

Draft Model Zoning Ordinance

for Fresno County and Small Cities

prepared by

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Chapter 1

Introduction

BACKGROUND

The San Joaquin Valley Blueprint was adopted in 2009 by the eight Valley Council of Governments: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern. The Valley Blueprint is a regional plan to holistically integrate land use, transportation, and natural resource planning throughout the San Joaquin Valley, and each COG is responsible for working with their member agencies – a combined 62 cities and eight counties – to implement the Valley Blueprint principles.

Updated every four years, the Fresno COG Regional Transportation Plan (RTP) is a long-range planning document that is designed to identify present and future transportation needs, understand deficiencies and constraints, examine potential solutions, evaluate prospective funding opportunities and propose investment opportunities. Additionally, the RTP serves as a policy document establishing goals for transportation, environmental quality, economic growth, and social equity for the region.

The Sustainable Cities Strategy (SCS) is an extension of the RTP, as it serves to provide a forecasted development pattern for the region and include a framework for the implementation of transportation measures and policies intended to reduce Green House Gases (GHG) to a specified reduction target for the region. Fresno COG has been working with its 13-member smaller cities to assist with implementation of Blueprint principals and the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) through their Circuit Planning and Engineering Program. This model zoning book is a result of these programs.

USING THE MODEL BOOK

There have been numerous recent changes to State legislation, regional planning trends, and local housing and development needs that are leading many jurisdictions across California to seek amendments or updates to their zoning ordinances. This Model Zoning Book is intended to provide a starting place for Cities within Fresno County meet State legislative requirements and best practices for their zoning ordinances. This Model Book contains 5 chapters with information, resources, and examples for assessing and updating local zoning ordinances. The Book is organized as follows:

- Chapter 1: Introduction
- Chapter 2: Planning Permits
- Chapter 3: Zoning Districts



- Chapter 4: Special Uses
- Chapter 5: General Regulations

Each chapter includes a topic introduction that is followed by a cut sheet with full-length example ordinance section language. **Figure 1** provides a guide to using the cut sheets.

Using the Model Book

Cut sheet title identifies topic

Explanation and applicability sections provide context

Colored box outlines model policy, code, or considerations

FRESNO COUNCIL OF GOVERNMENTS
SUBREGIONAL CAP IMPLEMENTATION MODEL BOOK

2.1 MINISTERIAL REVIEW

Ministerial review processes do not require any discretionary decisions by staff or decision-makers; rather, they simply verify that predetermined requirements have been met for the granting of the permit. Ministerial permits may be approved “over the counter” by the City Planner or other designated staff and do not need to be reviewed by the Planning Commission or City Council. All jurisdictions have some form of administrative review and permitting, and some uses are now required by California State law to have administrative approval. Ministerial review is best for minor land use actions that have little impacts on surrounding properties or service systems and have no environmental effects under the California Environmental Quality Act.

Explanation

This section contains two types of common ministerial review performed by jurisdictions: zoning clearance and site plan review. A zoning clearance is a written record that can be requested by the applicant to verify that the proposed project meets the zoning district requirements for the subject property.

A site plan review is commonly performed in conjunction with another discretionary permit application process to ensure the proposed project meets all standards and requirements of the jurisdiction.

Applicability

All jurisdictions have some form of ministerial review process. The exact permits and uses allowed administrative approval may vary, however.

Model Ordinance Language

The following model language provides an example of an ordinance section describing a jurisdiction’s ministerial review process, including preparation of Zoning Clearance Letters and completion of Site Plan Review. The language should be modified to be consistent with the jurisdiction’s specific requirements and terminology.

ZONING CLEARANCE LETTER

- A zoning clearance letter may be requested for all buildings and structures hereinafter erected, constructed, altered, or moved within or into any district established by this title, or for any use or activity which requires a building permit, to verify that each new or expanded use or structure complies with all applicable requirements of this Ordinance and with any applicable City policies or standards. No building permit shall be issued until zoning confirmation has been obtained from the planning department, and any other necessary permits required by this title have been issued and have become effective.
- Applications for a zoning clearance letter shall be submitted to the planning department and shall be accompanied by a processing fee pursuant to the amount listed in Section _____.
- The [PLANNING MANAGER] may request that the zoning clearance application be accompanied by a written narrative, operational statement, or other related materials necessary to show that the proposed development complies with all applicable provisions of this Ordinance.

SITE PLAN REVIEW

- Site plan review may be required at the discretion of staff or the Planning Commission as part of any discretionary permit to ensure the proposed development is in conformance with the standards and

4 | PLANNING PERMITS



Chapter 2

Planning Permits

INTRODUCTION

Planning permits are issued by a jurisdiction’s planning staff or zoning board to allow construction of new structures, modifications to existing structures, and establishment of new uses as required under the jurisdiction’s zoning ordinance. Planning permits can be discretionary, which require judgement by a decision-maker, or ministerial, which require little or no discretion and can be evaluated based on a set of objective regulations. The zoning ordinance should identify which structures, modifications, and uses require each type of permit. Planning permits are typically reviewed and approved prior to approval of building permits for a proposed project.

An easy to understand and streamlined permitting process creates a positive experience for both the jurisdiction and its applicants. Permits should be administrative where possible to allow for simplified approvals, with discretionary permits reserved for uses that have potential impacts to surrounding uses, public services, or the environment.

Chapter 2 addresses planning permits and incorporating levels of approval into the zoning ordinance through the following topics:

- 2.1 Administrative Review
- 2.2 Discretionary Permits

A permitting process should reflect the structure of the jurisdiction’s reviewing authorities, allowed uses, and individual requirements. It will vary from jurisdiction to jurisdiction and should be tailored to fit your jurisdictions specific processes and needs.

2.1 MINISTERIAL REVIEW

Ministerial review processes do not require any discretionary decisions by staff or decision-makers; rather, they simply verify that predetermined requirements have been met for the granting of the permit. Ministerial permits may be approved “over the counter” by the City Planner or other designated staff and do not need to be reviewed by the Planning Commission or City Council. All jurisdictions have some form of administrative review and permitting, and some uses are now required by California State law to have administrative approval. Ministerial review is best for minor land use actions that have little impacts on surrounding properties or service systems and have no environmental effects under the California Environmental Quality Act.



Explanation

This section contains two types of common ministerial review performed by jurisdictions: zoning clearance and site plan review. A zoning clearance is a written record that can be requested by the applicant to verify that the proposed project meets the zoning district requirements for the subject property.

A site plan review is commonly performed in conjunction with another discretionary permit application process to ensure the proposed project meets all standards and requirements of the jurisdiction.

Applicability

All jurisdictions have some form of ministerial review process. The exact permits and uses allowed administrative approval may vary, however.

Model Ordinance Language

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ZONING CLEARANCE LETTER

- A. A zoning clearance letter may be requested for all buildings and structures hereinafter erected, constructed, altered, or moved within or into any district established by this title, or for any use or activity which requires a building permit, to verify that each new or expanded use or structure complies with all applicable requirements of this Ordinance and with any applicable [CITY/COUNTY] policies or standards. No building permit shall be issued until zoning confirmation has been obtained from the planning department, and any other necessary permits required by this title have been issued and have become effective.
- B. Applications for a zoning clearance letter shall be submitted to the planning department and shall be accompanied by a processing fee pursuant to the amount listed in Section _____.
- C. The [PLANNING MANAGER] may request that the zoning clearance application be accompanied by a written narrative, operational statement, or other related materials necessary to show that the proposed development complies with all applicable provisions of this Ordinance.

SITE PLAN REVIEW

- A. Site plan review may be required at the discretion of staff or the Planning Commission as part of any discretionary permit to ensure the proposed development is in conformance with the standards and requirements of the zoning district and policies of the General Plan, appropriate infrastructural improvements are provided, and adverse impacts to adjacent properties are prevented.
- B. The applicant shall submit an electronic copy and three (3) physical copies of the site plan to the planning department and shall be accompanied by a fee pursuant to the amount listed in Section _____. The site plan shall be drawn to scale and shall indicate clearly and with full dimensioning, at a minimum, the following information:
 1. Lot dimensions.
 2. Setbacks.



3. All buildings and structures: Location, elevations, size, height, and proposed use.
 4. Walls and fences: Location, height, and materials.
 5. Off-street parking: Location, number of spaces and dimensions of parking area, and internal circulation patterns.
 6. Pedestrian, bicycle, and vehicular access.
 7. Signs: Location, size, and height.
 8. Loading: Location, dimensions, number of spaces, and internal circulation.
 9. Lighting: Location and holding devices.
 10. Utilities: Location of existing and proposed utilities.
 11. Demonstrated compliance with all conditions and environmental mitigation measures.
- C. The [PLANNING MANAGER] may request that the site plans submitted for review be accompanied by a written narrative, operational statement, or other related materials necessary to show that the proposed development complies with all applicable provisions of this Ordinance.

2.2 DISCRETIONARY PERMITS

Discretionary permits require staff or decision-makers to exercise judgement prior to approval of the permit. Depending on the specifics of a given application and its accompanying circumstances, discretionary permits may be approved, conditionally approved, or denied.

Explanation

The most common types of discretionary review permits are discretionary review at the staff level, conditional use permits (CUPs), variances, and temporary use permits. This section provides example ordinance language for all of these.

A discretionary review and approval permit is approved by the planning manager or other designated staff and allows for the approval of uses that may require a slightly higher level of review due to unusual characteristics or potential impacts on surrounding uses. These decisions are usually appealable to the Planning Commission.

A conditional use permit allows uses which are not allowed by-right within a zoning district, but which may be allowed through a public hearing process and subject to specific findings related to potential impacts on the community. These are uses identified as having a greater potential to disturb neighbors or have other potential nuisances (e.g.; traffic, noise, odor).

A variance is an exception or modification to zoning regulations to remedy an issue based on a unique or unusual circumstance that does not allow for a usually acceptable use to occur or fit on the property (e.g.; reduced setback due to an odd-shaped lot). A variance is approved through a public hearing process and subject to specific findings related to special circumstances which would deprive a property owner of privileges or usage enjoyed by similar properties.

A temporary use permit allows uses which are limited in duration of time and do not permanently alter the character or physical facilities of the premises or property.

Applicability

All jurisdictions have a process for review and approval of discretionary permits. The exact permits and uses allowed under discretionary approval may vary, however.



Model Ordinance Language

The following model language provides an example of an ordinance section describing a jurisdiction's discretionary permit review process. This example provides language related to conditional use permits, variances, and temporary use permits; however, the language should be modified to be consistent with the jurisdiction's specific requirements and permit types.

DISCRETIONARY REVIEW AND APPROVAL

- A. Certain uses allowed in specified zoning districts are permitted subject to approval of a staff-level permit called discretionary review and approval (DRA). Uses allowed with a DRA require a discretionary decision by the [PLANNING MANAGER] due to unusual characteristics or potential impacts on surrounding uses.
- A. *Review and Decision of DRA Applications.* Upon receipt of a DRA application, the [CITY/COUNTY] shall first review the application to determine completeness, consistent with the requirements of the California Permit Streamlining Act and the planning application checklist. If the application is complete, the [CITY/COUNTY] shall give notice of their decision to approve, modify, or deny an application through posting and mailing of a Notice of DRA Decision, which may be appealed as set forth below. A DRA may be granted only when all of the following findings are met in reference to the property being considered:
 1. The proposed establishment, maintenance, and operation of the use will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of such proposed use, nor will it be detrimental to property and improvements in the neighborhood or [CITY/COUNTY];
 2. The proposed use will not be contrary to the objectives of the General Plan;
 3. The proposed use has been evaluated consistent with the requirements of the California Environmental Quality Act (CEQA);
 4. The site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the zoning district for which the use is proposed.
- B. The applicant shall submit an electronic copy and three physical copies of a site plan, a completed DRA permit application form, and all other required material described on the planning application checklist to the planning department. The application submission shall include a filing fee pursuant to the amount listed in Section _____ [CROSS REFERENCE TO FEE SCHEDULE SECTION].
- C. *Appeals to the Planning Commission.* Any person may appeal the [PLANNING MANAGER'S] decision to the planning commission in accordance with the procedure specified in Chapter _____ [CROSS REFERENCE TO APPEALS SECTION] of the Municipal Code. Upon appeal of the [PLANNING MANAGER'S] action, the planning commission shall hold a new public hearing where it shall review the complete record and either affirm, deny, or modify the [PLANNING MANAGER'S] decision.
- D. *Expiration.* A DRA shall expire and become void one year from the date it became effective if the use permitted under the DRA is not operating within that time period, unless a greater time was agreed upon in writing upon permit approval, or a building permit was issued and construction has commenced prior to the expiration.



- E. A DRA may be renewed for an additional year, or for a lesser or greater time as specified, provided that an application for renewal is filed with the [PLANNING MANAGER] prior to the expiration of the previous DRA. The [PLANNING MANAGER] may approve, approve with conditions, or deny an application for renewal of a DRA, subject to the findings required for approval of the original DRA application.

CONDITIONAL USE PERMITS

- A. Certain uses allowed in specified zoning districts are permitted subject to approval of a conditional use permit (CUP). Conditional uses require special discretionary consideration due to unusual characteristics or potential impacts on surrounding uses.
- B. Upon receipt of a CUP application, the [CITY/COUNTY] shall first review the application to determine completeness, consistent with the requirements of the California Permit Streamlining Act and the planning application checklist. If the application is complete the [CITY/COUNTY] shall set a public hearing date at which the use permit will be considered and give public notice of the hearing date, time, place, and project description. Often CEQA review and documentation is also required.
- C. Prior to the public hearing, a staff report, environmental determination, and findings for the use permit shall be made available to the Planning Commission and the public. A CUP may be granted only when all the following findings are met in reference to the property being considered:
 - 1. The proposed establishment, maintenance, and operation of the use will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of such proposed use, nor will it be detrimental to property and improvements in the neighborhood or [CITY/COUNTY];
 - 2. The proposed use will not be contrary to the objectives of the General Plan;
 - 3. The proposed use has been evaluated consistent with the requirements of the California Environmental Quality Act (CEQA);
 - 4. The site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the zoning district for which the use is proposed.
- D. The applicant shall submit an electronic copy and three physical copies of a site plan, a completed CUP permit application form, and all other required material described on the planning application checklist to the planning department. The application submission shall include a filing fee pursuant to the amount listed in Section _____ [CROSS REFERENCE TO FEE SCHEDULE SECTION].
- E. The Planning Commission shall review the proposed action and hear testimony at the noticed public hearing. At the conclusion of the public hearing, the Planning Commission shall grant the CUP with such conditions as it deems necessary or shall deny the CUP. In the event of the granting of a CUP, the [PLANNING MANAGER] as directed shall notify the applicant of such granting in writing, and such CUP shall be effective upon execution by the applicant of an acceptance thereof and agreement to abide by all the conditions attached thereto.
- F. Any person may appeal the Planning Commission's decision to the [CITY COUNCIL] in accordance with the procedure specified in Chapter _____ [CROSS REFERENCE TO APPEALS SECTION] of the Municipal Code. Upon appeal of the Planning Commission's action, the [CITY COUNCIL] shall hold a new public



hearing where it shall review the proceedings held by the Planning Commission and either affirm, deny, or modify the Commission's decision.

- G. A CUP shall expire and become void one year from the date it became effective if the use permitted under the CUP is not operating within that time period, unless a greater time was agreed upon in writing upon permit approval, or a building permit was issued and construction has commenced prior to the expiration.
- H. A CUP may be renewed for an additional year, or for a lesser or greater time as specified, provided that an application for renewal is filed with the Planning Commission prior to the expiration of the previous CUP. The planning commission may by resolution approve, approve with conditions, or deny an application for renewal of a CUP. The resolution shall describe the findings of the Planning Commission regarding the decision.

VARIANCES

- A. Where practical difficulties, unnecessary hardships, and conditions inconsistent with the general purposes of this ordinance may result from the strict application of certain provisions thereof, a variance may be granted as provided in this section. A variance is intended to provide a mechanism for relief from the strict application of this ordinance where such application will deprive the property owner of privileges or usage enjoyed by similar properties because of the subject property's unique and special conditions.
- B. The granting of any variance and the conditions attached to such grant shall assure that such variance does not constitute a special privilege inconsistent with the limitations on other properties in the vicinity and district in which the property is situated.
- C. In addition to any other application requirements, the application for a variance shall include:
 - 1. A legal description of the property involved and the proposed use, with plot plans showing locations of all proposed buildings or facilities as well as existing buildings and a description of the proposed use;
 - 2. A letter of operational statement outlining the cause of applying for variance;
 - 3. A copy of the original deed or the title report by which the applicant/owner of the subject property holds title or a copy of lease agreement between the applicant and the owner of the subject property; and
 - 4. A reference to the specific provisions of this chapter from which such property is sought to be excepted.
- D. Variance Permit Process.
 - 1. Applicant submits a variance application to the [PLANNING MANAGER].
 - 2. The [CITY/COUNTY] determines the level of environmental review necessary for the proposed project.
 - 3. The application is reviewed by the [CITY/COUNTY] for completeness. If the application is deemed complete, a tentative date is set for public hearing.
 - 4. Public hearing notices are issued at least 10 days prior to the public hearing following standard noticing practices.



5. Staff prepares a report for presentation to the Planning Commission including an environmental determination, findings related to the variance, and other planning concerns deemed relevant.

A variance may be granted only when all of the following findings are met in reference to the property being considered:

- a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, including size, shape, topography, location, or surroundings, whereby strict application of the zoning ordinance deprives such property of privileges enjoyed to other property in the vicinity having the identical zoning classification;
- b. The variance has been conditioned to assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
- c. The variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property;
- d. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located; and
- e. The granting of such a variance will not be contrary to the objectives of the General Plan.

6. The Planning Commission shall review the proposed action and hear testimony at the noticed public hearing. At the conclusion of the public hearing, the Planning Commission shall grant the variance with such conditions as it deems necessary or shall deny the variance. In the event of the granting of a variance, the [PLANNING MANAGER] as directed shall notify the applicant of such granting in writing, and such variance shall be effective upon execution by the applicant of an acceptance thereof and agreement to abide by all the conditions attached thereto.

- E. *Appeals to the Council.* Any person may appeal the Planning Commission's decision to the [CITY COUNCIL] in accordance with the procedure specified in Chapter _____ [CROSS REFERENCE TO APPEALS SECTION] of the Municipal Code. Upon appeal of the Planning Commission's action, the [CITY COUNCIL] shall hold a new public hearing where it shall review the proceedings held by the Planning Commission and either affirm, deny, or modify the Planning Commission's decision.

TEMPORARY USE PERMIT

- A. A temporary use permit may be issued for seasonal or similar short-term term special events and sales by the [PLANNING MANAGER]. If the [PLANNING MANAGER] determines that the application is subject to review under CEQA and the project does not qualify for an exemption pursuant to State law or CEQA Guidelines, the temporary use permit shall be processed as a conditional use permit application.
- B. The [PLANNING MANAGER] shall approve, conditionally approve, or deny applications for temporary use permits based on consideration of the requirements of this Zoning Ordinance. The [PLANNING MANAGER] may refer an application for a temporary use permit to the Planning Commission if the



[PLANNING MANAGER] finds that the temporary use may have substantial and detrimental impacts to surrounding land that warrant Planning Commission review.

- C. The [PLANNING MANAGER] may approve an application for a temporary use permit, without public notice, upon making the following findings:
 1. The proposed use does not exceed three consecutive days or occur more than once in any given six-month period;
 2. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the [CITY/COUNTY]; and
 3. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas or a parking management plan.
- D. The [PLANNING MANAGER] may impose reasonable conditions deemed necessary to ensure compliance with the findings for a temporary use permit including, but not limited to:
 1. Regulation of ingress and egress and traffic circulation; valet or off-site parking;
 2. Fire protection and access for fire vehicles;
 3. Regulation of lighting and noise;
 4. Regulation of hours and/or other characteristics of operation;
 5. Removal of all trash, debris, signs, sign supports, and temporary structures;
 6. Electrical service; and
 7. Time limits.
- E. A temporary use permit for a term period shall not to exceed three months, and may be issued for any of the uses for which such permits are required by this title.



Chapter 3

Zoning Districts

INTRODUCTION

This chapter provides information and example language for common zoning districts across jurisdictions. This model zoning book predominantly uses a Euclidean Zoning approach, with similar and compatible land uses allowed in specific areas but also incorporates simple design guidelines and performance standards.

The chapter is divided between residential and non-residential zoning districts, and provides sample uses and regulations for each of the following example districts:

- 3.1 Residential Districts
 - *R-1 Single Family Residential*
 - *R-2 Multi Family Residential*
 - *R-3 Multi Family Residential*
 - *R-4 Multi Family Residential*
- 3.2 Non-Residential Districts
 - *Open Space District*
 - *Public Facilities District*
 - *Commercial District*
 - *Downtown Commercial District*
 - *Manufacturing District*

Zoning district regulations will vary from jurisdiction to jurisdiction. The number and type of zoning districts and the regulations that apply to each district, including allowed uses and development standards, should be tailored to reflect the existing environments and needs of a specific jurisdiction.

