procedures as set forth in this Article. At the close of the public hearing, the City Council may affirm, reverse, revise or modify the appealed decision of the Zoning Administrator. All City Council decisions on appeals of the Zoning Administrator's action are final for the City.

All determinations of the Planning Commission regarding major discretionary planning permits, shall be final unless a written appeal, stating the reasons for the appeal, and the appeal fee, if any, established from time to time by City Council resolution, are filed with the City Clerk, within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken.

An appeal of the decision of the Planning Commission shall go to the City Council for a final decision. The City Council shall conduct a duly noticed public hearing on the appeal in accordance to the applicable procedures as set forth in this Article. At the close of the public hearing, the City Council may affirm, reverse, revise or modify the appealed decision of the Planning Commission. All City Council decisions on appeals of the Planning Commission's action are final for the City. (Ord. 1002, §2, adopted 1998)

### **§9267 PREZONING**

The City may prezone unincorporated territory adjoining the City for the purpose of determining the zoning which will apply to such property in the event of subsequent annexation to the City.

A. Public Notice Requirements: Public notice of both the Planning Commission and City Council hearings to prezone territory shall be published in a newspaper of general circulation published and circulated in the area to be prezoned, and if there is no such newspaper, the notice shall be posted in at least three (3) public places in the area to be prezoned. Written notice of both the Planning Commission and City Council hearings shall be mailed to the owners of the property within a radius of three hundred feet (300') of the exterior boundaries of the property which is the subject of the application, using for such purpose the name and address of such owners as shown upon the current assessment roll of the County. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection is greater than one thousand (1,000), the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation in the community at least ten (10) days prior to the hearing. Contents of the advertisement shall be pursuant to the Government Code. The failure of any person to receive such notice shall not invalidate the proceedings.

B. Action On Prezoning: The City Planning Commission shall conduct a public hearing to consider a proposal for prezoning territory. The Commission shall formulate a recommendation to the City Council. The City Council shall also conduct a public hearing to consider the prezoning proposal, and shall render a decision accordingly.

C. Effective Date: The ordinance prezoning a territory shall become effective upon the effective date of the ordinance or resolution annexing such territory to the City. (Ord. 1002, §2, adopted 1998)

#### **§9268 ZONING ADMINISTRATOR**

There is hereby created in the Planning Department, the office of the Zoning Administrator. The Zoning Administrator shall be the Planning Director or his/her designated representative.

A. Function And Duties: The function of the Zoning Administrator is to achieve improved coordination in the administration of the Zoning Code; to increase the efficiency of the zoning enforcement proceedings; to reduce the time required in processing applications for the minor discretionary planning permits; and to relieve the Planning Commission of certain routine functions in order that it may give its attention to its primary responsibility of comprehensive community planning.

B. Authority: The Zoning Administrator shall have the authority and it shall be a duty of this office to conduct public hearings, and to make determinations regarding minor use permits, site development permits, variances, modifications of conditions of approval, minor changes to

previously approved projects, and other minor zoning matters as determined by the City Planning Director.

C. Action By The Zoning Administrator: The Zoning Administrator shall make findings and approve, conditionally approve, or deny minor use permits, site development permits, variances, and other discretionary zoning matters. The Zoning Administrator shall have the authority to impose conditions of approval as provided for in this Article.

D. Referral To The Planning Commission: The Zoning Administrator may refer any application for a use permit, site development permit, variance, or any other zoning matter to the Planning Commission for public hearing.

E. Appeals: All decisions made by the Zoning Administrator are appealable to the City Council for a final decision as provided for in this Chapter. (Ord. 1002, §2, adopted 1998)

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1 Ord. 793, §2, adopted 1982; Ord. 880, §5, adopted 1988; rep. by Ord. 1002, §2, adopted 1998.

**CHAPTER 2  
ZONING**

**ARTICLE 21. DEFINITIONS**

SECTION:

- §9275: Purpose
- §9276: Application
- §9277: Terminology
- §9278: Definitions

**§9275 PURPOSE**

The purpose of this article is to provide clear and concise definitions to the terms and phrases contained in this chapter. (Ord. 1019, §1, adopted 1999)

**§9276 APPLICATION**

The meaning and construction of words and phrases defined in this article shall apply, except where the context clearly indicates a different meaning or construction. (Ord. 1019, §1, adopted 1999)

**§9277 TERMINOLOGY**

- A. All public officials, agencies, and regulations referenced in this chapter are those of the city of Ukiah unless otherwise indicated.
- B. "Building official" means the person designated by the California building code, as adopted by the city, as responsible for enforcement and administration of the building code.
- C. "Section" means a numbered division of this article containing the basic provisions of a general topic; e.g., the zoning ordinance basic provisions.
- D. "Commission" or "planning commission" means the planning commission of the city of Ukiah.
- E. "Council" or "city council" means the city council of the city of Ukiah.
- F. "County" means the county of Mendocino, state of California.
- G. "Department" means the planning department of the city of Ukiah.
- H. "Director" means the planning director of the city of Ukiah, or a designee thereof.
- I. "Federal" means the government of the United States.
- J. "General plan" means the Ukiah general plan as adopted by the city council.
- K. "State" means the state of California. (Ord. 1019, §1, adopted 1999; Ord. 1114, §2, adopted 2009)

## §9278 DEFINITIONS

A. Any words or phrases not defined within this article shall be defined as set forth in current dictionaries. If no dictionary defines a particular term, the city planning director shall have the authority to define the term or equate it to a defined term that is similar in nature.

B. For purposes of this article, the words and phrases set out herein shall have the following meanings:

~~HOMELESS FACILITIES~~EMERGENCY SHELTER. A building or group of buildings designed or adaptable for human occupation operated by a public agency, not for profit organization, or charitable organization to provide emergency or temporary shelter for homeless or displaced persons.

~~HOMELESS FACILITY~~EMERGENCY SHELTER, SMALL. Facilities for up to 12 persons and a maximum of two permanent live in staff.

~~HOMELESS FACILITY~~EMERGENCY SHELTER, LARGE. Facilities with 13 or more persons.

EMERGENCY SHELTER ZONE: One of four (4) zones into which the City is divided for the purpose of siting emergency shelters. The zones are as follows:

1. Zone 1: Perkins Street North, which includes the entire City north of Perkins Street.
2. Zone 2: Perkins Street – Gobbi Street, which includes Perkins Street and the entire City to the south side of Gobbi Street.
3. Zone 3: Gobbi Street West, which includes the entire City west of the center line of State Street and south of Gobbi Street.
4. Zone 4: Gobbi Street East, which includes the entire City east of the center line of State Street and south of Gobbi Street.

LOW BARRIER NAVIGATION CENTER. A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities. ~~while~~A Low Barrier Navigation Center shall provide case managers to connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

LOW BARRIER. ~~Means a best practices standard for best practices to reduce barriers to entry into shelters, and may include, but is not limited to, allowing or providing the following:~~

- (1) The presence of partners ~~if it~~provided that the shelter is not a population-specific site, such as survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

SINGLE ROOM OCCUPANCY (SRO). Any residential structure containing more than five (5) units intended or designed to be used, rented, or hired out to be occupied for sleeping purposes, generally for one person per unit. Individual units typically share communal features, (e.g., kitchen, bathroom, or entertainment area).

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community. Supportive housing units are residential uses allowed in any zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

TRANSITIONAL HOUSING. Rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months from the beginning of the assistance. Transitional housing units are residential uses allowed in any residential zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.