3.1 RESIDENTIAL DISTRICTS

Residential zoning districts allow for a range of housing densities within each district, as well as any uses that are complementary to or compatible with the residential uses.



Applicability

All jurisdictions will have residential uses and will therefore likely include residential zoning districts in their ordinances.

Best Practices

The following zoning ordinances are recommended as best practices regarding residential zoning district allowances:

- [City of Firebaugh Zoning Ordinance](#)
- [City of Kingsburg Zoning Ordinance](#)
- [City of Merced Zoning Ordinance](#)
- [City of Vacaville Land Use and Development Code](#)

R-1 SINGLE FAMILY RESIDENTIAL

Explanation

A single-family residential (R-1) zoning district is a district where low-density residential uses and other compatible and accessory uses are allowed. R-1 zoning districts typically allow construction of single-family residences, accessory dwelling units, and nonresidential uses that are compatible with low-density residential development, including parks and other community facilities and daycare facilities.

Several legislative requirements and considerations should be taken into account when creating single-family zoning districts. Maintaining the expected lifestyle in a single-family residential area while still striving to reduce vehicle miles traveled (VMT), provide for plentiful and diverse housing options, and serve all residents' needs in a reasonable distance from their home can be challenging. In addition, single-family zoning requirements must comply with applicable State requirements, including the following:

- **Cottage Food Business Legislation.** Enacted in 2013, the California Homemade Food Act (AB 1616) allows certain foods, known as cottage foods, to be made in private homes and sold to the public. Operating a cottage food business requires compliance with a jurisdiction's registration, licensing and permitting requirements, and food prepared by cottage food businesses must be listed on the State's approved list of food products, which includes "non-potentially hazardous foods," which are foods that are unlikely to grow harmful bacteria or other toxic microorganisms at room temperature.
- **Accessory Dwelling Unit (ADU) legislation.** In order to address the California housing crisis, the State has enacted many housing laws to actively encourage construction of ADUs. Planning staff should track new and updated ADU legislation to ensure their jurisdiction's ordinance complies with State law. Two of the most important laws enacted in 2020 include AB 68 and AB 881, which require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. The laws also limit types of development standards (setbacks, lot coverage, etc.) local agencies can impose to limit ADU development. An example ADU ordinance is provided in Section 5.5.

Sample R-1 Zoning District Language

The following model language provides an example of an ordinance section describing allowed uses and development standards for a single-family zoning district. The language should be modified to be consistent with the jurisdiction's specific requirements and permit types and in order to reduce potential impacts to the



community and prevent unwanted concentration of certain uses in certain areas. For example, this model language does not include standards for open space, but a jurisdiction could codify such standards if they are important to the community.

PURPOSE

The purpose of this zoning district is to provide for residential areas within the [CITY/COUNTY] that allow varying densities of single-family homes and other uses compatible with the district. This district shall promote a suitable living environment by maintaining orderly flow of residential traffic and restricting traffic from other sources, providing space for community facilities complementary to residential areas, and minimizing noise and disturbances in residential neighborhoods.

PERMITTED USES

- A. The following table sets forth the permits required for each listed use category.
 - 1. "P" designates permitted uses.
 - 2. "DRA" designates uses that are permitted after review and approval of a Discretionary Review and Approval process.
 - 3. "CUP" designates uses that are permitted after review and approval of a Conditional Use Permit.
 - 4. "-" designates prohibited uses
- B. In cases where a specific land use or activity is not defined, the [PLANNING MANAGER] may assign the land use or activity to a classification.
- C. Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

Use Types	R-1	Special Requirements
Cemeteries, crematories, or mausoleums	-	
Commercial vegetation and crop production	-	Excludes home gardening and edible landscaping incidental to the residential use
Community gathering facilities	CUP	Includes social halls, clubs, and lodges
Cottage food operations	P	As regulated by State law
Daycare, small	P	Eight or fewer children, as regulated by State law
Facilities which provide housing for six or fewer unrelated persons	DRA	
Facilities which provide housing for six or more unrelated persons	CUP	



Farmworker housing, single-family	P	
Home Occupations	DRA	See Section ____ [CROSS REFERENCE TO HOME OCCUPATIONS SECTION]
Industrial uses	-	
Overnight accommodations	CUP	Includes boarding houses and short-term rentals
Parks and playgrounds	P	
Professional offices	-	
Religious facilities	CUP	Includes churches, temples, and mosques
Residential structures – single unit dwelling, detached or attached	P	Includes accessory dwelling units and junior accessory dwelling units per Section ____ [CROSS REFERENCE TO ADU ORDINANCE]
Residential accessory buildings	P	Includes storage or garage structures
Utility or communications facilities and infrastructure	DRA	

A. The following types of uses are compatible in the R-1 district, and therefore allowed by right:

1. Single-family residential structures together with the accessory buildings customary to such use, such as housing units, accessory dwelling units, junior accessory dwelling units, and storage or garage structures;
2. Single-family farmworker housing;
3. Licensed small family day-care home (eight or fewer children, as regulated by State law);
4. Cottage food operations, as regulated by State law;
5. Edible landscaping, provided a residential unit is located on site and no signs, displays, or stands are used in conjunction therewith, such as fruit and vegetable gardens; and
6. Parks and Playgrounds.

B. The following types of uses are sometimes compatible in the R-1 district, and therefore are allowed only with discretionary review and approval (DRA):

1. Facilities which provide housing for six or fewer persons, such as small rehabilitation facilities, transitional housing, and community care facilities;
2. Utility or communications facilities and infrastructure, such as electrical transmission and distribution substations, communications equipment buildings, and elevated pressure tanks; and
3. Home occupations consistent with the requirements of Section ____ [CROSS REFERENCE TO HOME OCCUPATIONS SECTION].



- C. The following types of uses are allowed in the R-1 district only with the issuance of a conditional use permit (CUP):
1. Community gathering facilities such as social halls, clubs, lodges, and religious institutions;
 2. Facilities which provide housing for seven or more persons, such as large rehabilitation facilities, convalescent hospitals, and rest homes;
 3. Overnight accommodations such as boarding houses and short-term rentals.
- D. The following types of uses are not compatible in the R-1 district, and therefore are prohibited:
1. Industrial uses;
 2. Cemeteries, crematories, or mausoleums;
 3. Professional offices;
 4. Vegetation and crop cultivation and production, excluding home gardening that is performed as auxiliary to a residential use; and
 5. Uses that produce objectionable odors, noise, or other nuisances not compatible with a residential zone.

DEVELOPMENT STANDARDS

Development standards for the R-1 zoning district shall be as follows:

Development Standard	Regulation	Comments or Special Requirements
Maximum Lot Coverage	45 percent	
Minimum Lot Size	Interior lots: 6,000 square feet Corner lots: 6,500 square feet	
Minimum Lot Dimensions	Depth: 100 feet Width: 60 feet	Exceptions may be made for cul-de-sac and corner lots or other non-standard circumstances, subject to approval by the [PLANNING MANAGER]
Maximum Building Height	Main building: 35 feet Accessory building: 12 feet Garage or carport: 15 feet	
Minimum Yard Setbacks	Front yard: 20 feet Side yard: - Interior lot: 5 feet - Corner lot, interior side: 5 feet - Corner lot, street side: 10 feet	Side yard, Zero Lot Line. Zero lot line development shall be allowed with a ten-foot setback on the adjoining lot.



	- Reverse corner lot: 15 feet Rear Yard: 15 feet		
Minimum Space between buildings	Between two buildings of residential use: 10 feet Between any main building and all non-habitable accessory buildings: 6 feet		

R-2 MULTI-FAMILY RESIDENTIAL

Explanation

A multi-family (R-2) zoning district is a district where low- and medium-density residential uses and other compatible and accessory uses are allowed. R-2 zoning districts typically allow single-family residences, accessory dwelling units, duplexes, some multi-family residential development, and nonresidential uses that are consistent with the purposes of the district.

Several legislative requirements and considerations should be taken into account when creating R-2 zoning districts. R-2 zoning district regulations must strike a balance between maintaining the expected lifestyle in low-density residential areas while still striving to reduce vehicle miles traveled (VMT), providing services that serve residents' needs, and providing for plentiful and diverse housing options. In addition, the R-2 zoning district requirements must also comply with applicable State regulations related to cottage food businesses and accessory dwelling units, as described in the R-1 zoning district section above.

Sample R-2 Zoning District Language

The following model language provides an example of an ordinance section describing allowed uses and development standards for a R-2 zoning district. The language should be modified to be consistent with the jurisdiction's specific requirements and permit types and in order to reduce potential impacts to the community and prevent unwanted concentration of certain uses in certain areas.

PURPOSE

The purpose of the R-2 multi-family residential zoning district is to provide for a multiple-family residential district that meets the goals of the Housing Element, do not conflict with surrounding residential uses, and do not over burden local streets and services. The purpose and location of the R-2 zoning district is based on the policies and objectives outlined in the General Plan and the Zoning Map.

PERMITTED USES

- A. The following table sets forth the permits required for each listed use category.
1. "P" designates permitted uses.
 2. "DRA" designates uses that are permitted after review and approval of a Discretionary Review and Approval process.



3. "CUP" designates uses that are permitted after review and approval of a Conditional Use Permit.

4. "-" designates prohibited uses

B. In cases where a specific land use or activity is not defined, the [PLANNING MANAGER] may assign the land use or activity to a classification.

C. Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

Use Types	R-2	Special Requirements
Cemeteries, crematories, or mausoleums	-	
Commercial vegetation and crop production	-	Excludes home gardening incidental to the residential use
Community gathering facilities	CUP	
Daycare, small	P	
Daycare, large	CUP	
Facilities which provide housing for six or fewer unrelated persons	DRA	
Facilities which provide housing for six or more unrelated persons	CUP	
Farmworker housing	P	
Home Occupations	DRA	See Section [CROSS REFERENCE TO HOME OCCUPATIONS SECTION]
Industrial uses	-	
Manufactured homes	P	
Overnight accommodations	CUP	
Parks and playgrounds	P	
Religious facilities	CUP	
Residential structures, single-family or multi-family	DRA	



Residential accessory buildings	P	
Second dwelling units	P	
Utility or communications facilities and infrastructure	DRA	

The following standards clarify the permitted uses in the table above.

- A. The following types of uses are compatible in R-2 district, and therefore allowed by right:
 - 1. Farmworker housing;
 - 2. Licensed small family day-care home (eight or fewer children, as regulated by State law);
 - 3. Cottage food operations, as regulated by State law;
 - 4. Single-family manufactured homes; and
 - 5. Parks and playgrounds.

- B. The following types of uses are sometimes compatible in the R-2 district, and therefore are allowed only with discretionary review and approval (DRA):
 - 1. Single-family or multiple family residential structures together with the accessory buildings customary to such use, such as housing units, accessory dwelling units, and storage or garage structures;
 - 2. Facilities which provide housing for six or fewer unrelated persons, such as small rehabilitation facilities, transitional housing, and community care facilities;
 - 3. Utility or communications facilities and infrastructure, such as electrical transmission and distribution substations, communications equipment buildings, and elevated pressure tanks;
 - 4. Public educational institutions and schools; and
 - 5. Home occupations consistent with the requirements of Section ____ [CROSS REFERENCE TO HOME OCCUPATIONS SECTION].

- C. The following types of uses are allowed in the R-2 district only with the issuance of a conditional use permit (CUP):
 - 1. Community gathering facilities such as social halls, clubs, and lodges;
 - 2. Religious institutions such as churches, temples, and mosques;
 - 3. Facilities which provide housing for six or more unrelated persons, such as large rehabilitation facilities, convalescent hospitals, and rest homes;
 - 4. Licensed large family day care home (eight to fourteen children, as regulated by State law);
 - 5. Overnight accommodations such as boarding houses and short-term rentals; and
 - 6. A second residential unit consistent with the requirements of Section ____ [CROSS REFERENCE TO ADU ORDINANCE].



D. The following types of uses are not compatible in R districts, and therefore are prohibited:

1. Industrial uses;
2. Cemeteries, crematories, or mausoleums;
3. Vegetation and crop cultivation and production, excluding home gardening that is performed as auxiliary to a residential use; and
4. Uses that produce objectionable odors, noise, or other nuisances not compatible with a residential zone.

DEVELOPMENT STANDARDS

Development standards for the R-2 zoning district shall be as follows:

Development Standard	Regulation	Comments or Special Requirements
Maximum Lot Coverage	60 percent	
Minimum Lot Size	Interior lots: 3,000 square feet Corner lots: 3,500 square feet	
Minimum Lot Dimensions	Depth: 75 feet Width: 40 feet	Exceptions may be made for cul-de-sac and corner lots or other non-standard circumstances.
Maximum Building Height	Main building: 35 feet Accessory building: 12 feet Garage or carport: 15 feet	
Minimum Yard Setbacks	Front yard: 20 feet Side yard: - Interior lot: 5 feet - Corner lot, interior side: 5 feet - Corner lot, street side: 10 feet - Reverse corner lot: 15 feet Rear Yard: 15 feet	Side yard, Zero Lot Line. Zero lot line development shall be allowed with a ten-foot setback on the adjoining lot.
Minimum Space between buildings	Between two buildings of residential use: 10 feet Between any main building and all non-habitable accessory buildings: 6 feet	



R-3 MULTI-FAMILY RESIDENTIAL

Explanation

A multi-family (R-3) zoning district is a district that allows residential uses at higher densities and a wider range of nonresidential compatible uses than in the R-1 or R-2 districts. R-3 zoning districts typically allow single-family residences, accessory dwelling units, multi-family residential development up to a maximum density, and nonresidential uses that are compatible with allowed residential development, including small and large family daycare facilities, religious institutions, and schools.

Several legislative requirements and considerations should be taken into account when creating R-3 zoning districts. R-3 zoning district regulations must strike a balance between maintaining the expected lifestyle in medium- and high-density residential areas while still striving to reduce vehicle miles traveled (VMT), providing services that serve residents' needs, and providing for plentiful and diverse housing options. In addition, the R-3 zoning district requirements must also comply with applicable State regulations related to cottage food businesses and accessory dwelling units, as described in the R-1 section above.

Sample R-3 Zoning District Language

The following model language provides an example of an ordinance section describing allowed uses and development standards for an R-3 zoning district. This sample language identifies a maximum density of 10 residential units per structure; the maximum density and other allowed uses and development standards should be modified to be consistent with the jurisdiction's specific requirements and permit types and in order to reduce potential impacts to the community and prevent unwanted concentration of certain uses in certain areas.

PURPOSE

The purpose of the multi-family residential zoning districts is to provide for a range of multiple-family residential densities that meet the goals of Housing Element, do not conflict with surrounding residential uses, and do not over burden local streets and services. The purpose and location of the R-3 zone district is based on the policies and objectives outlined in the General Plan and the Zoning Map.

PERMITTED USES

- A. The following table sets forth the permits required for each listed use category.
 1. "P" designates permitted uses.
 2. "DRA" designates uses that are permitted after review and approval of a discretionary review and approval process.
 3. "CUP" designates uses that are permitted after review and approval of a conditional use permit.
 4. "-" designates prohibited uses
- B. In cases where a specific land use or activity is not defined, the [PLANNING MANAGER] may assign the land use or activity to a classification.
- C. Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted.



Use Types	R-3	Special Requirements
Cemeteries, crematories, or mausoleums	-	
Commercial vegetation and crop production	-	Excludes home gardening incidental to the residential use
Community gathering facilities	CUP	
Daycare, small	P	
Daycare, large	CUP	
Facilities which provide housing for six or fewer unrelated persons	DRA	
Facilities which provide housing for six or more unrelated persons	CUP	
Farmworker housing	P	
Home Occupations	DRA	See Section ____ [CROSS REFERENCE TO HOME OCCUPATIONS SECTION]
Industrial uses	-	
Manufactured homes	P	
Overnight accommodations	CUP	
Parks and playgrounds	P	
Religious facilities	CUP	
Residential structures, up to 10 units	P	
Residential structures, more than 10 units	P	Subject to site plan review per Section ____ [CROSS REFERENCE TO SITE PLAN REVIEW SECTION]
Residential accessory buildings	P	
Second dwelling units	P	See Section ____ [CROSS REFERENCE TO ADU ORDINANCE]
Utility or communications facilities and infrastructure	DRA	



The following standards clarify the permitted uses in the table above.

- A. The following types of uses are compatible in the R-3 district, and therefore allowed by right:
 - 1. Farmworker housing;
 - 2. Licensed small family day-care home (eight or fewer children, as regulated by State law);
 - 3. Cottage food operations, as regulated by State law;
 - 4. Multiple-family residential developments of 10 units or fewer;
 - 5. Single-family manufactured homes; and
 - 6. Parks and playgrounds.
- B. Multi-family residential developments of more than 10 units are allowed through a Site Plan Review Process as described in Section ____ [CROSS REFERENCE TO PLANNING PERMITS SECTION].
- C. The following types of uses are sometimes compatible in the R-3 district, and therefore are allowed only with discretionary review and approval (DRA):
 - 1. Single-family or multi-family residential structures together with the accessory buildings customary to such use, such as housing units, accessory dwelling units, and storage or garage structures;
 - 2. Facilities which provide housing for six or fewer unrelated persons, such as small rehabilitation facilities, transitional housing, and community care facilities;
 - 3. Utility or communications facilities and infrastructure, such as electrical transmission and distribution substations, communications equipment buildings, and elevated pressure tanks;
 - 4. Public educational institutions and schools; and
 - 5. Home occupations consistent with the requirements of Section ____ [CROSS REFERENCE TO HOME OCCUPATIONS SECTION].
- D. The following types of uses are allowed in the R-3 district only with the issuance of a conditional use permit (CUP):
 - 1. Community gathering facilities such as social halls, clubs, and lodges;
 - 2. Religious institutions such as churches, temples, and mosques;
 - 3. Facilities which provide housing for six or more unrelated persons, such as large rehabilitation facilities, convalescent hospitals, and rest homes;
 - 4. Licensed large family day care home (eight to fourteen children, as regulated by State law); and
 - 5. Overnight accommodations compatible with residential zones such as short-term rentals.
- E. The following types of uses are not compatible in R districts, and therefore are prohibited:
 - 1. Industrial uses;
 - 2. Cemeteries, crematories, or mausoleums;
 - 3. Vegetation and crop cultivation and production, excluding home gardening that is performed as auxiliary to a residential use; and



4. Uses that produce objectionable odors, noise, or other nuisances not compatible with a residential zone.

DEVELOPMENT STANDARDS

Development standards for the R-3 zoning district shall be as follows:

Development Standard	Regulation	Comments
Maximum Lot Coverage	60 percent	
Maximum Allowed Density	10 to 20 units per acre	
Minimum Lot Dimensions	Two-to-one ratio	Exceptions may be made for cul-de-sac and corner lots or other non-standard circumstances.
Maximum Building Height	Main building: 35 feet Accessory building: 12 feet Garage or carport: 15 feet	
Minimum Yard Setbacks	Front yard: Set by DRA Side yard: - Interior lot: 5 feet - Corner lot, interior side: 5 feet - Corner lot, street side: 10 feet - Reverse corner lot: 15 feet Rear Yard: 15 feet	Side yard, Zero Lot Line. Zero lot line development shall be allowed with a 10-foot setback on the adjoining lot.
Minimum Space between buildings	Between two buildings of residential use: 10 feet Between any main building and all non-habitable accessory buildings: 6 feet	

R-4 MULTI-FAMILY RESIDENTIAL

Explanation

A multi-family (R-4) zoning district is a district where residential uses at higher densities and a wider range of nonresidential compatible uses are allowed than in the R-3 district. R-4 zoning districts typically allow single-family residences, accessory dwelling units, multi-family residential development up to a maximum density, and nonresidential uses that are compatible with allowed residential development.

Several legislative requirements and considerations should be taken into account when creating R-4 zoning districts. R-4 zoning district regulations must strike a balance between maintaining the expected lifestyle in high-density residential areas while still striving to reduce vehicle miles traveled (VMT), providing services that serve



residents’ needs, and providing for plentiful and diverse housing options. In addition, the R-4 zoning district requirements must also comply with applicable State regulations related to cottage food businesses and accessory dwelling units, as described in the R-1 section above.

Sample R-4 Zoning District Language

The following model language provides an example of an ordinance section describing allowed uses and development standards for a R-4 zoning district. This sample language identifies a maximum density of 20 to 30 residential units per acre; the maximum density and other allowed uses and development standards should be modified to be consistent with the jurisdiction’s specific requirements and permit types and in order to reduce potential impacts to the community and prevent unwanted concentration of certain uses in certain areas.

PURPOSE

The purpose of the multi-family residential zoning districts is to provide for a range of multi-family residential densities that meet the goals of the Housing Element, do not conflict with surrounding residential uses, and do not over burden local streets and services. The purpose and location of the R-4 zone district is based on the policies and objectives outlined in the Plan and the zoning map.

PERMITTED USES

- A. The following table sets forth the permits required for each listed use category.
 - 1. “P” designates permitted uses.
 - 2. “DRA” designates uses that are permitted after review and approval of a Discretionary Review and Approval process.
 - 3. “CUP” designates uses that are permitted after review and approval of a Conditional Use Permit.
 - 4. “-” designates prohibited uses
- B. In cases where a specific land use or activity is not defined, the [PLANNING MANAGER] may assign the land use or activity to a classification.
- C. Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

Use Types	R-4	Special Requirements
Cemeteries, crematories, or mausoleums	-	
Commercial vegetation and crop production	-	Excludes home gardening incidental to the residential use
Community gathering facilities	CUP	
Daycare, small	P	



Daycare, large	CUP	
Facilities which provide housing for six or fewer unrelated persons	DRA	
Facilities which provide housing for six or more unrelated persons	CUP	
Farmworker housing	P	
Home Occupations	DRA	See Section ____ [CROSS REFERENCE TO HOME OCCUPATIONS SECTION]
Industrial uses	-	
Manufactured homes	P	
Overnight accommodations	CUP	
Parks and playgrounds	P	
Religious facilities	CUP	
Residential structures, single-family	-	
Residential structures, multi-family	DRA	
Residential accessory buildings	P	
Second dwelling units	P	
Utility or communications facilities and infrastructure	DRA	

The following standards clarify the permitted uses in the table above.

- A. The following types of uses are compatible in the R-4 zoning district, and therefore allowed by right:
1. Farmworker housing;
 2. Licensed small family day-care home (eight or fewer children, as regulated by State law);
 3. Cottage food operations, as regulated by State law;
 4. Single-family manufactured homes; and
 5. Parks and playgrounds.



- B. The following types of uses are sometimes compatible in the R-4 district, and therefore are allowed only with discretionary review and approval (DRA):
1. Multi-family residential structures together with the accessory buildings customary to such use, such as housing units, accessory dwelling units, and storage or garage structures;
 2. Facilities which provide housing for six or fewer unrelated persons, such as small rehabilitation facilities, transitional housing, and community care facilities;
 3. Utility or communications facilities and infrastructure, such as electrical transmission and distribution substations, communications equipment buildings, and elevated pressure tanks;
 4. Public educational institutions and schools; and
 5. Home occupations consistent with the requirements of Section ____ [CROSS REFERENCE TO HOME OCCUPATIONS SECTION].
- C. The following types of uses are allowed in the R-4 district only with the issuance of a conditional use permit (CUP):
1. Community gathering facilities such as social halls, clubs, and lodges;
 2. Religious institutions such as churches, temples, and mosques;
 3. Facilities which provide housing for six or more unrelated persons, such as large rehabilitation facilities, convalescent hospitals, and rest homes;
 4. Licensed large family day care home (eight to fourteen children, as regulated by State law);
 5. Overnight accommodations such as hotels, motels, boarding houses, and short-term rentals; and
 6. A second residential unit consistent with the requirements of Section ____ [CROSS REFERENCE TO ADU ORDINANCE].
- D. The following types of uses are not compatible in R districts, and therefore are prohibited:
1. Industrial uses;
 2. Cemeteries, crematories, or mausoleums;
 3. Vegetation and crop cultivation and production, excluding home gardening that is performed as auxiliary to a residential use; and
 4. Uses that produce objectionable odors, noise, or other nuisances not compatible with a residential zone.

DEVELOPMENT STANDARDS

Development standards for the R-4 zoning district shall be as follows:

Development Standard	Regulation	Comments
Maximum Lot Coverage	60 percent	
Maximum Allowed Density	20 to 30 units per acre	



Minimum Lot Dimensions	Two-to-one ratio	Exceptions may be made for cul-de-sac and corner lots or other non-standard circumstances.
Maximum Building Height	Main building: 45 feet Accessory building: 12 feet Garage or carport: 15 feet	
Minimum Yard Setbacks	Front yard: Set by DRA Side yard: - Interior lot: 5 feet - Corner lot, interior side: 5 feet - Corner lot, street side: 10 feet - Reverse corner lot: 15 feet Rear Yard: 15 feet	Side yard, Zero Lot Line. Zero lot line development shall be allowed with a ten-foot setback on the adjoining lot.
Minimum Space between buildings	Between two buildings of residential use: 10 feet Between any main building and all non-habitable accessory buildings: 6 feet	

3.2 NON-RESIDENTIAL DISTRICTS

Non-residential zoning districts typically allow for a range of non-residential uses, as well as residential uses within mixed-use developments. As with residential districts, allowed uses and development standards are dictated by the purposes for each zoning district.

Applicability

All jurisdictions will have non-residential uses, and so will likely have non-residential zoning districts.

Best Practices

The following zoning ordinances are recommended as best practices regarding non-residential zoning district allowances:

- [City of Firebaugh Zoning Ordinance](#)
- [City of Kingsburg Zoning Ordinance](#)
- [City of Merced Zoning Ordinance](#)
- [City of Vacaville Land Use and Development Code](#)



OPEN SPACE DISTRICT

Explanation

An open space zoning district provides areas for the conservation of natural resources and preservation, maintenance, and improvement of a jurisdiction’s existing environmental quality. Open space zoning districts typically allow parks, trails, agricultural and cultivation land, and other outdoor open space areas.

Sample Open Space District Language

The following model language provides an example of an ordinance section describing allowed uses and development standards for an open space zoning district. The types of allowed uses and development standards should be modified be consistent with the jurisdiction’s existing environmental features and to prevent potential impacts to the community and unwanted concentration of certain uses in certain areas.

PURPOSE

The purpose of the open space (OS) zoning district is to provide for permanent undeveloped open space areas which serve as natural resource areas, utility or infrastructure systems, or reservoirs or retaining basins, and to prevent development of areas which are environmentally sensitive, culturally or visually significant, or hazardous.

PERMITTED USES

- A. The following table sets forth the permits required for each listed use category.
 - 1. “P” designates permitted uses.
 - 2. “DRA” designates uses that are permitted after review and approval of a discretionary review and approval process.
 - 3. “CUP” designates uses that are permitted after review and approval of a conditional use permit.
 - 4. “-“ designates prohibited uses
- B. In cases where a specific land use or activity is not defined, the [PLANNING MANAGER] may assign the land use or activity to a classification.
- C. Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

Use Types	OS	Special Requirements
Agricultural, no on-site residence	CUP	
Canals, channels, and retaining basins	P	
Community gardens	DRA	



Utility and communication facilities	CUP	
Trails	P	
Wetlands, wildlife habitat, and reservoirs	P	

The following standards clarify the permitted uses in the table above.

- A. The following types of uses are compatible in the OS district, and therefore allowed by right:
 - 1. Canals, channels, and retaining basins;
 - 2. Trails; and
 - 3. Wetlands, wildlife habitat, and reservoirs.
- B. The following types of uses are sometimes compatible in the OS district, and therefore are allowed only with discretionary review and approval (DRA):
 - 4. Community gardens.
- C. The following types of uses are allowed in the OS district only with the issuance of a conditional use permit (CUP):
 - 5. Agricultural uses, without an on-site residence; and
 - 6. Utility and communication facilities.

DEVELOPMENT STANDARDS

Development standards for the OS zoning district shall be as follows:

Development Standard	Regulation	Comments
Maximum Building Height	16 feet	
Minimum Yard Setbacks	Front yard: 15 feet Side yard: - Interior lot: 5 feet - Corner lot, interior side: 5 feet - Corner lot, street side: 10 feet - Reverse corner lot: 10 feet Rear Yard: 15 feet	



PUBLIC FACILITIES DISTRICT

Explanation

A public facilities zoning district provides areas for public facilities, including schools, governmental offices, parks and recreational facilities, fire and police stations, utilities, and other public and quasi-public facilities

Sample Public Facilities District Language

The following model language provides an example of an ordinance section describing allowed uses and development standards for a public facilities zoning district. The types of allowed uses and development standards should be modified be consistent with the jurisdiction’s public facilities needs and to reduce potential impacts to the community.

PURPOSE

The public facilities (PF) zoning district is intended to provide areas for public facilities such as government facilities, public recreation areas, plazas, utilities, educational and health services, and similar uses.

PERMITTED USES

- A. The following table sets forth the permits required for each listed use category.
 - 1. “P” designates permitted uses.
 - 2. “DRA” designates uses that are permitted after review and approval of a discretionary review and approval process.
 - 3. “CUP” designates uses that are permitted after review and approval of a conditional use permit.
 - 4. “-” designates prohibited uses
- B. In cases where a specific land use or activity is not defined, the [PLANNING MANAGER] may assign the land use or activity to a classification.
- C. Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

Use Types	PF	Special Requirements
Community centers and assembly spaces, up to 5,000 square feet	DRA	
Community centers and assembly spaces, over 5,000 square feet	CUP	
Government facilities	P	



and offices		
Medical facilities	DRA	
Parks and playgrounds	P	
Trails	P	
Plazas, squares, and courtyards	P	
Schools and educational facilities	DRA	

The following standards clarify the permitted uses in the table above.

- A. The following types of uses are compatible in PF district, and therefore allowed by right:
 1. Government facilities and offices, up to 5,000 square feet in size;
 2. Developed parks, playgrounds and trails; and
 3. Plazas, squares, and courtyards.
- B. The following types of uses are sometimes compatible in the PF district, and therefore are allowed only with discretionary review and approval (DRA):
 1. Community centers and assembly spaces, up to 5,000 square feet in size;
 2. Medical facilities; and
 3. Schools and educational facilities.
- C. The following types of uses are sometimes compatible in the PF district, and therefore are allowed only with a conditional use permit:
 1. Government facilities and offices, over 5,000 square feet in size.

DEVELOPMENT STANDARDS

Development standards for the PF zoning district shall be as follows:

Development Standard	Regulation	Comments
Maximum Lot Coverage	60 percent	
Maximum Building Height	35 feet	Additional height for structures related to recreational or public facilities such as light standards, nets, and fences may be approved with a DRA permit.
Minimum Yard Setbacks	Front yard: 20 feet Side yard:	Up to a zero front yard setback is allowed through a DRA. If adjacent to a residential zone, a side



	- Interior side: 15 feet - Street side: 20 feet Rear Yard: 15 feet	yard setback of 20 feet is required. A lesser setback may be allowed with a DRA permit.	
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COMMERCIAL DISTRICT

Explanation

A commercial zoning district provides areas for general commercial uses that offer products and services to a jurisdiction’s residents and visitors. Examples of uses allowed in commercial districts include retail shops and stores, food services and restaurants, and other commercial services.

Sample Commercial District Language

The following model language provides an example of an ordinance section describing allowed uses and development standards for a commercial zoning district. The types of allowed uses and development standards should be modified be consistent with the jurisdiction’s existing commercial facilities, commercial needs, and in order to reduce potential impacts to the community and prevent unwanted concentration of some uses in certain areas.

PURPOSE

The purpose of the commercial (C) zoning district is to provide sites for a full range of convenient retail and service uses needed to accommodate residents and visitors.

PERMITTED USES

- A. The following table sets forth the permits required for each listed use category.
1. “P” designates permitted uses.
 2. “DRA” designates uses that are permitted after review and approval of a discretionary review and approval process.
 3. “CUP” designates uses that are permitted after review and approval of a conditional use permit.
 4. “-“ designates prohibited uses
- B. In cases where a specific land use or activity is not defined, the [PLANNING MANAGER] may assign the land use or activity to a classification.
- C. Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

Use Types	C	Special Requirements
Automobile part and supply stores	P	



Automobile dealerships and service stations	CUP	
Cannabis dispensaries and testing facilities	CUP	
Car wash and detail services	CUP	
Convenience and food stores under 3,000 square feet	P	
Drive through facilities	CUP	
General merchandise stores	P	
Government facilities and offices	DRA	
Gun and ammo sales	CUP	
Eating and drinking establishments	P	
Food and beverage sales	P	
Home goods and hardware stores	P	
On-site and off-site sales of beer, wine, and liquor	CUP	Includes microbrewery and micro-distilleries.
Personal services	P	
Pawn shops	DRA	
Pharmacies and drug stores	P	
Religious Institutions	DRA	
Retail shops and boutiques	P	

The following standards clarify the permitted uses in the table above.

- A. The following types of uses are compatible in the C district, and therefore allowed by right:
1. Automobile part and supply stores;
 2. Convenience and food stores under 3,000 square feet;
 3. Eating and drinking establishments;
 4. Food and beverage sales;
 5. Home goods and hardware stores;



6. Personal services;
 7. Pharmacies and drug stores; and
 8. Retail shops and boutiques.
- B. The following types of uses are allowed in the C district only with the issuance of a discretionary review and approval (DRA) permit:
1. Government facilities and offices;
 2. Pawn shops; and
 3. Religious Institutions.
- B. The following types of uses are allowed in the C district only with the issuance of a conditional use permit (CUP):
1. Automobile dealerships and service stations;
 2. Cannabis dispensaries;
 3. Car wash and detail services;
 4. Drive through facilities; and
 5. Gun and ammo sales.

DEVELOPMENT STANDARDS

Development standards for the C zoning district shall be as follows:

Development Standard	Regulation	Comments
Minimum Lot Size	5,000 square feet	There shall be no minimum lot size for existing parcels.
Maximum Building Height	35 feet	Structures up to 50 feet may be permitted with a conditional use permit.
Minimum Yard Setbacks	Front yard: None Side yard: - Interior side: None - Street side: None Rear Yard: None	When adjacent to a residential use, the adjacent setback shall be 15 feet.

DOWNTOWN COMMERCIAL DISTRICT

Explanation

A downtown commercial zoning district allows commercial uses that serve a jurisdiction's downtown neighborhood and enhance the area as a central destination for residents and visitors. Uses in the downtown commercial zoning district should focus on encouraging pedestrian traffic, shopping, and entertainment and therefore business and office uses should be limited or located above commercial uses.



Sample Downtown Commercial District Language

The following model language provides an example of an ordinance section describing allowed uses and development standards for a downtown commercial zoning district. The types of allowed uses and development standards should be modified be consistent with the jurisdiction’s existing downtown commercial facilities, commercial needs, and in order to reduce potential impacts to the community and prevent unwanted concentration of some uses in certain areas.

PURPOSE

The downtown commercial (DC) zoning district is intended to promote small-scale, destination-oriented commercial uses and achieve a Downtown character.

PERMITTED USES

- A. The following table sets forth the permits required for each listed use category.
 1. “P” designates permitted uses.
 2. “DRA” designates uses that are permitted after review and approval of a discretionary review and approval process.
 3. “CUP” designates uses that are permitted after review and approval of a conditional use permit.
 4. “-” designates prohibited uses
- B. In cases where a specific land use or activity is not defined, the [PLANNING MANAGER] may assign the land use or activity to a classification.
- C. Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

Use Types	C-MS	Special Requirements
Banks and financial institutions	DRA	
Community gardens and farmers markets	DRA	
Drive through facilities	CUP	
Business offices	DRA	
Eating and drinking establishments	P	Includes outdoor dining with a site plan review.
Food and beverage sales	P	
Gun and ammo sales	DRA	
On-site and off-site sales of	CUP	Includes microbrewery and micro-



beer, wine, and liquor		distilleries.
Parks and plazas	P	
Pawn shops	DRA	
Public facilities	P	
Religious institutions	CUP	
Residential, multi-family	CUP	Must be associated with a commercial or office use.
Retail shops and boutiques	P	

The following standards clarify the permitted uses in the table above.

- A. The following types of uses are compatible in the DC district, and therefore allowed by right:
 - 1. Eating and drinking establishments, such as restaurants and diners;
 - 2. Food and beverage sales;
 - 3. Parks and plazas;
 - 4. Public facilities, such as libraries and museums; and
 - 5. Retail shops and boutiques, including antique stores.
- B. The following types of uses are sometimes compatible in the DC district, and therefore are allowed only with discretionary review and approval (DRA):
 - 1. Banks and financial institutions;
 - 2. Community gardens and farmer’s markets;
 - 3. Business offices;
 - 4. Gun and ammo sales; and
 - 5. Pawn shops.
- C. The following types of uses are allowed in the DC district only with the issuance of a conditional use permit (CUP):
 - 1. Drive-through facilities;
 - 2. On-site and off-site sales of beer, wine, and liquor;
 - 3. Religious institutions, such as churches and temples; and
 - 4. Multi-family residential developments associated with a commercial or office use.



DEVELOPMENT STANDARDS

Development standards for the DC zoning district shall be as follows:

Development Standard	Regulation	Comments
Minimum Lot Size	4,000 square feet	
Maximum Building Height	35 feet	Structures up to 50 feet may be permitted with a conditional use permit.
Yard Setbacks	<p>Front yard:</p> <ul style="list-style-type: none"> - Minimum: None - Maximum: 10 feet <p>Side yard:</p> <ul style="list-style-type: none"> - Interior side: None - Street side: None, except when adjacent to the front yard of a residential use, in which case the setback shall be a minimum of fifteen feet. <p>Rear Yard: None</p>	On-site parking shall not be visible from the site's street frontage.

- A. Any outdoor on-site storage must be hidden from street view and must be supplemental to the main use.

MANUFACTURING DISTRICT

Explanation

A manufacturing zoning district allows general manufacturing and industrial uses, including assembly, manufacture, processing, and distribution of a wide variety of goods and materials. Manufacturing zoning districts also typically allow commercial uses that are compatible with allowed manufacturing uses.

Sample Manufacturing District Language

The following model language provides an example of an ordinance section describing allowed uses and development standards for a manufacturing zoning district. The types of allowed uses and development standards should be modified be consistent with the jurisdiction's existing manufacturing facilities and needs and in order to reduce potential impacts to the community and prevent unwanted concentration of certain uses in certain areas.



PURPOSE

The purpose of the manufacturing (M) zoning district is to provide for a full range of compatible manufacturing and industrial uses essential to the development and maintenance of a strong economic base in a manner that does not conflict with surrounding uses.

PERMITTED USES

- A. The following table sets forth the permits required for each listed use category.
 1. "P" designates permitted uses.
 2. "DRA" designates uses that are permitted after review and approval of a discretionary review and approval process.
 3. "CUP" designates uses that are permitted after review and approval of a conditional use permit.
 4. "-" designates prohibited uses
- B. In cases where a specific land use or activity is not defined, the [PLANNING MANAGER] may assign the land use or activity to a classification.
- C. Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

Use Types	M	Special Requirements
Adult businesses	CUP	Subject to provisions of Section [CROSS REFERENCE TO ADULT BUSINESSES SECTION]
Agricultural product processing	P	
Alcohol distillation and distribution	DRA	On-site consumption prohibited
Animal boarding, hospitals, and shelters	DRA	
Automotive service stations	P	Subject to site plan review
Automotive, machinery, and construction manufacturing	P	
Cannabis manufacturing, testing, distribution, and indoor cultivation	CUP	Subject to Section [CROSS REFERENCE TO MEDICINAL AND/OR ADULT USE CANNABIS ORDINANCE]
Chemical storage, mixing, and sales	CUP	
Electricity generating uses	P	Allowed only as ancillary to the main



		use.
Emergency shelters	P	Subject to provisions of Section [CROSS REFERENCE TO EMERGENCY SHELTERS SECTION]
Equipment sale and repair	P	
Hemp manufacturing and storage	DRA	
Petroleum bulk storage and sales	CUP	Including liquid petroleum gas or natural gas/propane manufacture or storage.
Production and processing	P	Use shall not cause noxious fumes or other nuisances or adverse health effects.
Public and semi-public uses	P	
Machinery and general manufacturing	P	Use shall not cause noxious fumes or other nuisances or adverse health effects.
Vehicle sales and service	DRA	
Uses listed in the R-1, R-2, R-3, R-4, PSP, or C-MS zones	-	

The following standards clarify the permitted uses in the table above.

A. The following types of uses are compatible in the M district, and therefore allowed by right:

1. Agricultural product processing;
2. Automotive service stations, such as oil change and repair shops;
3. Automotive, machinery, and construction manufacturing;
4. Electricity generating uses such as solar panels, as ancillary to the main use;
5. Emergency shelters;
6. Equipment sale and repair;
7. Production and processing; and
8. Machinery and general manufacturing.



- B. The following types of uses are sometimes compatible in the M district, and therefore are allowed only with discretionary review and approval (DRA):
 1. Alcohol distillation and distribution without on-site consumption;
 2. Animal boarding, hospitals, and shelters;
 3. Hemp manufacturing and storage; and
 4. Vehicle sales and service.
- C. The following types of uses are allowed in the M district only with the issuance of a conditional use permit (CUP):
 1. Adult businesses;
 2. Cannabis dispensaries, manufacturing, testing, and indoor cultivation;
 3. Chemical storage, mixing, and sales; and
 4. Petroleum bulk storage and sales, such as liquid petroleum gas or natural gas/propane manufacture or storage.
- D. The following types of uses are not compatible in the M district, and therefore are prohibited:
 1. Any use listed in the R-1, R-2, R-3, PF, or DC zones.

154.03.020 DEVELOPMENT STANDARDS

Development standards for the M zoning district shall be as follows:

Development Standard	Regulation	Comments
Maximum Lot Coverage	60 percent	
Maximum Building Height	50 feet	Structures taller than 50 feet may be permitted with a conditional use permit.
Yard Setbacks	Front yard: None Side yard: - Interior side: None - Street side: None Rear Yard: None	When adjacent to a residential use, the adjacent setback shall be 15 feet.

- A. The rear and side yards of this district may be used for parking and storage but shall be screened from street view. Where the yard is adjacent to a residential district, material and equipment shall not be stored higher than six feet.



Chapter 4

Special Uses

INTRODUCTION

The Special Uses chapter provides guidance and examples on a variety of unique uses which either have specific State requirements or cannot be properly provided for in the zoning district regulations described in Chapter 3, Zoning Districts. These uses generally abide by the regulations of the zoning district they reside within, as well as additional requirements specific to their particular use.

- 4.1 Wireless Communications
- 4.2 Medicinal and Adult Use Cannabis
- 4.3 Home Occupations
- 4.4 Adult Businesses
- 4.5 Emergency Shelters
- 4.6 Affordable Housing Developer Incentives and Requirements
- 4.7 Accessory Dwelling Units and Junior Accessory Dwelling Units

Special use zoning regulations must be consistent with current federal and State legislation. However, where legislation allows variation and local discretion, such regulations will vary from jurisdiction to jurisdiction. Special use requirements should be tailored to reflect the existing environments and needs of a specific jurisdiction.

4.1 WIRELESS TELECOMMUNICATIONS

Explanation

Zoning regulations related to wireless communications facilities provide standards for the development, siting, installation, and operation of wireless telecommunication antennas and related facilities for personal wireless services. The review and approval of wireless telecommunication facilities is regulated by several federal and State laws, which have been continually updated to reflect changing technology and attitudes towards such technology.

The United States Telecommunications Act of 1996 requires that applications for new and modified facilities be reviewed and approved within specific timelines (referred to as shot clocks). At the time of this chapter's



publication, litigation is underway regarding certain of the required “shot clocks” or timelines for permit approvals which may change the requirements for shot clocks. The law also limits a local jurisdiction’s ability to regulate the location and design of such facilities. Local governments may adopt regulations in addition to federal and State laws that are specific to unique permit types, processes, and in order to reduce potential impacts to residents and workers.

Federal and State Regulations

Telecommunications services and equipment are primarily regulated through the Federal Communications Commission and Title 47 of the Electronic Code of Federal Regulations. However, there is flexibility for local jurisdictions to regulate the design and to require concealment of such equipment within its boundaries.

Additionally, the State of California passed [Assembly Bill 2421](#) in September 2020, requiring local agencies to make the installation of an emergency standby generator to serve a macro cell tower site that meets specified requirements a permitted use and require the local agency to review an application for installation on an administrative, nondiscretionary basis.

Applicability

A telecommunications ordinance is not required, but significantly helps a jurisdiction streamline permit processing for wireless telecommunication facilities.

Best Practices

- [City of Camarillo Municipal Code Chapter 19.76 Wireless Communication Facilities](#)
- [City of Merced Municipal Code Chapter 20.58 Wireless Communication Facilities](#)

Sample Wireless Telecommunications Standards

The following model language provides an example of an ordinance section describing regulations related to wireless telecommunication facilities. The language is consistent with current federal and State requirements but should be modified to be consistent with the jurisdiction’s permit types, approval processes, existing environmental constraints, and in order to reduce potential impacts to residents and workers.

PURPOSE AND INTENT

- A. *Purpose.* The purpose of this chapter is to ensure that residents, public safety operations and businesses in [JURISDICTION] have reliable access to wireless telecommunications (“telecom”) facilities and networks and state of the art communications services. It also ensures that installations, modifications, and maintenance of wireless communications facilities, including small cell wireless facilities, in the public right-of-way (“ROW”) and on private property are completed in a manner consistent with all applicable laws, are safe, and avoid or mitigate visual, environmental and neighborhood impacts.

This chapter regulates wireless facilities installations in the ROW, on publicly-owned property, and on private property within the [CITY/COUNTY] limits. More specifically, the regulations contained herein are intended to:

1. Encourage, but not require, the location of antennas on light poles, traffic signals, and utility poles in the public ROW;
2. Encourage the location of antennas in nonresidential areas;



3. Encourage collocation at new and existing antenna sites;
- B. Encourage telecom facilities to be located in areas where adverse impacts on the community and on public views are minimized. The provisions of this chapter are not intended to:
 1. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
 2. Prohibit or effectively prohibit any personal wireless service provider's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulations;
 3. Prevent unreasonable discrimination among providers of functionally equivalent services;
 4. Deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental or health effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.
 5. Prohibit any collocation or modification that the [CITY/COUNTY] may not deny under federal or California State law; or
 6. Otherwise authorize the [CITY/COUNTY] to preempt any applicable federal or California State law or regulation.

APPLICABILITY

- A. *Applicability.* These regulations are applicable to all existing telecom facilities and small cell wireless facilities (SCWFs) on public property, within the public ROW, or on private property, and all applications and requests for approval to construct, install, modify, collocate, relocate, or otherwise deploy telecom facilities or SCWFs unless exempted under subsection B. *Exempt facilities*, or governed by subsection C. *Requests for approval pursuant to Section 6409*, of this section.
- B. *Exempt facilities.* The provisions of this chapter will not be applicable to:
 1. Telecom facilities owned and operated by the [CITY/COUNTY] of public purposes;
 2. Amateur radio antennas, antennas used solely for the purpose of receiving local broadcast stations, and satellite dish antennas of one meter in diameter or smaller are exempt from the provisions of this chapter;
 3. Over the Air Reception Device (OTARD) antennas;
 4. Telecom facilities installed completely indoors and intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system); and
 5. Telecom facilities or equipment owned and operated by California Public Utilities Commission ("CPUC")-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D.
- C. *Request for Approval Pursuant to Section 6409.* Any requests for approval to replace, collocate, or remove transmission equipment at an existing wireless base station or tower submitted under Section 6409 (47 U.S.C. 1455(a)) shall first be reviewed under [CROSS-REFERENCE TO PERMIT PROCESS SECTION].



APPROVALS REQUIRED

- A. *Telecommunication Permits Required.* Wireless telecommunication permits shall be subject to review as follows:
1. *Encroachment Telecommunication Permit.* [CITY/COUNTY] staff shall have the authority to issue an encroachment permit for a telecom facility that is proposed to be located in the ROW on streetlight poles, traffic signals or utility poles when its design and installation is consistent with all provisions of this section of the code, qualifies as a Small Cell Wireless Facility (see Section _____ [CROSS REFERENCE TO SMALL CELL WIRELESS FACILITIES SECTION]), or is subject to a valid master license agreement or other agreement with the [CITY/COUNTY] for antennas that do not exceed 50 feet in height. Telecom Facilities that do not conform to these regulations or exceed the 50-foot height limit shall be approved by the [CITY COUNCIL] as a [CITY COUNCIL TELECOM PERMIT], except for SCWFs that may not exceed 50 feet in height, with certain exceptions as described in Section _____ [CROSS REFERENCE TO SMALL CELL WIRELESS FACILITIES SECTION].
 2. *Administrative Telecommunication Permit.* [CITY/COUNTY] staff shall have the authority to issue a telecom permit for a wireless telecom facility or SCWF that is proposed on private property when its design and installation is consistent with provisions of this chapter of the code, is eligible for approval pursuant to Section 6409 as described in Subsection A.3, *Telecommunication Permit*, qualifies as a SCWF, or modifications (that do not vary significantly in size, aesthetics or other parameters from the original installation) to existing wireless Telecom Facilities at the discretion of [CITY/COUNTY] staff.
 3. *Telecommunication Permit.* All wireless telecom facilities that are not eligible for approval of an encroachment telecom permit or an administrative telecom permit, or is not in conformance with Section 6409 (see Section _____ [CROSS REFERENCE TO SECTION 6409(A) ELIGIBLE TELECOM FACILITIES SECTION]), or does not qualify as a SCWF, or is a new that exceeds 50 feet, shall be subject to review and approval by the [CITY COUNCIL] in accordance with the provisions of this chapter.
 4. *Temporary Telecommunication Permit.* A temporary use permit subject to the [CITY/COUNTY] staff's prior review for telecom facilities on private property or for telecom facilities in the public ROW. Approval in accordance with the procedures and standards in (see Section _____ [CROSS REFERENCE TO OTHER PERMITS AND REGULATORY APPROVALS] below is required for any temporary wireless telecom facility, unless deployed in connection with an emergency pursuant to Section _____ [CROSS REFERENCE TO EMERGENCY SECTION], emergency permits or other lawful emergency authority.
- B. *Other Permits and Regulatory Approvals.* In addition to any telecom permit, administrative permit, or other permit required under this code, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, State or local government agencies, which includes without limitation building permits, encroachment permits, electrical permits, plumbing permits and any other permits and/or regulatory approvals issued by other departments or divisions within the [CITY/COUNTY]. Furthermore, any permit or approval granted under this chapter or deemed granted or deemed approved by law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.



C. *Appeals.* Decisions of the [PLANNING MANAGER] made pursuant to this chapter may be appealed to the next highest reviewing authority. However, per federal law, decisions regarding SCWF permits and eligible facilities requests under Section 6409 may not be appealed, but are final once they have been decided by the appropriate reviewing authority. The decision-making and appeal process for telecom permit applications shall be as follows:

	[CITY/COUNTY] Staff	Planning Commission	[CITY COUNCIL]
Encroachment permit	Decision (1)	Appeal	Appeal
Administrative telecom permit	Decision (1)	Appeal	Appeal
Planning commission telecom permit		Decision	Appeal
Temporary wireless telecom permit	Decision	Appeal	Appeal

1. Decisions on SCWF and telecom facilities subject to Section 6409(a) are not appealable to the [PLANNING COMMISSION OR CITY COUNCIL], per federal law.

D. *Timing.* At the time of adoption of this chapter, litigation is underway regarding certain of the required “shot clocks” or timelines for permit approvals. Per federal law and the FCC, requested permits that are eligible facility requests or SCWFs proposed for installation on preexisting structures may carry a 60-day timeframe/shot clock, provided that an application is submitted and is complete in all respects. Other SCWFs that are not eligible facility requests may carry a 90-day shot clock, and the [CITY/COUNTY] must notify the applicant within 10 days whether an application is “materially incomplete.” The [CITY/COUNTY] will observe all applicable federal and State timelines with respect to permits requested under this chapter and will administratively adjust and publish those timelines should court rulings or legislation change those timelines. An ordinance modification to this chapter in due course will be thereafter sought by staff if such timelines are changed.

1. *Notice of “Shot Clock” Expiration.* The applicant is required to provide the [PLANNING MANAGER] with written notice of the applicant’s estimate regarding the expiration of any applicable timeframe for review, which the applicant shall send by secure method (e.g. certified mail, registered mail, overnight carrier, any one of which shall require a receipt signature), no earlier than 30 nor later 20 days prior to the applicant’s estimation of the time of shot clock expiration. The applicant’s estimate of the “shot clock” expiration is not necessarily binding on the [CITY/COUNTY].

E. *Required Findings.* The [PLANNING MANAGER] shall make all the following findings when approving all telecom facilities, including SCWFs:

1. The proposed telecom facility complies with all applicable development standards described, or qualifies for a variance;
2. The applicant demonstrated that its proposed wireless facility will be in full compliance with all applicable FCC rules and regulations for human exposure to RF emissions;
3. The applicant demonstrated a good-faith effort to identify and evaluate alternate locations and potentially less-intrusive designs;
4. Lack of such a facility would result in a significant gap of coverage.

F. *Other Regulations.* All telecom facilities and SCWFs are subject to provisions of this chapter and the following other requirements:



1. Conditions in any permit or license issued by a local, State, or federal agency, which has jurisdiction over the Telecom Facility of SCWF;
2. Rules, regulations, and standards of the FCC and the CPUC; easements, covenants, conditions, or restrictions on the underlying real property;
3. The California Building Code, California Fire Code and portions of the Uniform Fire Code, California Mechanical Code, and California Electrical Code, as amended by State or local law or regulation.

G. *Regulations not in conflict or preempted.* All Telecom Facilities within the [CITY/COUNTY] shall comply with all applicable design standards, with the General Plan, with any applicable Specific Plan, and with the [JURISDICTION NAME] Municipal Code, unless specifically exempted by the provisions of this chapter.

ADDITIONAL REQUIREMENTS

- A. *Setbacks and Minimum Traversable Paths.* Setbacks shall be measured from the portion of the telecom facility closest to the applicable lot line or structure. The setbacks and minimum traversable path requirements applicable in the public ROW shall be determined by [CITY/COUNTY] staff based upon the safety needs of the location in order to assure Americans with Disabilities Act (ADA) access, traffic sight distance and related considerations.
- B. *Maintenance.* The telecom operator shall maintain the telecom facility in a manner consistent with the original approval of the facility.
- C. *Non-conformities.* A proposed telecom facility shall not create any new or increased non-conformities as defined in the [JURISDICTION NAME] Municipal Code, such as, but not limited to, a reduction in and/or elimination of, parking, setbacks, landscaping or loading zones.
- D. *Technical consultants.* At its discretion, the [CITY/COUNTY] may engage outside technical consultants to evaluate and/or verify the information used to support the applicant's showing(s) in its application or with testimony in [CITY/COUNTY] proceedings, and where applicable pursuant to this section. The reasonable cost for the consultants shall be borne by the applicant. An advance deposit for the estimated cost of the fees for the outside consultants shall be promptly paid to the [CITY/COUNTY] by the applicant upon request by the [CITY/COUNTY]. Failure to pay such deposit shall render any pending application incomplete until paid. After the consultant's work has been completed, if the amount of the deposit was insufficient to cover the cost of the consultants' fees the applicant shall immediately reimburse the [CITY/COUNTY] for any shortfall. If the cost of the work is less than the estimate the amount over shall promptly be repaid to the applicant at the conclusion of the application proceedings

HEIGHT, LOCATION, AND COLOCATION

A. *Height.*

1. *Maximum height.* The maximum height for telecom facilities and small cell wireless facilities (SCWFs) is as follows:
 - a. *Telecom facilities (SCWFs).* Fifty feet for antennas on streetlights, traffic control standards, utility distribution poles, or other similar structures within the public ROW (total height including pole and antenna). Antennas exceeding 50 feet in height at water tank sites may be approved by the approving authority provided they are found



to be camouflaged, or otherwise screened from view. Antennas may be placed on existing utility poles that exceed 50 feet, where the purpose of the existing utility pole is only to carry electricity, provided that the top of the antenna shall not exceed six feet above the top of the pole, and shall not exceed the height of the pole where primary or secondary electrical lines are attached to the pole. For existing legal nonconforming structures that exceed maximum building heights, telecom facilities may be installed so long as the addition does not increase the overall height and the project complies with this chapter in all other respects. For all other telecom facilities, the maximum height of antennas shall be the upper maximum building height allowed in the [JURISDICTION NAME] Municipal Code.

- b. *Small Cell Wireless Facilities.* SCWFs must meet the following mounting conditions:
 - i. Are mounted on structures 50 feet or less in height including their antennas; or
 - ii. Are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - iii. Do not extend existing structures on which they are located to a height more than 50 feet or by more than 10 percent, whichever is greater.
2. *Over-height antennas.* The [PLANNING MANAGER] may approve antennas up to 15 feet above the preceding maximum building height limitations provided it makes findings that are required for special approvals pursuant to [CROSS REFERENCE TO SPECIAL APPROVALS SUBSECTION] of this section.
3. *Camouflaged telecommunication installations within structures.* Camouflaged facilities may be installed within structures that are permitted to exceed the above stated height limits by a conditional use permit.

B. Location.

1. Location or design categories and location priorities. When reviewing proposed locations for telecom facilities the [PLANNING MANAGER] shall utilize the following priority order:
 - a. Existing colocation structure or site (site of an existing wireless facility);
 - b. Existing pole, light standard, or utility tower in the ROW;
 - c. Proposed pole, light standard, or utility tower in the ROW;
 - d. Private property in an industrial zone district;
 - e. Private property in a commercial zone district;
 - f. Sign or architectural feature in an industrial or commercial zone;
 - g. New false tree in an industrial or commercial zone.
 - h. Public property in a quasi-public zone.
2. *Locations requiring special approval.* Telecom facilities are prohibited in the following locations unless given special approval (“Special Approval”) by the [PLANNING MANAGER] under the provisions of this chapter, after making all the findings contained in [CROSS REFERENCE TO SPECIAL APPROVALS SUBSECTION] below:
 - a. On common area lots, other non-residential lots, and public ROW within residential districts;



- b. Within any required setback established in the [JURISDICTION NAME] Municipal Code;
 - c. On multi-family structures;
 - d. On public ROW where any portion of the proposed telecom facility lies adjacent to the property line or within 250 feet of a residential structure.
3. *Special Approval findings.* In making the following special approval findings the [PLANNING MANAGER] shall determine that the applicant has demonstrated that:
- a. There are no other feasible locations that meet the coverage or data capacity needs of the applicant;
 - b. Establishment of the facility at the requested location is necessary to provide service;
 - c. Lack of such a facility would result in a significant gap of coverage or data capacity;
 - d. The proposed site is the least intrusive location which can close that gap; and
 - e. If within 250 feet of a residential structure, the wireless facility is as far as possible from the residential structure.
4. *Prohibited locations.* Telecom facilities are prohibited on undeveloped residential lots or residential lots containing single-family residences.

C. *Colocation requirements.*

1. *Colocation required.* To limit the adverse visual effects of a proliferation of telecom sites in the [CITY/COUNTY], a new telecom facility proposed within one thousand feet of an existing facility shall be required to collocate on the same site as the existing facility unless the [PLANNING MANAGER] determines, based on evidence submitted by the applicant, that such collocation is not feasible. For SCWFs, the relevant collocation distance to be utilized is 250 feet.
2. *Colocation limitations.* No more than three telecom facilities may collocate at a single site unless the [PLANNING MANAGER] finds that:
 - a. The net visual effect of locating an additional facility at a collocation site will be less than establishing a new location; or
 - b. Based on evidence submitted by the applicant, there is no available feasible alternate location for a proposed new facility.
3. *Future colocation.* In approving a telecom facility, the [PLANNING MANAGER] may impose a condition of approval allowing future collocation of telecom facilities by other carriers at the same site, subject to numerical limits it deems to be appropriate that are necessary in order to be consistent with the required finding that the design be the least intrusive.

DESIGN STANDARDS

- A. *General criteria.* In addition to the other design standards of this chapter (including, if applicable, [CROSS REFERENCE TO SCWF SECTION] for Small Cell Wireless Facilities), all the following criteria shall be applied by [PLANNING MANAGER] in connection with the processing of any telecommunication permit.
1. All telecom facilities approved under this chapter shall utilize the most efficient and diminutive available technology in order to minimize the number of facilities and reduce their visual impact.



2. Roof-mounted antennas shall be screened from view from adjacent properties and the public ROW. The screening may include parapets, walls, or similar architectural elements provided that they are designed, colored and texturized to integrate with the existing architecture of the building.
 3. When located on a building facade, building-mounted antennas shall be recessed and covered with an RF-transparent and visually opaque material of a color and texture to match the existing building, or effectively disguised as may be reasonably determined by the [CITY MANAGER].
 4. The use of compatible materials such as wood, brick, or stucco shall be required for accessory equipment structures/buildings, which shall be designed to architecturally blend with the exterior of structures within the area.
 5. For ground-mounted installations, support equipment may be required to be screened in a security enclosure approved by the [PLANNING MANAGER]. Such screened security enclosures may use bricks or masonry or may consist of an alternate enclosure design approved by the [PLANNING MANAGER]. In general, the screening enclosure shall be architecturally compatible with surrounding materials and colors. Chain link, barbed wire and razor wire fencing shall be prohibited. Buffer landscaping may also be required if the [PLANNING MANAGER] determines that additional screening is necessary due to the location of the site and that irrigation water is available.
 6. Telecom facilities, including, but not limited to, antennas, support structures, equipment structures, and related structures and equipment shall be designed, constructed, and maintained in accordance with the uniform building, mechanical, electrical, and other applicable codes, laws, and regulations, as enforced by the division of building and safety, to assure that all such facilities will maintain their structural integrity despite the effects of the elements.
- B. *Camouflage.* All telecom facilities shall be camouflaged with architectural integration techniques for buildings and pseudo-natural integration techniques for those antennas in a natural or landscaped environment to the greatest extent possible.
1. Architectural integration concealment techniques include, but are not limited to:
 - i. Transmission equipment placed completely within existing architectural features such that the installation causes no visible change to the underlying structure
 - ii. New architectural features that mimic the underlying building in architectural style, physical proportion and quality of construction materials.
 2. Architectural features commonly used as architectural integration concealment include, but are not limited to, church steeples, cupolas, bell towers, clock towers, pitched faux-roofs and water tanks. Whether a wireless facility qualifies as an architecturally integrated facility depends on the context that exists at a given location and is evaluated on a case-by-case basis during the permit application process.
- C. *Night lighting.* Telecom facilities shall not be lighted except:
1. For [CITY/COUNTY]-approved security lighting at the lowest intensity necessary for that purpose; and
 2. As necessary for the illumination of the flag of the United States, the flag of the State of California, or other similar flags, when such flag(s) are attached to the telecom facility. Such



lighting shall be shielded so that direct illumination does not shine on nearby properties. The [PLANNING MANAGER] shall consult with the Police Department regarding proposed security lighting for telecom facilities on a case-by-case basis.

- D. *Signs and advertising.* No advertising signage or identifying logos shall be displayed on any telecom facility except for small identification, address, warning, and similar information plates approved by the [PLANNING MANAGER].
- E. *Noise.* Telecom facilities and all accessory equipment and transmission equipment must comply with all noise regulations, and shall not exceed, either individually or cumulatively, the applicable ambient noise limit in the subject zoning district. The [PLANNING MANAGER] may require the applicant to incorporate appropriate noise-baffling materials and/or strategies whenever necessary to avoid any ambient noise from equipment reasonably likely to exceed the applicable limit.
- F. *Site Security Measures.* Telecom facilities may incorporate reasonable and appropriate site security measures, such as fences, walls and anti-climbing devices, to prevent unauthorized access, theft or vandalism. Site security measures must be designed to enhance concealment to the maximum extent possible, such as installing equipment within a decorative masonry wall rather than within a fence. The [PLANNING MANAGER] may require additional concealment elements as the [PLANNING MANAGER] finds necessary to blend the security measures and other improvements into the natural and/or built environment. The [PLANNING MANAGER] shall not approve barbed wire, razor wire, electrified fences or any similar security measures visible to the public.
- G. *Backup Power Sources.* The [PLANNING MANAGER] may approve permanent backup power sources and/or generators on a case-by-case basis. The [CITY/COUNTY] strongly discourages backup power sources mounted on the ground or on poles within the public ROW. The [PLANNING MANAGER] shall not approve any diesel generators or other similarly noisy or noxious generators, in or within 250 feet from any residence; except for permanently installed back-up generators only used during area-wide loss of power and routine testing, and when found to be in compliance with the [CITY/COUNTY'S] General Plan Noise Element objectives, at which a smaller setback may be established; and provided, however, the [PLANNING MANAGER] may approve sockets or other connections used for temporary backup generators.
- H. *Colocation.* All new telecom operators shall collocate with other existing and/or planned telecom facilities whenever feasible. Operators are encouraged to collocate with other existing facilities such as water tanks, light standards (SCWFs) and other utility structures where the collocation is found to minimize the overall visual impact of the new facility. Colocation of SCWFs on light standards/poles, traffic lights, or other structures located within the public ROW shall be subject to the requirements of [CROSS REFERENCE TO SCWFS DESIGN REVIEW REQUIREMENTS SECTION].

SMALL CELL WIRELESS FACILITIES OR SCWFS

This section establishes procedural requirements and standards to regulate the streamlined review of small wireless communications facilities ("SCWFs") within the public ROW or on public and private property to minimize the potential safety and aesthetic impacts on neighboring property owners and the community, and to comply with applicable State and federal laws

- A. A SCWF as defined by the FCC shall meet the following requirements:
 - 1. Meet the following mounting conditions:
 - a. Are mounted on structures 50 feet or less in height including their antennas, or;



- b. Are mounted on structures no more than 10 percent taller than other adjacent structures, or;
 - c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
 2. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;
 3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.
- B. SCWFs shall be processed in the following manner:
 1. Review authority in the public ROW:
 - a. Encroachment telecommunications permit approved by [CITY/COUNTY] staff.
 2. Review authority on private or public property:
 - a. Administrative telecommunications permit approved by [CITY/COUNTY] staff.
 3. Application submittal requirements for SCWFs shall be the same as required for other telecom facilities.
- C. Requirements for batched permits:
 1. Simultaneous submittal of no more than five applications for SCWFs; or
 2. A single consolidated application covering no more than five SCWF locations, provided that the proposed facilities include the following:
 - a. Are on the same structure;
 - b. Are within the same linear alignment; and
 - c. Use the same equipment and are of similar design.
- D. SCWF Design Review Requirements.
 1. Colocation on an existing structure is encouraged if in compliance with all aesthetic and structural requirements;
 2. Installation on streetlights, traffic signals, or other utility poles within the ROW:
 - a. Installation on an existing or new pole shall consist of antenna and remote radio units (RRUs) only.
 - b. Antennas may be concealed in a canister located on top of the streetlight pole, traffic signal pole, utility pole, or new monopole if the following design criteria are met:
 - i. The canister shall not exceed the width or diameter of the existing pole by more than 6 inches.
 - ii. Antennas shall be water-tight and shall not alter the wind loading on the pole.
 - iii. Associated cables and wires shall be concealed and flush-mounted to the pole. All equipment on each pole shall be housed in a suitable enclosure to conceal components and cabling from public view. The enclosure shall be coated in a material and color matching that of the pole.



- iv. Other associated equipment shall be installed underground or placed in a cabinet outside site distance triangle areas for street corners and driveway, and outside the public sidewalk.
- c. Streetlight poles that support SCWFs shall be designed per the [CITY/COUNTY'S] SCWF Design Standards to seamlessly fit with the existing lighting system.
 - i. A plan for a new or replacement pole shall be submitted for review and approval that shows the existing and proposed streetlight and electrical infrastructure and designed in such a manner that a uniform light distribution is provided in the subject area.
 - ii. Once approved and installed, new streetlight poles and other associated SCWF infrastructure will be the property of the [CITY/COUNTY], unless rejected by the [CITY/COUNTY].
 - iii. All electrical costs associated with a SCWF on a streetlight pole or new pole shall be borne by the applicant.
- d. SCWFs located on private property on buildings, rooftops, and other areas and shall be camouflaged in same manner as required for other wireless facilities and shall comply with the design standards in [CROSS REFERENCE SCWFS DESIGN STANDARDS SECTION].

SECTION 6409(A) ELIGIBLE TELECOM FACILITIES

- A. *Background.* Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, codified as 47 U.S.C. Section 1455(a) (“Section 6409”), generally requires that State and local governments “may not deny, and shall approve” requests to collocate, remove or replace transmission equipment at an existing tower or base station. Federal Communication Commission (“FCC”) regulations interpret this statute and establish procedural rules for local review, which generally preempt certain subjective land-use regulations, limit permit application content requirements and provide the applicant with a potential “deemed-granted” remedy when the State or local government fails to approve or deny the request within 60 calendar days after submittal (accounting for any tolling periods). Moreover, whereas Section 704 of the Telecommunications Act of 1996, Pub. L. 104-104, codified as 47 U.S.C. Section 332, applies to only “personal wireless service facilities” (e.g., cellular telephone towers and equipment), Section 6409 applies to all “wireless” facilities licensed or authorized by the FCC (e.g., cellular, Wi-Fi, satellite, microwave backhaul, etc.).
- B. *Definitions.* The following abbreviations, phrases, terms, and words used in this section are relevant to Section 6409(a) Facilities in addition to the definitions located in Section _____ [CROSS REFERENCE TO DEFINITIONS SECTION]:
 - 1. “*Base Station*” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(1), which defines that term as a structure or equipment at a fixed location that enables FCC- licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. Section 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant



application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. Sections 1.40001(b)(1)(i) and (ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

2. “CPCN” means a “certificate of public convenience and necessity” granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code Section 1001 *et seq.*
3. “CPUC” means the California Public Utilities Commission established in the California Constitution, Article XII, Section 5, or its duly appointed successor agency.
4. “Eligible Facilities Request” or “EFR ” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(3), which defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (1) colocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.
5. “Eligible Support Structure” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b) (4), which defines that term as any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the State or local government under this definition.
6. “Existing” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC’s Section 6409 regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
7. “Substantial Change” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(7), which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public ROW). For clarity, this definition organizes the FCC’s criteria and thresholds for a substantial change according to the wireless facility type and location.
 - a. For towers outside the public ROW, a substantial change occurs when:
 - i. The proposed colocation or modification increases the overall height more than 10 percent or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or
 - ii. The proposed colocation or modification increases the width more than 20 feet from the edge of the tower or the width of the tower at the level of the appurtenance (whichever is greater); or
 - iii. The proposed colocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
 - iv. The proposed colocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the tower, including any access or utility easements currently related to the site.
 - b. For towers in the public ROW and for all base stations, a substantial change occurs when:
 - i. The proposed colocation or modification increases the overall height more than 10 percent or 10 feet (whichever is greater); or



- ii. The proposed colocation or modification increases the width more than six feet from the edge of the tower or base station; or
 - iii. The proposed colocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
 - iv. The proposed colocation or modification involves the installation of any new ground-mounted equipment cabinets that are 10 percent larger in height or volume than any existing ground-mounted equipment cabinets; or
 - v. The proposed colocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
 - c. For all towers and base stations wherever located, a substantial change occurs when:
 - i. The proposed colocation or modification would defeat the existing concealment elements of the support structure as reasonably determined by the [PLANNING MANAGER], or
 - ii. The proposed colocation or modification violates a prior condition of approval; provided however, that the colocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this definition.
- 8. “Tower” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(9), which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles, monotrees and lattice towers.
- 9. “Transmission equipment” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b) (8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- C. *Applicability.* This chapter applies to all requests for approval to collocate, replace or remove transmission equipment at an existing tower or base station submitted pursuant to Section 6409(a).
- D. *Application Review.* Under federal law, the [CITY/COUNTY] must approve or deny an application for an Eligible Facilities Request, together with any other [CITY/COUNTY] permits required for a proposed wireless facility modification, within 60 days after the applicant submits the application for a wireless facility minor modification permit, unless tolled due to issuance of any notice of incomplete filing or by mutual agreement between the [CITY/COUNTY] and the applicant. Under federal law, failure to act on a wireless facility minor modification permit application within the 60-day review period, excluding tolling period, will result in the permit being deemed granted by operation of law.
- E. *Prior Permit Approvals.* The following prior permit approvals are required prior to qualifying for approval of an Eligible Facilities Request under Section 6409.



1. *Section 6409 Approval.* Any request to collocate replace or remove transmission equipment at an existing tower or base station submitted with a written request for approval under Section 6409 shall require an amendment to the underlying telecom permit for the tower or base station subject to the [PLANNING MANAGER]'s approval, conditional approval or denial without prejudice.
 2. *Other Permits and Regulatory Approvals.* No collocation or modification approved pursuant to this chapter may occur unless the Applicant also obtains all other permits and regulatory approvals as may be required by any other federal, State or local government agencies, which include without limitation building permits, encroachment permits, electrical permits and any other permits and/or regulatory approvals issued by other departments or divisions within the [CITY/COUNTY]. Furthermore, any Section 6409 approval granted under this chapter shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.
- F. *Required Findings for Approval.* The [PLANNING MANAGER] may approve or conditionally approve any application for a 6409 EFR subject to the following findings:
1. Involves collocation, removal or replacement of transmission equipment on an existing tower or base station; and
 2. Does not substantially change the physical dimensions of the existing tower or base station.
- G. *Criteria for Denial Without Prejudice.* The [PLANNING MANAGER] may deny without prejudice any application for a Section 6409 EFR approval if the [PLANNING MANAGER] finds that the proposed project:
1. Does not meet the finding required in subsection (e) of this section – *Prior Permit Approvals.*
 2. Involves replacement of the entire support structure.
 3. Violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health and safety, which includes without limitation laws, regulations, rules, standards or permit conditions related to building and electric codes, aviation safety and flood control.

DISTRIBUTED ANTENNA SYSTEM (DAS)

A distributed antenna system, or DAS, is a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. A distributed antenna system may be deployed indoors (an iDAS) or outdoors (an oDAS). applications for DAS telecom facilities shall be submitted as a single application and will have a single master license agreement if located on public property or in the ROW. Each individual location within the system shall be processed and considered for approval separately. Permitting fees will be applied to each site. Each location will be evaluated and must comply with the installation Design Standards for the type of site as defined by this chapter.

TEMPORARY TELECOM FACILITIES

- A. General Requirements for temporary telecom facilities.
1. Applications. All applications for a temporary telecom facility (or "TTF") permit shall be accompanied by the minimum documentation required by [CROSS REFERENCE TO ADMINISTRATIVE REVIEW SECTION] below.



2. Administrative Review for TTFs. [CITY/COUNTY] staff shall review the application for completeness. After the application has been deemed complete, within 30 days [CITY/COUNTY] staff shall render a written decision to the Applicant. Any denials must include the reasons for the denial. The review shall be administrative in nature and shall not require notice or a public hearing.
3. Required findings for TTFs. The [CITY/COUNTY] may approve or conditionally approve a TTF permit only when the [CITY/COUNTY] finds:
 - a. The proposed TTF will not exceed 50 feet in overall height aboveground level;
 - b. The proposed TTF complies with all setback requirements applicable to the proposed location;
 - c. The proposed TTF will not involve any excavation or ground disturbance;
 - d. The proposed TTF will be compliant with all generally applicable public health and safety laws and regulations, which include without limitation maximum permissible exposure limits for human exposure to RF emissions established by the FCC;
 - e. The proposed TTF will not violate any noise limits applicable to the proposed location;
 - f. The proposed TTF will be identified with a sign that clearly identifies the site operator, the operator's site identification name or number and a working telephone number answered 24 hours per day, seven days per week by a live person who can exert power-down control over the antennas;
 - g. The proposed TTF will be removed within 30 days after the [CITY/COUNTY] grants the TTF permit, or such longer time as the [CITY/COUNTY] finds reasonably related to the applicant's need or purpose for the TTF; the [CITY/COUNTY] may require an appropriate bond to ensure removal, to the extent allowed by law;
 - h. The applicant has not been denied an approval for any permanent telecom facility in substantially the same location within the previous 365 days.

WIRELESS TELECOM FACILITIES APPLICATION REQUIREMENTS

- A. *Submission requirements.* Applications for telecom facilities shall be accompanied by the following documentation as deemed necessary and in such form as required by the [CITY/COUNTY] and as may described in the wireless telecommunications permit application packet:
 1. Project description summary
 2. Project characteristics
 - a. Project/site operational characteristics and features (including site plan, elevations, and project details)
 - b. Project purpose
 - c. Significant gap of coverage maps
 - d. FCC License/FAA Compliance
 - e. Radio Frequency (RF) Compliance Report
 - f. Project photographs and photo-simulations



- g. Structural safety report (including Wind Load calculations)
- h. Alternative candidate sites
- i. Cultural resource report (as needed)
- j. Biological resources report (as needed)
- k. Mature/protected trees report (as needed)

RADIO FREQUENCY COMPLIANCE AND RF EMISSIONS SAFETY REPORT; POST-INSTALLATION CERTIFICATION

The [CITY/COUNTY] shall only approve telecom facilities, SCWFs and Eligible Facilities Requests per Section 6409(a) that are compliant in all respects with the latest updated safety requirements for RF emissions to the maximum extent allowed under federal law, State law, FCC regulations and CPUC regulations. In addition to the RF safety information and analysis required in an application for the [CITY/COUNTY] may engage an outside technical consultant to evaluate and/or verify compliance with FCC radio frequency (RF) and radiation emissions requirements. Fees for the outside consultant shall be promptly paid or reimbursed by the applicant or operator.

Post-Installation Certification. Within 30 days of commencing operation of a telecom facility, SCWF or Eligible Facilities Request, the applicant shall provide to the [PLANNING MANAGER] a post-installation certification confirming, under penalty of perjury, that the actual RF emissions from the installed equipment do not exceed that previously disclosed to the [CITY/COUNTY] in the application process.

REMOVAL OF TELECOM FACILITIES

- A. *Discontinued use.* Any operator who intends to abandon or discontinue use of a telecom facility or SCWF, whether located on public property, private property or the public ROW must notify the [CITY/COUNTY] by certified mail no less than 30 days prior to such action. The operator or owner of the affected real property shall have 90 days from the date of abandonment or discontinuance, or a reasonable time as may be approved by [CITY/COUNTY] staff, within which to complete one of the following actions:
 - 1. Reactivate use of the telecom facility or SCWF;
 - 2. Transfer the rights to use the telecom facility or SCWF to another operator and the operator immediately commences use; or
 - 3. Remove the telecom facility or SCWF and restore the site at the permittee's sole expense.
- B. *Abandonment.* Any telecom facility or SCWF that is not operated for a continuous period of 180 days or whose operator did not remove the telecom facility or SCWF shall be deemed abandoned. Upon a finding of abandonment, the [CITY/COUNTY] shall provide notice to the telecom carrier last known to use such facility and, if applicable, the owner of the affected real property, providing 30 days from the date of the notice within which to complete one of the following actions:
 - 1. Reactivate use of the telecom facility or SCWF;
 - 2. Transfer the rights to use the telecom facility or SCWF to another operator; or
 - 3. Remove the telecom facility or SCWF and restore the site at the permittee's sole expense.
- C. Removal by [CITY/COUNTY].



1. The [CITY/COUNTY] may remove an abandoned facility, repair any and all damage to the premises caused by such removal, and otherwise restore the premises as is appropriate to be in compliance with applicable codes at any time after 30 days following the notice of abandonment.
2. If the [CITY/COUNTY] removes the telecom facility or SCWF, the [CITY/COUNTY] may, but shall not be required to, store the removed facility or any part thereof. The owner of the premises upon which the abandoned facility was located and all prior operators of the facility shall be jointly and severally liable for the entire cost of such removal, repair, restoration and storage, and shall remit payment to the [CITY/COUNTY] promptly after demand is made. In addition, the [CITY COUNCIL], at its option, may utilize any financial security required in conjunction with granting the telecommunication permit as reimbursement for such costs. Also, in lieu of storing the removed facility, the [CITY/COUNTY] may convert it to the [CITY/COUNTY'S] use, sell it, or dispose of it in any manner deemed by the [CITY/COUNTY] to be appropriate.

4.2 MEDICINAL AND ADULT USE CANNABIS

Explanation

Jurisdictions may adopt ordinances that control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, testing, and sale of commercial cannabis and cannabis. Such zoning regulations allow jurisdictions to limit the location of businesses that use and sell cannabis and cannabis products and therefore and to reduce potential impacts to community members.

Ordinances that describe regulations related to cannabis must be consistent with applicable State regulations, including the Medicinal and Adult-Use Cannabis Regulations and Safety Act, which was signed into law in June 2017 and creates the general framework for the regulation of commercial medicinal and adult-use cannabis in California.

State Regulations

Several State legislations regulate the grow, sale, and distribution of cannabis and cannabis products:

- **Proposition 215.** Medicinal cannabis has been legal in CA since 1996 under Proposition 215 and was later supported in the CA State Senate by SB 420. Under Proposition 215, medical patients and caregivers are still entitled to grow however much is required for their personal medical needs if they are compliant with local laws and ordinances and are 18+ with a CA-licensed physician's recommendation.
- **Proposition 64: The Control, Regulate and Tax Adult of Marijuana Act (AUMA).** Passed by CA voters in November 2016, recreational cannabis has been legal in CA since January 1, 2018 under Proposition 64. Under AUMA, there is no medical recommendation required to purchase, possess, or grow cannabis if you are 21+, however personal cultivation is limited to six plants per residence.
- **SB 94 Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).** While Proposition 64 made adult-use cannabis legal, the CA State Senate introduced SB 94, known as MAUCRSA, to streamline the cannabis regulatory system, so that recreation and medicinal cannabis could be governed under the same laws.

Applicability

All jurisdictions are required to allow for personal use, indoor cultivation, delivery, but can also allow for local authority to implement standards that increase from State mandates and create ordinances to prohibit specific



activities. For instance, cultivation of cannabis plants outdoors can be prohibited by local jurisdictions, and whether additional cannabis uses are allowed, and if so where and how they may locate within the jurisdiction, can be controlled through the jurisdiction’s zoning ordinance.

Best Practices

- [LA County Cannabis 101](#)
- [City of Salinas Cannabis Ordinance](#)
- [Sonoma County Tax Ordinance](#)

Sample Medicinal and Adult Use Cannabis Ordinance

The following model language provides an example of an ordinance section that describes regulations related to production, distribution, transport, storage and sale of cannabis and cannabis products. The language is consistent with current federal and State requirements but should be modified to be consistent with the jurisdiction’s permit types, approval processes, existing environmental constraints, and in order to reduce potential impacts to residents and workers

PURPOSE

- A. The purpose and intent of this chapter is to establish a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, testing, and sale of commercial cannabis and cannabis products as allowed by and in accordance with State law and regulations.
- B. Commercial cannabis activities shall be permitted, upon application and approval of a CUP, in accordance with the criteria and procedures set forth in this chapter.

APPLICABILITY

- A. Commercial cannabis activities permitted under this chapter shall comply with the licensing and regulatory requirements of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) of 2017 as codified in California Business and Professions Code Section 26000 et seq. and as may be amended periodically, and regulations issued by the State pursuant thereto.
- B. Commercial cannabis activities permitted under this chapter shall apply for and obtain the appropriate license issued by the State for the type of commercial cannabis business for which a CUP is issued under this chapter.
- C. Commercial cannabis activities permitted under this chapter shall acquire a business license from [JURISDICTION NAME].

CONDITIONAL USE PERMIT

- A. Prior to initiating operations and as a continuing requisite to conducting commercial cannabis activities from a physical location within the [CITY/COUNTY], the persons or legal representative of the persons wishing to conduct commercial cannabis activities shall obtain a conditional use permit from the [CITY/COUNTY] under the terms and conditions set forth in this chapter.



- B. Conditional use permits are not transferable without prior approval of the [CITY/COUNTY] and any attempt to assign or transfer such permits shall render the permit null and void.
- C. The number and type of commercial cannabis facilities permitted in the [CITY/COUNTY] may be limited or restricted by resolution of the [CITY COUNCIL].
- D. The holder of a conditional use permit for a testing facility shall not hold a permit for any other cannabis facility for which a conditional use permit is required under this chapter, shall not own or have ownership interest in such a facility, and shall not employ an individual who is also employed by any other permittee that does not hold a testing facility CUP.
- E. A separate conditional use permit application shall be made for each type of cannabis facility, i.e., dispensary, cultivation, manufacturing, testing, or distribution facility, for each license classification specified in California Business and Professions Code Section 26050; and for each location at which a cannabis facility will operate. An application for a CUP for each type of cannabis facility shall include all required documentation required by State law and any additional documentation required by the [CITY/COUNTY], including, but shall not be limited to, the following information:
 1. The legal name, and any other names under which the facility will operate.
 2. The address of the location and the on-site telephone number, if known, of the cannabis facility.
 3. The following information for each owner, officer, director, and manager of the cannabis facility:
 - a. Complete legal name and any alias, address, and telephone number;
 - b. Date of birth;
 - c. Copy of valid government-issued photo identification card or license;
 - d. A list of all criminal convictions, other than for traffic infractions;
 - e. Copy of LiveScan application;
 - f. A detailed explanation of the owner's, officer's, director's, or manager's involvement with any other cannabis facility, including, but not limited to, the name and address of the cannabis facility;
 4. An operations plan which shall be in conformance with the requirements of this chapter and shall include at minimum:
 - a. A list of the names, addresses, telephone numbers, and responsibilities of each owner, officer, director, and manager of the facility;
 - b. The hours and days of operation for the facility.
 - c. For cannabis dispensary applications only, whether delivery service of cannabis to any location outside the cannabis facility will be provided and the extent of such service.
 - d. A site plan and floor plan of the facility to scale, denoting the layout of all areas of the cannabis facility, including, as applicable, storage/warehousing, cultivation, nursery, reception/waiting, dispensing, manufacturing, testing, distribution, and all ancillary support spaces, and the relationship of the facility to adjacent properties and land uses.
 - e. A security plan, including lighting, alarms, fencing, and video cameras, to ensure the safety of persons, and to protect the premises from theft, vandalism, and fire. The



- security plan shall address both interior and exterior areas of the facility and its premises.
- f. The cannabis cultivation and manufacturing procedures to be utilized at the facility, including, as applicable, a description of how chemicals and fertilizers will be stored, handled, and used; extraction and infusion methods; the transportation process; inventory procedures; track and trace program and procedures; quality control procedures; and testing procedures.
 - g. Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated or excess cannabis product.
 - h. Procedures for inventory control to prevent diversion of cannabis to persons or uses not allowed under State law or this chapter, employee screening, storage of cannabis, personnel policies, and recordkeeping procedures.
 - i. An odor management plan detailing steps that will be taken to ensure that the odor of cannabis will not emanate beyond the exterior walls of the facility, including as necessary the installation and use of air purification systems and/or air scrubbers.
 - j. For cannabis distribution and transportation facilities and distributors and transporters only, procedures for transporting cannabis and cannabis products from cultivation and manufacturing facilities to the distribution center, quality assurance and inspection by the distributor, transportation to and from a cannabis testing facility, and distribution and transportation to a cannabis dispensary.
 - k. For cannabis testing facilities only, procedures for testing cannabis and cannabis products for concentration, pesticides, mold, other contaminants, and purity.
 - l. Policies and procedures for adopting, monitoring, implementing, and enforcing all requirements of this chapter.
5. The name and address of the owner and lessor of the premises and a copy of the lease or other such proof of the legal right to occupy and use the premises and a statement from the owner or agent of the owner of the real property where the facility will be located demonstrating the landowner has acknowledged and consented to permit dispensary, cultivation, distribution, manufacturing, or transportation activities to be conducted on the property by the applicant.
 6. Provide evidence that the proposed location is located beyond at least a 600 foot radius from a school providing instruction in kindergarten or any grades one through 12, day care center, or stand-alone youth center that is in existence at the time the CUP is issued.
 7. A statement in writing by the applicant that he or she will, to the extent allowed by law, give preference in employee hiring to residents of the [JURISDICTION NAME].
 8. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is complete, true and accurate.
- F. Background Check. All applicants for a CUP for a cannabis facility, including any owner, officer, director, or manager responsible for the day-to-day operations and activities of the cannabis facility, shall be required to submit to a LiveScan criminal history records check accepted by the [CITY/COUNTY].



CANNABIS FACILITY LOCATIONS

- A. A cannabis dispensary facility may be located in any [COMMERCIAL OR MANUFACTURING] zoning district.
- B. A cannabis cultivation facility may be located in any [MANUFACTURING] zoning district.
- C. A cannabis manufacturing facility may be located in any [MANUFACTURING] district.
- D. A cannabis testing facility may be located in any [COMMERCIAL OR MANUFACTURING] zoning district.
- E. A cannabis distribution and transportation facility may be located in any [MANUFACTURING] zoning district.
- F. A permitted cannabis facility shall operate at a single location only. Multiple buildings on the same or adjacent site may be considered a single cannabis facility operating at a single location.
- G. No cannabis facility shall be located within 600 feet of a school providing instruction in kindergarten or any grades one through twelve, day care center, or youth center that is in existence at the time the CUP is first issued, measured in a straight line from the nearest property line of the school, day care center, or youth center to the closest property line of the lot on which the cannabis is located, without regard to intervening structures.
- H. No person under the age of 21 shall be allowed in any cannabis facility or at its location.
- I. All cannabis cultivation shall be conducted only in the interior of enclosed structures, facilities and buildings, and all cultivation operations including all cannabis plants at any stage of growth shall not be visible from the exterior of any structure, facility or building containing the cultivation of cannabis.

CANNABIS DISPENSARIES

- A. Cannabis shall be sold, transferred, dispensed, or otherwise distributed to customers only from a licensed retail premises which is a physical location from which commercial cannabis activities are conducted. No sales, transfers, dispensing, or distribution of any kind to the public or customers shall be from a cultivation, manufacturing, distribution, transportation, or testing facility.
- B. A cannabis dispensary may also provide a cannabis delivery service.
- C. Cannabis sales, transfers, dispensing, or distribution to customers shall only occur inside the premises of the cannabis dispensary or retail facility.
- D. No cannabis shall be provided to any customer more than once per day.
- E. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of alcohol or tobacco products by patrons or employees.
- F. Patrons must leave the site and not consume cannabis until at home or in an equivalent private location.
- G. Hours of operation shall be limited to: Monday through Sunday, [8:00 A.M. TO 10:00 P.M.], or as further limited by the conditional use permit conditions of approval or State law.
- H. Adult-use retail businesses shall only provide cannabis to an individual in an amount consistent with personal possession and use limits allowed by the State.
- I. A cannabis dispensary must implement an odor control system, approved by the [CITY/COUNTY] prior to operation of the dispensary.



- J. The loitering by persons outside the facility, either on the premises or within one hundred feet of the premises, is prohibited.

CANNABIS DELIVERY

- A. A cannabis delivery service shall hold a conditional use permit under a cannabis dispensary or on its own and shall not be associated exclusively with a cannabis cultivation, processing, manufacturing, or distribution facility.
- B. A cannabis dispensary or retailer may operate a delivery service subject to the requirements of Section 26090 of the California Business and Professions Code.
- C. Cannabis deliveries to customers shall only be made by and from a [CITY/COUNTY]-licensed and State-licensed retailer.
- D. Cannabis deliveries to customers shall only be during the normal operating hours of the cannabis dispensary or retailer during which it is open to customers.
- E. Every applicant for a delivery service license shall obtain and maintain in full force and effect a State-approved automobile insurance policy.
- F. Only delivery to persons twenty-one years of age or over shall be allowed and eighteen years of age and older if the customer is a medical patient.
- G. All drivers and anyone accompanying the driver must be at least 21 years of age or over.
- H. No signage on the exterior of the vehicle identifying the vehicle as a cannabis delivery vehicle shall be allowed.
- I. All cannabis delivery service customers are required to be pre-registered with the delivery service prior to receiving deliveries of cannabis.
- J. All cannabis delivery services shall have an approved business license for a cannabis delivery services with [JURISDICTION NAME].

CANNABIS TESTING LABORATORIES

- A. A cannabis testing laboratory or facility shall have an exclusive conditional use permit and shall not be associated with any other cannabis business in the [JURISDICTION NAME].
- B. A cannabis testing facility shall obtain and maintain ISO/IEC 17025 accreditation and hold a valid State-issued testing laboratory license.
- C. A cannabis cultivation, manufacturing, or dispensing facility may perform on-site testing for the purposes of quality assurance. Such on-site testing is not in lieu of the testing otherwise required by the State.
- D. Testing Laboratories may operate twenty-four hours per day.
- E. A cannabis testing laboratory must implement an odor control system, approved by the [CITY/COUNTY] prior to operation of the testing.

CANNABIS DISTRIBUTION AND TRANSPORTATION

- A. Cannabis and cannabis products shall be transported only between permitted cannabis facilities.



- B. The transportation of cannabis and cannabis products shall only be conducted by a person or entity holding a State-issued distribution license.
- C. Distributors may operate twenty-four hours a day. Operations shall be subject to the provisions of the [CITY/COUNTY'S] Noise Control Ordinance.
- D. Distributor vehicles shall be unmarked vehicles with no indication that the vehicles are transporting cannabis or cannabis products.
- E. As part of the application and permitting process each distributor shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

CANNABIS CULTIVATION

- A. Cultivators may operate twenty-four hours a day. Operations shall be subject to the provisions of the [CITY/COUNTY'S] Noise Control Ordinance.
- B. Outdoor cultivation is prohibited. The cultivation of all cannabis must occur indoors or in a fully enclosed greenhouse.
- C. Cannabis plants shall not be visible from a public or private road, sidewalk, park, or any common public viewing area.
- D. Cultivator shall only be allowed to cultivate the square feet of canopy space permitted by State law.
- E. Cannabis cultivation shall be conducted in accordance with State and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- F. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- G. The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the cultivation site, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- H. A permitted cultivator shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products and to deter and prevent the theft of cannabis and cannabis products at the commercial cannabis business.
- I. A cannabis cultivation facility must implement an odor control system, approved by the [CITY/COUNTY] prior to operation of the facility.

CANNABIS MANUFACTURING

- A. A cannabis manufacturer may operate between [7:00 A.M.] and [9:00 P.M.] Operations shall be subject to the provisions of the [CITY/COUNTY'S] Noise Control Ordinance.
- B. A Hazard Analysis Plan or equivalent document must be submitted and approved by the [APPLICABLE DISTRICT] Fire Department prior to operation of a cannabis manufacturing facility.
- C. All manufacturing of medical and adult-use cannabis shall occur in an enclosed locked structure.



- D. From a public right-of-way, there should be no exterior evidence of the manufacturing of medical cannabis or manufactured cannabis except for any signage authorized by this Code.
- E. A manufacturing site, all operations conducted therein, and all equipment used must be in compliance with all applicable State and local laws, including all building, electrical, and fire codes
- F. A cannabis manufacturing facility must implement an odor control system, approved by the [CITY/COUNTY] prior to operation of the facility.

CANNABIS RECORDS

- A. Cannabis facilities shall maintain accurate records of commercial cannabis activity and an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products throughout the distribution chain until purchase by or distribution to a customer. The records management and inventory control and reporting systems shall comply with the records management requirements of Sections 26160 through 26162.5 of the California Business and Professions Code and the track and trace program requirements of Sections 26067 through 26069.9 of the California Business and Professions Code, and regulations issued pursuant thereto.
- B. Cannabis facilities shall have an electronic point-of-sale system that produces historical transactional data for review by the [PLANNING MANAGER] for compliance and auditing purposes.
- C. Each cannabis facility shall maintain at the premises all records and documents required by applicable State law or regulation.
- D. Complete and up-to-date records regarding the amount of cannabis cultivated, produced, manufactured, harvested, stored, distributed, delivered, packaged, or sold at each cannabis facility.

COMMUNITY RECORDS

Each cannabis facility shall provide the [PLANNING MANAGER] with the name, telephone number, and e-mail address of an on-site community relations or staff person or other representative to whom the [CITY/COUNTY] can provide notice if there are operating problems associated with the cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the cannabis facility. Each cannabis facility shall also provide the above information to all businesses and residences located within one hundred feet of the cannabis facility.

INSPECTIONS AND ENFORCEMENT

- A. The][CITY MANAGER], [POLICE CHIEF], or their designees shall have the right to enter all cannabis facilities periodically unannounced during the facility's hours of operation for the purpose of making reasonable inspections to observe and enforce compliance with this chapter, to inspect and copy records required to be maintained under this chapter, or to inspect, view, and copy recordings made by security cameras, all without requirement for a search warrant, subpoena, or court order.
- B. Operation of a cannabis facility in noncompliance with any conditions of approval or the provisions of this chapter shall constitute a violation of this municipal code and shall be enforced pursuant to the provisions of this code.



- C. The [CITY MANAGER] may summarily suspend or revoke a cannabis conditional use permit if any of the following, singularly or in combination, occur:
1. The [CITY MANAGER] determines that the cannabis facility has failed to comply with any requirement of this chapter or any condition of approval;
 2. The cannabis facility has conducted itself or is being conducted in a manner that creates or results in a public nuisance;
 3. The cannabis facility ceased operations for more than ninety calendar days;
 4. The cannabis facility fails to allow inspection or copying of the security recordings, activity logs and records, or any other aspect of the business.

4.3 HOME OCCUPATIONS

Explanation

Home occupations are businesses that are conducted on residential property and which are incidental and secondary to the residential use. Examples of home occupations include home offices, art and crafts businesses operated within residences, and businesses conducted over the phone from residences. Jurisdictions may adopt ordinances that regulate home occupations in order to limit allowed types and sizes of home occupations and to outline the process required to approve different kinds of home occupations.

Applicability

While not required, jurisdictions can adopt zoning requirements related to home occupations in order to reduce potential impacts of such businesses on the community and guide decision-makers who review proposals to establish home occupations.

Best Practices

- [City of Firebaugh Zoning Ordinance Section 25-41.2 Home Occupations](#)
- [City of Kingsburg Zoning Ordinance Section 17.56.010 Home Occupations](#)
- [City of Merced Zoning Ordinance Chapter 20.48 Home Occupations](#)
- [City of Vacaville Land Use and Development Code Chapter 14.09.120 Land Use Permits and Approvals, Home Occupation Permits](#)

Sample Home Occupations Language

The following model language provides an example of an ordinance section describing regulations related to home occupations. The language should be modified to be consistent with the jurisdiction's permit types and specific environmental constraints and in order to reduce potential impacts to the community.

- A. *Purpose.* The purpose of this section is to permit home occupations as an accessory use in a dwelling unit under specified standards, conditions, and criteria to ensure said home occupations are compatible with, and do not have an adverse effect on, adjacent and nearby residential properties, uses, infrastructure, and services.
- B. A [ZONING CLEARANCE LETTER] is required for each home occupation, pursuant to the provisions of [CROSS-REFERENCE ZONING CLEARANCE LETTER SECTION]. A [ZONING CLEARANCE LETTER] to conduct a home occupation at a particular address is not transferable from one party to another, nor



may the type of business be modified. A new [ZONING CLEARANCE LETTER] must be obtained for each new home occupation.

- C. Home occupations must be located and operated consistent with the standards of this Code.
1. Only one home occupation per home is permitted.
 2. *Appearance.* The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.
 3. *Structural modification limited.* No structural modifications shall be made to create features not customary in dwelling units.
 4. *Floor Area.* The space exclusively devoted to the home occupation, including associated storage, shall not exceed 25 percent of the dwelling unit floor area.
 5. *Traffic and Parking.* Home occupations shall not generate a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street on which the dwelling unit is located, or which creates the need for additional parking spaces, or involves deliveries to or from the premises in excess of that which is customary for a dwelling unit.
 6. *Equipment.* Home occupations involving mechanical or electrical equipment which is not customarily incidental to domestic use shall not be permitted.
 7. *Cottage Food Preparation.* Cottage Food Preparation is permitted subject to compliance with State law.
 8. *Hazardous Materials.* Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for a residential use. There shall be no storage or use of toxic or hazardous materials other than types and quantities customarily found in connection with a dwelling unit.
 9. *Nuisances.* Home occupations shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with communication transmissions, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the property within which the home occupation is conducted.
 10. *Signage.* A maximum of one window or wall sign is permitted. Signs shall not exceed two square feet and shall be visually compatible with the building and surrounding neighborhood. Freestanding or illuminated signage is not permitted. All allowed signage must be consistent with Section ____ [CROSS REFERENCE TO SIGN ORDINANCE].



4.4 ADULT BUSINESSES

Explanation

Adult businesses are establishments which are characterized by entertainment, devices, or services which are sexually explicit in nature. Examples of adult businesses include adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, escort services, and massage parlors. Typically, jurisdictions adopt ordinances that regulate the establishment and location of adult businesses in order to reduce adverse effects on property values and quality of life in existing neighborhoods, including areas where children spend time such as schools and community facilities.

Applicability

While not required, jurisdictions can adopt zoning requirements related to adult businesses in order to provide staff and decision-makers tools to reduce potential impacts of such businesses on the community.

Best Practices

- [City of Merced Municipal Code Chapter 20.60 Adult Entertainment Businesses](#)
- [City of Firebaugh Zoning Ordinance](#)
- [City of Vacaville Municipal Code Section 14.09.137 Supplemental Standards, Adult-Oriented Businesses](#)

Sample Adult Businesses Language

The following model language provides an example of an ordinance section describing regulations related to adult businesses. The language should be modified to be consistent with the jurisdiction's permit types and specific existing conditions and in order to reduce potential impacts to the community.

PURPOSE

- A. This chapter ensures adult-oriented businesses do not have adverse effects on surrounding neighborhoods, uses, or areas such as impacts to property values, vacancy rates, or quality of life.
- B. It is neither the intent nor the effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this chapter to restrict or deny access by adults to communication materials or to deny access by the distributors or exhibitors of adult businesses to their intended market.
- C. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building, or use which violates any [CITY/COUNTY] ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

APPLICATION

- A. Before any building or structure for an adult business is erected, or any adult business is established: (1) all conditions set forth in this chapter which are required to be complied with before commencement of business shall be satisfied; and (2) all other applicable regulations to the proposed site for the adult business shall be satisfied.



STANDARDS

- A. Adult businesses shall comply with all applicable State and federal laws in addition to the following development and operational standards.
 1. *Location.* Adult-oriented businesses shall be located:
 - a. At least 600 feet from any residential zoning district.
 - b. At least 600 feet from any existing educational institution such as schools, nursery or child-care facilities, religious or cultural institutions, libraries, or community centers.
 - c. At least 600 feet from any existing or planned park, playground, or other recreational facility where minors congregate.
 - d. At least 600 feet from another adult-oriented business.
 2. The distances set forth above shall be measured in a straight line, without regard to intervening structures, as a radius from the primary entrance of the adult business to the closest property line of the other use.
- B. Hours of operation for the adult business shall be limited to the hours between [8 A.M. AND 9 P.M.] Sunday through Thursday, and between [8 A.M. AND 10 P.M.] on Friday and Saturday.
- C. No adult-oriented business shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to specified sexual activities or anatomical areas from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign (exterior and interior), show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times. Such opaque covering shall be subject to review and approval by the [PLANNING MANAGER] for aesthetic compatibility with surrounding uses. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the business.
- D. All off-street parking areas and building entries serving the adult-oriented business shall be illuminated from dusk until at least one hour after close of operations with a lighting system which provides a minimum of one foot-candle of light maintained evenly across the parking surface and/or walkway.

4.5 EMERGENCY SHELTERS

Explanation

Under California Government Code Section Government Code Section 65583.(a)(4), local agencies Housing Elements must identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and where there is sufficient capacity to accommodate the need for an emergency shelter. In addition, local agencies may identify additional zones where emergency shelters are permitted with a conditional use permit. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include the following:

- The maximum number of beds or persons permitted to be served nightly by the facility.



- Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.
- The size and location of exterior and interior onsite waiting and client intake areas.
- The provision of onsite management.
- The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting.
- Security during hours that the emergency shelter is in operation.

A local jurisdiction should develop zoning ordinance language to allow development of emergency shelters as described in its Housing Element. The ordinance should codify the zoning districts where emergency shelters are allowed, the required approval process for shelters in each zoning district, and any applicable objective management standards. While such an ordinance is required by law, it also offers an opportunity for a local jurisdiction to plan for and accommodate needed housing for its residents during emergencies and to reduce potential impacts to existing neighborhoods.

Applicability

State law requires that all jurisdictions identify zoning districts where emergency shelters are allowed; therefore, all jurisdictions should include zoning language that meets legislative requirements and reflects unique environmental constraints and the desires and needs of residents.

Best Practices

- [City of Firebaugh Zoning Ordinance](#)
- [City of Merced Zoning Ordinance](#)

Sample Emergency Shelters Language

The following model language provides an example of an ordinance section describing regulations related to emergency shelters. The language is consistent with current State requirements but should be modified to be consistent with the jurisdiction's permit types, existing capacity and environmental constraints, and in order to reduce potential impacts to the community.

LOCATION

An emergency shelter or multi-service center for homeless individuals shall be permitted on any parcel within the [MANUFACTURING] zoning districts. Each facility shall comply with all required development and operational standards of the zoning district in which it is located.

STANDARDS

- A. In addition to the development and operational standards of the underlying zoning district, each emergency shelter shall comply with the following standards:
 1. Compliance with applicable State and federal licensing, standards, and requirements.



2. Compliance with applicable State and local uniform housing and building code requirements.
3. Physical characteristics:
 - a. The facility shall have on-site security during all hours when the shelter is open.
 - b. The facility shall have exterior lighting on all pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
 - c. The facility shall provide secure areas for personal property.
4. *Location*. There shall be a minimum of 300 feet between emergency shelters.
5. *Length of Stay*. The length of stay of an individual client shall not exceed six months within a twelve-month period; days of stay need not be consecutive.
6. *Parking*. Emergency shelters shall provide on-site parking at a rate of one space per employee plus one space per six occupants or beds allowed at the maximum occupancy. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of bike parking space per every three beds.
7. *Support Services*. Emergency shelters that provide support services shall allocate sufficient areas on site, and properly enclosed within the building. Support services include, but are not limited to, the following:
 - a. Food preparation and dining areas.
 - b. Laundry facilities.
 - c. Restrooms and showers.
 - d. Areas to secure and store client belongings.
8. *Management and Operating Plan*. The applicant or operator shall submit a management and operation plan for the emergency shelter for review and approval by the Planning Department in consultation with the [POLICE/SHERIFF] in conjunction with the site plan review application and/or prior to the issuance of permits.
 - a. The plan shall remain active throughout the life of the facility, with any changes subject to review and approval by the [PLANNING MANAGER] in consultation with the Sheriff.
 - b. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter.
 - c. The plan shall be based on "best practices" and address at a minimum, management, security, client supervision, client services, and food services. The plan should also include a client code of conduct, ratio of staff to clients, eligibility and intake and check out process, detailed hours of operation, ongoing outreach plan to local homeless population, and participation in data collection for the Fresno Madera Counties Continuum of Care Point-in-Time Report.
 - d. The [CITY/COUNTY] may inspect the facility at any time for compliance with the facility's management and operation plan and other applicable laws and standards.



4.6 AFFORDABLE HOUSING DEVELOPER INCENTIVES AND REQUIREMENTS

Explanation

Jurisdictions may require that affordable housing be provided in certain types of developments and at certain levels of affordability through affordable housing ordinances (also referred to as inclusionary requirements). Such requirements often apply to medium- and high-density residential and mixed-use housing developments. Jurisdictions may also allow developers to pay a fee in-lieu of providing on-site affordable units. Such fees are typically allocated to a jurisdiction's housing trust fund, which in turn is used to develop additional affordable housing projects.

In order to address the ongoing housing crisis in California, State legislation intended to encourage increased provision of affordable housing continues to be updated. One State law of particular note is State Density Bonus Law (Government Code Section 65915), which allows up to a 35 percent increase in allowed density for projects that include affordable units. State Density Bonus law applies to all jurisdictions in California; however, individual jurisdictions may adopt local ordinances that describe specific density bonus application processes and requirements.

Affordable housing requirements offer a helpful tool for jurisdictions to encourage, manage, and regulate the provision of affordable housing throughout their community. If a jurisdiction adopts such requirements, staff should ensure the regulations are consistent with current legislation and the jurisdiction's policies and goals related to affordability and housing supply.

Applicability

State legislation related to affordable housing, including State Density Bonus Law, apply to all jurisdictions within California. Jurisdictions may adopt individual inclusionary housing requirements that go beyond State law in order to further encourage and manage affordable housing developments.

Best Practices

- [City of Merced Municipal Code Chapter 20.56 Density Bonus](#)
- [City of Firebaugh Zoning Ordinance Chapter 30 Density Bonuses and Housing Goals](#)
- [City of Vacaville Municipal Code Section 14.09.116 Density Bonus](#)

Sample Language

The following model language provides an example of an ordinance section describing regulations related to affordable housing, including density bonus regulations. The language is consistent with current State requirements but should be modified to be consistent with the jurisdiction's permit types, existing housing needs and environmental constraints, and in order to reduce potential impacts to the community.

PURPOSE

- A. This chapter provides requirements and incentives for the development of affordable, or inclusionary, housing units in conjunction with other residential and mixed-use projects and commercial projects as required under State law. These provisions are intended to implement General Plan policies encouraging the production of affordable housing for all economic groups, and housing for disabled



and older residents, transitional foster youth, disabled veterans, and homeless persons, all of which is integrated, compatible with and complements adjacent uses, and is located near public and commercial services.

- B. The incentives offered in this chapter may be used by the [CITY/COUNTY] as one means of meeting its commitment to encourage housing affordable to all economic groups, and to meet its regional fair share requirements for the construction and rehabilitation of housing affordable to very low, low, moderate, and above moderate income persons.
- C. This Chapter shall be interpreted in a manner supplementary to and consistent with California Government Code Section 65915 (Density Bonuses and Other Incentives, also known as State Density Bonus Law).

APPLICABILITY

- A. This chapter shall apply to the following:
 - 1. The construction of all residential units;
 - 2. Common interest development (i.e., condominiums) created through the conversion of existing residential units that were not subject to the [CITY/COUNTY'S] affordable housing requirement at the time of construction;
 - 3. A residential or mixed commercial/residential development including a childcare facility that will be located on the premises of, as part of, or adjacent to, such a housing development, under California Government Code Section 65915.
 - 4. Commercial development projects, as may be applicable to obtain development bonuses under California Government Code Section 65915.7, where the developer of a commercial project has entered into an agreement for partnered housing with an affordable housing developer and provides affordable housing through a joint project or through two separate projects encompassing affordable housing.
- B. *Exemptions.* The provisions of this chapter shall not be applicable to the following:
 - 1. A solitary new single-family dwelling or the replacement of one single-family dwelling with another single-family dwelling.
 - 2. Accessory dwelling units and junior accessory dwelling units.

AFFORDABLE HOUSING REQUIREMENTS

Projects subject to this chapter shall permanently set aside the following number of units as affordable to and reserved for very low, low and moderate-income households as determined by eligibility requirements and a rental and sales price schedule established annually by Council resolution. Affordable units shall be provided as set forth below:

- A. *Multi-Family Projects of Ten or Fewer Units:* One affordable unit.
- B. *Projects of Eleven Units or More:* Twenty percent of the total number of units within the project.
- C. *Common Interest Development Conversions.* If existing residential units are proposed to be converted to a common interest development, inclusionary units shall be provided according to the required ratios described in Section A above. The inclusionary units shall be sold as ownership affordable units, or upon approval from the [CITY/COUNTY] can be retained as affordable rental units.



- D. If the [CITY/COUNTY] authorizes the inclusionary rental units to be retained, the owners shall record a covenant guaranteeing the affordability of the rental units and waiving certain rights granted by State law (Government Code Section 7060 et seq.) for the life of the project.
- E. If the inclusionary units are to be sold as affordable units, the owners shall record a covenant restricting future sales prices to levels affordable to the targeted income group.
- F. When only one affordable dwelling unit is constructed, it may be allocated for a very low, low or moderate-income household. When two or more affordable units are constructed, the units shall be allocated alternately with the first unit allocated for a low or very low income household and the second allocated for a moderate-income household, alternating between low or very low, and moderate income until all units are assigned a level of affordability.

AFFORDABLE UNIT SIZE, TYPE, AND LOCATION.

- A. Inclusionary units shall be indistinguishable from the non-inclusionary units. Inclusionary units shall have the same number and type of appliances and on average the same number of bedrooms as non-inclusionary units. The exterior of inclusionary units shall be of the same appearance, finished quality and materials as the non-inclusionary units.
- B. Inclusionary units shall be reasonably dispersed throughout the project and shall be comparable with the non-inclusionary units in terms of appearance, size, finished quality, and materials as approved by the review authority.
- C. While the intent is for inclusionary units to be dispersed throughout the project as much as possible, inclusionary units may be clustered within a building if the review authority, or [PLANNING MANAGER] as a minor administrative modification of an approved development, determines that such clustering results in the creation of more affordable units than would otherwise be provided, or-provides a documented public benefit, or due to circumstances unique to the project size, location or design otherwise better serves the affordable housing needs of the [CITY/COUNTY].

REPLACEMENT AFFORDABLE UNITS

Replacement of affordable units through demolition or renovation of an existing residential structure on the same site shall be regulated as follows:

- A. If any affordable units are occupied at the date of application, the project applicant shall provide at least the same number of equivalent units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same lower income category as those households in occupancy.
- B. If any affordable dwelling units have been vacated or demolished within the five-year period preceding the application, the proposed replacement project shall provide at least the same number of affordable units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known.
- C. If the income category of the last household in occupancy, or of the persons or families in occupancy at the highpoint, is not known, it shall be presumed that lower income renter households occupied



these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

- D. The replacement affordable units shall be made available at affordable rent or affordable housing cost to, and occupied by, persons or families in the same or lower income category as the occupancy that determines the replacement requirement.
- E. The affordable replacement units shall be subject to a recorded affordability restriction.
- F. The affordable replacement units shall be counted towards the affordable units provided for purposes of calculating the density bonus.

AFFORDABLE HOUSING IN-LIEU FEES

- A. *In-lieu Fee.* Developers of residential projects with [10 OR FEWER] units may choose to pay a fee in-lieu of providing the required affordable unit on-site.
- B. *Amount of Fee.* The amount of the in-lieu fee shall be calculated in compliance with the [COUNCIL'S FEE SCHEDULE].
- C. *Timing of Payment.* The fee required by this section shall be paid before issuance of a building permit for the approved project.
- D. *Basis for the Fee.* Fees paid to fulfill the requirements of this section shall be computed based on the number and size of the units to be constructed. Unit size shall be gross livable floor area, including private balconies, decks and patios.
- E. *[AFFORDABLE HOUSING TRUST FUND].* Fees paid to fulfill the requirements of this chapter shall be placed in the [CITY/COUNTY'S] [AFFORDABLE HOUSING TRUST FUND]. The funds shall be used exclusively for projects which have a minimum of 60 percent of the dwelling units affordable to low- and moderate-income households, with at least 20 percent of the units available to low income households. Only tax-exempt nonprofit corporations seeking to create or preserve the housing in the [CITY/COUNTY] shall be eligible to apply to the Council for [AFFORDABLE HOUSING TRUST FUND] funding. The funds may, at the discretion of the [COUNCIL], be used for predevelopment costs, land or air rights acquisition, administrative costs, gap financing, or to lower the interest rate of construction loans or permanent financing. In a project that includes market-rate units, trust fund monies shall only be provided to assist in the acquisition and construction of those units affordable to low- and moderate-income households.

DENSITY BONUS APPLICATIONS

Consistent with Government Code Section 65915 (State Density Bonus Law), this section provides density bonuses for specified housing projects and commercial projects that are affiliated with onsite or offsite affordable housing projects. The provided affordable units qualifying a project for a bonus shall be made permanently affordable to and reserved for households at the income levels qualifying the project for the bonus.

- A. The application for a density bonus and/or concessions shall be processed concurrently with the underlying land use permit and entitlement application and in accordance with the procedures set forth in Section _____ [CROSS REFERENCE TO PERMIT PROCESS SECTION]. In addition to any other



applicable application requirements, the application shall be made on a form supplied by the [PLANNING DEPARTMENT].

- B. *Review Authority.* A request for density bonus or incentive shall be reviewed concurrently with and by the same review authority as the underlying application for land use permits and entitlements.
- C. *Basis for Bonus.* In order to encourage the construction of housing affordable to very low, low, and moderate income persons, transitional foster youth, disabled veterans, and homeless persons, and the replacement of residential rental units lost through new construction, density bonuses shall be allowed in compliance with this section.
- D. *Density Bonus Calculations.* Projects not utilizing the in-lieu fee may apply for housing density bonuses up to a maximum of [35 PERCENT]. Density bonus calculations shall be subject to the following requirements (or as allowed under current State Density Bonus Law):
 1. For the purposes of calculating the permitted housing bonus in residential projects, “base density” shall refer to the maximum limit of dwelling units allowable in the zone in which the project is located. The base density used to calculate the bonus does not include units added by a density bonus awarded pursuant to this section.
 2. For the purposes of calculating the permitted housing bonus in mixed-use projects, “base density” shall refer to the maximum floor area ratio (“FAR”) permitted in the zone in which the project is located, inclusive of applicable mixed-use bonuses. For such projects, the affordable housing density bonus authorized under this section shall only be used to increase the residential floor area of the project (unless otherwise authorized by Government Code 65915.7). In such event, the base FAR may be combined with any available mixed-use bonus to determine the density from which the affordable bonus will be calculated. Any other applicable bonus (e.g., green building senior housing, etc.) shall be added after the affordable housing density bonus calculation.
 3. Any density calculation, including base density and bonus density, that results in a fractional number shall be separately rounded up to the next whole number.
 4. *Density Bonuses Permitted.* The amount of density bonus granted shall be based on the following table:

[EXAMPLE DENSITY BONUS PERMITTED]

Unit Type	Minimum % of Units	Density Bonus Granted	Additional Bonus for each 1% Increase in Units
Very Low Income	5%	20%	2.5%
Low Income	10%	20%	1.5%
Moderate Income	10%	5%	1%
Units for transitional foster youth, disabled veterans, or homeless persons, as those terms are defined in Government Code Section 65915,	10%	20%	N/A
		(of the same type of unit)	



provided at the same affordability level as very low income units for 55 years.

giving rise to the density bonus)

- E. A density bonus for a land donation for a childcare center or construction of a childcare centers shall be provided as set forth in Government Code Section 65915.
- F. All affordable units shall be constructed on-site.
- G. *Concessions.* In compliance with State law, applicants that request a density bonus (and commercial projects that partner with affordable housing developers and provide at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low income households authorized by Government Code 65915.7) are eligible for concessions as follows. The number of available concessions may be combined from different categories below for a maximum of three concessions per project.
- H. *Number of Concessions.*

	Number of Concessions Permitted
5% Very Low, 10% Low, or 10% Moderate	1
10% Very Low, 20% Low, or 20% Moderate	2
15% Very Low, 30% Low, or 30% Moderate	3

- I. *Available Residential Concessions.* The following concessions may be requested (or as allowed under current State Density Bonus Law):
 - 1. Ten percent reduction in the minimum rear yard setback; or
 - 2. Ten percent reduction in the minimum front yard setback; or
 - 3. Ten percent reduction in the minimum side yard setback on one side; or
 - 4. Ten percent reduction in total common open space required; or
 - 5. Ten percent reduction in private open space for up to 50 percent of the units; or
 - 6. An additional story, not to exceed 10 feet of the total project height.
- J. Concessions may be denied by the [PLANNING MANAGER] if one of the following findings can be made, based on substantial evidence:
 - 1. The concession does not result in identifiable and actual cost reduction to provide affordable housing costs;
 - 2. The concession would have a specific adverse impact on public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources;
 - 3. The concession would be contrary to State or federal law.
- K. *Parking Incentives.* Density bonus housing developments shall be granted the following parking space requirements when requested by the developer, inclusive of ADA spaces, which shall be granted to all units in the development (or as allowed under current State Density Bonus Law):

[EXAMPLE NUMBER OF PARKING SPACES]



Number of Bedrooms	Required Parking Spaces Per Unit
0 to 1 bedroom	0.5
2 to 3 bedrooms	1
4 or more bedrooms	2

Notes:

If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number. A development project may provide on-site parking through a tandem and/or uncovered parking configuration.

If a residential or mixed residential/commercial development project includes any of the following, then, upon the request of the developer, a parking ratio not to exceed 0.5 spaces per unit shall apply to the residential portion of the development regardless of the number of bedrooms included in any unit:

- Required (no-in-lieu payment) percentage of low, very low-income units;
- A minimum 10 percent transitional foster youth, veteran, or homeless persons units;
- Provides for-rent housing for individuals who are 62 years of age or older; or
- Is a special needs housing development and is located within one-half mile of a major transit stop where there is unobstructed access to a major transit stop from the development.

Guest parking shall not be required for projects utilizing the density bonus provided in this section.

L. *Available Commercial Concessions.* In addition to the other bonus and residential concessions provided in this Chapter, commercial development projects that partner with affordable housing developers and provide at least [30 PERCENT] of the total units for low-income households or at least [15 PERCENT] of the total units for very low income households in accordance with Government Code Section 65915.7 are eligible for the following that is mutually agreed upon by the applicant and [PLANNING MANAGER] (or as allowed under current State Density Bonus Law):

1. Up to 20 percent increase in maximum allowable intensity in Section _____ [CROSS REFERENCE TO DENSITY SECTION] of this Zoning Ordinance;
2. Up to 20 percent increase in allowable floor area ratio;
3. Up to 20 percent increase in maximum height requirements;
4. Up to 20 percent reduction in minimum parking requirements;
5. Use of a limited use/application elevator for upper floor accessibility;
6. An exception to a zoning ordinance or other land use regulation.

IMPLEMENTATION OF DENSITY BONUS AND INCLUSIONARY UNIT PROVISIONS

A. *Resolution of Approval.* The resolution approving a development permit for any project which provides inclusionary units shall specify the following items:

7. The density bonus being provided;
8. Whether an in-lieu fee is required;
9. The number and square footage of inclusionary units to be provided;



10. The number and square footage of units at each applicable sales price or rent level, and the number of parking spaces provided to each unit; and
 11. A list of any other concessions, reductions or waivers approved by the [CITY/COUNTY].
- B. *Fee.* If an in-lieu fee is required, the fee shall be determined in compliance with Chapter ____ [CROSS REFERENCE TO DEVELOPMENT FEES SECTION] and shall be paid at the current rate before any building permit is issued for the project.
- C. *Agreements.* All projects that provide inclusionary units and/or use a density bonus, concession or waiver under this Chapter shall execute and record the [CITY/COUNTY'S] [AGREEMENT IMPOSING RESTRICTIONS ON REAL PROPERTY] before any building permit will be issued for the project. The agreement shall explain the affordability restrictions and requirements in clear and precise terms.
- D. *Construction Schedule.* All inclusionary affordable units in a market-rate development shall be constructed concurrently with or before the construction of the non-inclusionary units.
- E. *Phasing.* In the event a phased project is approved by the [CITY/COUNTY], required affordable units shall be provided proportionally within each phase.
- F. *Occupants.* New inclusionary affordable units shall be occupied in the following manner:
- a. If residential rental units are being demolished and the existing tenants earn very low, low, or moderate incomes and meet all qualifying requirements, the tenants shall be given the right of first offer to occupy the new affordable units;
 - b. If there are no qualified tenants, or if the qualified tenants choose not to exercise the right of first offer, or if no demolition of residential rental units occurs, then qualified tenants shall be selected from the [CITY/COUNTY'S] Inclusionary Housing Waiting List; or
 - c. If the new inclusionary unit is a sales unit and the existing tenants decline the unit or are not qualified applicants, the [CITY/COUNTY] shall conduct a lottery to select qualified prospective buyers.

RENTAL, SALE, AND RE-SALE OF INCLUSIONARY AND AFFORDABLE UNITS

Any affordable unit provided to fulfill a requirement of this Chapter shall be permanently reserved for and occupied by qualified households meeting the affordable income requirement specified for the unit in the Resolution of Approval, [AGREEMENT IMPOSING RESTRICTIONS ON REAL PROPERTY], and all other eligibility requirements. Eligibility requirements and a rental and sales price schedule for very low, low, and moderate-income households shall be established annually by [COUNCIL] resolution. Newly constructed inclusionary units shall first be offered to eligible households displaced by the demolition necessary to construct the project.

- A. *Rental of Units.*
1. If units are offered for rent, the project owner or developer shall rent the units directly to the required number of very low-, low- and moderate-income households at the rental rate established by [COUNCIL] resolution.
 2. The rental rate shall include charges for the unit, parking, pets, water and trash, and all building amenities, unless otherwise specified in the resolution of approval.
 3. A security deposit equal to the greater of one month's rent or \$500 can be required.



4. A pet deposit may be in addition to the security deposit, but cannot exceed 25 percent of the security deposit.

B. *Limitations on Purchasers and Sales Prices.*

1. The sale and resale of affordable units constructed for purposes of using a State density bonus shall be in accordance with California Government Code 65915(c)(2).
 2. All purchasers of inclusionary units shall meet the [CITY/COUNTY'S] income guidelines for the income range targeted for that unit. Proof of income eligibility shall be submitted to the [CITY MANAGER]. Resale of units shall require that the [CITY MANAGER] first verify the purchaser as very low, low or moderate income. This requirement shall be included in the recorded covenant.
 3. Newly constructed inclusionary units shall first be offered to eligible very low, low- and moderate- income households displaced by the demolition necessary to construct the project; then the offer shall be made to other very low, low-, or moderate-income displaced households in the [CITY/COUNTY].
 4. In a building undergoing conversion to common interest development, an equal number of units in the resulting development as the existing project shall be offered to very low, low-, and moderate-income households.
 5. Lower income inclusionary units shall be sold at a price that is no more than two and one-half times 65 percent of the median income of the [CITY/COUNTY], and adjusted by the "bedroom factor." Qualifying income levels shall be established annually by the [CITY COUNCIL].
 6. Moderate income inclusionary units shall be sold at a price that is no more than two and one-half times the median income of the [CITY/COUNTY]. Qualifying income levels shall be established annually by the [CITY COUNCIL].
 7. The sales price of the inclusionary unit is dependent on the unit size established annually by the [CITY COUNCIL].
 8. Expected homeowners' association fees shall be included in the calculation of total unit costs.
- A. *Right of First Refusal.* After offering the units to eligible households displaced by demolition, the developer of a project shall be required to give right of first refusal to purchase any or all inclusionary units to the [CITY/COUNTY], or a [CITY/COUNTY]-designated agency or organization, for at least 60 days from the date of construction completion.
- B. *Lottery.* If the [CITY/COUNTY] chooses not to exercise its right of first refusal, it shall conduct a lottery to establish a list of eligible purchasers within that same time period. If the list is not provided, the developer may select the low- or moderate-income purchasers as long as the [CITY/COUNTY] verifies income eligibility and the units are sold at a price no more than two and one-half times the median income for the [CITY/COUNTY].
- C. *Resale of Units.* Upon resale, the affordable units shall remain affordable to the targeted income group. The resale price shall be set as follows:
1. The price resulting from the total costs, including homeowners association fees, shall be:
 - a. Moderate income units: a total cost of no more than two and one-half times the median income for the [CITY/COUNTY], for moderate income households.
 - b. Lower income units: a total cost of no more than two and one-half times 65 percent of the median income for the [CITY/COUNTY] for low income households.



- c. The sales price of the inclusionary unit is dependent on the unit size.
- d. Expected homeowners' association fees shall be included in the calculation of total unit costs.



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Chapter 5

General Regulations

INTRODUCTION

The General Regulations chapter contains examples of common regulations that apply to all zoning districts, such as parking, lighting, and development standards.

- 5.1 Parking and Circulation
- 5.2 Signs
- 5.3 Development Standards
- 5.4 Nonconforming Uses and Structures

General zoning district regulations will vary from jurisdiction to jurisdiction and should be tailored to reflect the existing environments and needs of a specific jurisdiction.

5.1 PARKING AND CIRCULATION

Explanation

Zoning ordinances should include requirements related to vehicle parking and circulation. Such requirements typically include minimum parking ratios for different types of uses, requirements regarding siting and dimensions of parking and circulation areas, and landscaping requirements.

Several State laws apply to parking and circulation zoning language, including the following:

- **Electric Vehicle (EV) Parking Spaces.** Assembly Bill 1236 requires local agencies to approve an application for the installation of EV charging stations through the issuance of specified permits unless the agency makes specified written findings that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- **ADA Parking Spaces.** The California Building Code, in compliance with the Americans with Disabilities Act (ADA), includes requirements for the dimensions, location, and number of handicapped spaces required for different uses.



Applicability

Federal and State laws that describe regulations related to EV and ADA parking spaces apply to all jurisdictions. In addition, all jurisdictions must accommodate vehicle traffic and parking needs. Therefore, while not required, all jurisdictions should adopt zoning regulations related to parking and circulation.

Best Practices

- [City of Firebaugh Zoning Ordinance](#)
- [City of Vacaville Land Use and Development Code](#)
- [City of Merced Zoning Ordinance](#)
- [City of Kingsburg Zoning Ordinance](#)

Sample Parking and Circulation Standards

The following model language provides an example of an ordinance section describing regulations related to vehicle parking and circulation. The language provides an explanation of applicability of different requirements, standards for parking lots, minimum number of parking spaces for new uses, and regulations related to EV spaces. The language should be modified to reflect the jurisdiction's existing parking supply and needs and in order to reduce potential impacts to the community.

PURPOSE

- A. The purpose of the parking and circulation regulations are to:
1. Prevent traffic congestion and shortage of parking spaces;
 2. Require that parking areas are designed to reduce potential environmental impacts;
 3. Ensure that adequate vehicle and bicycle parking facilities are provided; and
 4. Provide loading and delivery facilities as needed for allowed uses.

APPLICABILITY

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

- A. *New Buildings and Land Uses.* If a new building or land use is established, parking shall be provided in accordance with the provisions of this chapter.
- B. *Building Expansions.* Should a building be expanded by more than 10 percent its total floor area, parking shall be provided according to the provisions of this article. The increase in floor area in occupancy that creates an increase of [10 PERCENT] or more shall be cumulative from the date of adoption of this Code.
- C. *Change in Use or Change of Occupancy.* If a change in use or change in occupancy occurs, parking shall be provided in accordance with the provisions of this chapter.
- D. When a change in use or change in occupancy creates an increase of [10 PERCENT] or more in the number of required on-site parking or loading spaces, on-site parking and loading shall be provided in



accordance with the provisions of this chapter. The change in use or change in occupancy that creates an increase of [10 PERCENT] or more shall be cumulative from the date of adoption of this Code.

- E. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use.
- F. *Reconstruction of Non-Residential Buildings.* Should a non-residential building be damaged and/or demolished due to an act of nature, a building may be reconstructed and may provide the same number of stalls, if desired, provided that there is no increase in building floor area.
- G. *Alterations that Increase the Number of Dwelling Units.* The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires the provision of on-site parking to serve the new dwelling units. If the number of existing parking spaces is greater than the requirements for the existing units, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the new dwelling units.

PARKING LOT STANDARDS

All new off-street parking facilities shall conform to the following standards. These standards shall not apply to single-family developments.

- A. All main parking areas shall be graded and paved. Overflow parking must utilize dust control measures such as gravel or decomposed granite.
- B. Asphalt parking lots shall have a minimum two percent slope for drainage and shall have concrete drainage gutters. Cross-grades shall be designed for slower stormwater flows and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.
- C. Standard parking stalls shall be delineated by striping that is white and has a line width of four inches.
- D. Parking spaces adjacent to sidewalks shall have wheel stops in each stall to prevent encroachment into the sidewalk space.
- E. Up to 30 percent of the parking stalls in a parking facility may be designed and designated for compact cars.
- F. An accessible parking space shall be provided on the shortest accessible route to an accessible entrance. Each stall shall be designated by the symbol of accessibility. Accessible parking spaces shall be provided in accordance with Title 24 California Building Code, including number of spaces required as follows:

Total Parking Spaces	Minimum Accessible Spaces
1 – 25	1 van accessible space
26 – 50	2 including 1 van accessible space
51 – 75	3 including 1 van accessible space
76 – 100	4 including 1 van accessible space
101 – 150	5 including 1 van accessible space



151 – 200	6 including 1 van accessible space
201 – 300	7 including 1 van accessible space
301 – 400	8 including 1 van accessible space
401 – 500	9 including 2 van accessible spaces
501 -1000	2% including 3 van accessible spaces
1001+	20 + 1 per 100 or fraction, including min. 1 van accessible space per 8 accessible spaces or fraction thereof

- G. Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.
- H. Landscaping of parking areas shall be provided and maintained in accordance with the standards of this subsection.
 - 1. Trees shall be planted for every five parking stalls and distributed so as to provide a 50 percent shade cover within 15 years. A lower ratio of trees may be approved by the [PLANNING MANAGER] when a larger species of tree or another shading method is used. All landscaped planters shall be provided with an irrigation system.
 - 2. Landscaping material should be native and drought-tolerant species.
 - 3. Installation of solar facilities over parking areas exempts tree planting requirements.

PARKING ALLOWANCES

A. Residential uses.

- 1. *Single-family Residential Development.* Single-family residential development shall provide at least one covered parking space, and two parking spaces for dwelling units with more than two bedrooms.
- 2. *Multi-family Residential Development.* Multi-family residential development shall provide at least one parking space per dwelling unit for units with up to two bedrooms, and one and one-half parking spaces per dwelling unit for units with more than two bedrooms, rounded up to the nearest whole parking space.
- 3. *Large Family Day Care Centers.* Large Family Day Care Centers shall provide at least one parking space per employee, plus an adequate on- or off-site area for loading and unloading children. Required parking spaces for the primary residential use may be counted toward meeting these requirements.
- 4. *Residential Care.* Residential Care facilities shall provide at least one and one-half parking space for every six adults receiving care in the home shall be provided.

B. Commercial uses.

- 1. *Downtown Commercial Zoning District.* Commercial uses in the Downtown Commercial Zoning District shall provide parking as follows:



- a. For development of less than 3,000 square feet, a minimum of two parking spaces shall be provided for employees. No additional parking is required.
- b. For development of more than 3,000 square feet, parking shall be provided at a ratio of at least one parking space for every 750 square feet of gross floor area.
2. Commercial uses outside of the Downtown Commercial Zoning District shall provide parking at a ratio of at least one parking space for every 750 square feet of gross floor area.
3. *Bicycle Parking*. Commercial uses shall include one two-bike parking rack within 200 feet of the customer entrance.
- C. *Manufacturing uses*.
 1. Manufacturing uses shall provide parking at a ratio of at least one parking space for every 750 square feet of gross floor area.
 2. *Bicycle Parking*. Manufacturing uses shall include one two-bike parking rack within 200 feet of the customer entrance.
- D. *Recreational uses*.
 1. Parks and playgrounds shall have one parking space per acre, but no fewer than five parking spaces total.
 2. Sports fields and centers shall have five spaces per sports venue present on site.
 3. *Flexible parking space*. Hard surface courts may be used as overflow parking on an as-needed basis if done in a safe manner providing proper ingress and egress.
 4. *Bicycle Parking*. Recreational uses shall include one two-bike parking rack within 200 feet of the visitor's entrance.
- E. *Public facilities*.
 1. Public facilities uses shall provide parking at a ratio of at least one parking space for every 750 square feet of gross floor area.
 2. *Bicycle Parking*. Public facilities uses shall include one two-bike parking rack within 200 feet of the visitors entrance.
- F. *Off-site parking*. Non-residential uses open to the public may provide parking off-site with approval during Site Plan Review if:
 1. The parking site is located within 400 feet of the use;
 2. The site is along an improved pedestrian route, or project will develop such, that connects to the principle entrance containing the use(s) for which the parking is required;
 3. The site is on the same side of the street, across an alley, or across a local street; and
 4. There is a written agreement between the landowner(s) and the [CITY/COUNTY] in the form of a covenant guaranteeing access to and use of the parking facility among the landowner(s).
- G. *Parking reductions*. An applicant for an office, commercial, or manufacturing project may provide alternative facilities or programs which serve to reduce parking demand in return for a reduction in vehicle parking requirements. Vehicle parking requirements may be reduced in accordance with the following provisions:



1. Should an applicant wish to install bicycle lockers for a new or existing development, they may reduce required vehicle parking to less than the prescribed number in this Code to accommodate them. In such an instance, an exemption (i.e., variance) shall not be required. For new development, required vehicle parking shall not be reduced by more than two percent or five spaces, whichever is greater.
2. Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 50 percent at the discretion of the [PLANNING MANAGER], if all the following findings are made:
 - a. The peak hours of uses will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 - b. A parking demand study prepared by an independent traffic engineering professional approved by the [CITY/COUNTY] supports the proposed reduction; and
 - c. When a shared parking facility serves more than one property, a parking agreement shall be prepared.
3. *Request for Special Review of Parking.* Parking reductions exceeding the maximums specified in subsection G.1 or G.2 above [CROSS REFERENCE TO PARKING REDUCTIONS SECTION], or modifications of improvement requirements, may be granted whenever such reduction or modification is considered in conjunction with a review of a permit authorized by this chapter. The project proponent shall submit with the request whatever evidence and documentation is necessary to demonstrate that unusual conditions warrant a parking reduction, such as the multiple use of a parking area by uses having peak parking demands which occur at different times; floor plans which indicate that the floor area devoted to customer or employee use is less than typical for the size building proposed; or that other programs will be implemented by the developer or tenant(s) which will result in a demand for less parking at the site.

ELECTRICAL VEHICLE CHARGING STATIONS

- A. Consistent with Government Code Section 65850.7 and as amended, the building official shall implement an expedited, streamlined permitting process for electric vehicle charging stations and adopt a checklist of all requirements which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" as published by the Governor's Office of Planning and Research.
- B. The [CITY/COUNTY'S] adopted checklist, application form, and any associated documents required for application approval shall be published on the [CITY/COUNTY'S] website.
- C. Electrical vehicle charging stations shall meet the following requirements:
 1. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a municipal electric utility company regarding safety and reliability.



2. Installation of electric vehicle charging stations and associated wiring, bonding disconnecting means, and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.
3. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
4. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

5.2 SIGNS

Explanation

Sign zoning regulations allow a jurisdiction to regulate the type, size, design, and placement of signs within the community. Such regulations offer the opportunity to balance the needs of the City's residents, businesses, visitors, and institutions for adequate identification, communication, and advertising with the objectives of protecting public safety and welfare and promoting a well-maintained and attractive community.

Applicability

While not required, it is recommended that all jurisdictions adopt sign zoning regulations in order to provide staff and residents with a framework for the review and approval process of new signs.

Best Practices

- [City of Lompoc Municipal Code Chapter 17.316 Sign Standards](#)
- [City of Merced Municipal Code Chapter 20.62 Signs](#)
- [City of Firebaugh Zoning Ordinance Chapter 25-47 Signs](#)
- [City of Vacaville Zoning Ordinance](#)

Sample Signs Standards

The following model language provides an example of an ordinance section describing regulations related to signs. The language provides an outline for how regulations can apply to different kinds of signs and an example of a review and approval process for proposed signs. The language should be modified to reflect the jurisdiction's commercial signage needs and in order to reduce potential impacts to the community.

PURPOSE

- A. The purpose of this chapter is to regulate the size, height, design, location, number and quality of signs in the [CITY/COUNTY] in order to: protect the character of neighborhoods; provide a form of communication for businesses that is consistent throughout the [CITY/COUNTY] and without undesirable clutter; and protect public safety and welfare by precluding signs that are visual or physical obstructions to motorists and/or pedestrians. This chapter also encourages signs that are well designed in terms of appearance, spacing and location.



- B. It is the [CITY/COUNTY'S] policy and intent to regulate signs in a manner which is consistent with the speech freedoms of both the United States and California constitutions, by enacting regulations which are content neutral, while recognizing the differing levels of protection as to noncommercial and commercial messages.

PERMIT REQUIRED

- A. Except as otherwise noted in this chapter, it is unlawful for any person to erect, build or relocate any sign in the [CITY/COUNTY] without obtaining a [BUILDING PERMIT].
- B. A permit shall not be required for portable signs that are no more than [FOUR FEET] above grade or less, so long as they adhere to the requirements described in Section _____, Portable Sign Standards [CROSS REFERENCE TO PORTABLE SIGN STANDARDS SECTION].
- C. Any changeable advertisement digital or electronic sign shall require a DRA as described in Section _____, Director Review and Approval [CROSS REFERENCE TO DISCRETIONARY REVIEW AND APPROVAL SECTION].

EXEMPTIONS

The following types of signs shall be exempt from the requirement of this chapter:

- A. Temporary construction signs that identify the architects, engineers, contractors or other individuals or firms involved with a construction project. These signs shall not exceed [32 SQUARE FEET] in area and shall be removed when construction is completed;
- B. Government informational, utility, and legal noticing or signs.
- C. Real estate signs which identify the sale, lease or rental of property. These signs shall not exceed [EIGHT SQUARE FEET]. The sign shall remain only as long as some portion of the property advertised for sale remains unsold, unleased or not rented, or for a period of one-year, whichever period is shorter;
- D. Subdivision signs which advertise the sale of lots or residential units. There shall be no more than [TWO] signs on the site. These signs shall not exceed [28 SQUARE FEET] and shall not be allowed for more than one year;
- E. Temporary off-site subdivision and real estate signs may be erected that direct prospective purchasers to a subdivision that have lots or homes for sale. These signs shall not be erected for more than [FOUR DAYS] during any one-month period. The signs shall not exceed [EIGHT SQUARE FEET];
- F. Political campaign signs which announce a candidate or political issue, so long as such signs are not within 100 feet of a polling location on an election day.
- G. Flags, plaques and banners;
- H. Address signs;
- I. Integral signs which have been built into a building when the sign has been carved into stone or fixed to the building using a metal plaque;
- J. Small signs which do not exceed four square feet and are fixed flat against a building and only announce the name and corporation of the building tenant(s) or the name of the commercial enterprise located within the buildings;
- K. Garage sales signs, provided such signs are removed three days after the sale is over; and
- L. Fuel price signs that are required to comply with State law.



PROHIBITED SIGNS

The following signs are prohibited from being erected in the [CITY/COUNTY]:

- A. Signs which may imitate an official traffic sign or signal;
- B. Signs which may hide from view any traffic or street sign or signal;
- C. Off-premise signs, except as permitted under the provisions of this chapter;
- D. Signs which project over a public sidewalk and are less than [EIGHT FEET];
- E. Signs which project over an alley and are less than [15 FEET] above grade;
- F. Flashing or rotating signs;
- G. Signs on telephone poles, utility poles, trees within the public right-of-way, street light standards and street signs; and
- H. Billboards.

SIGN APPLICATION

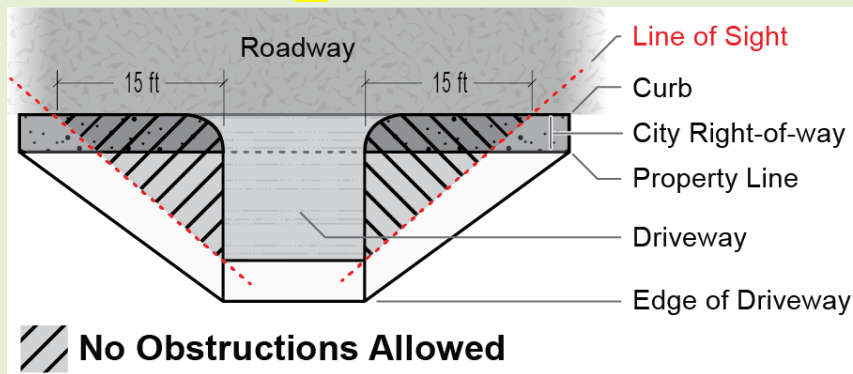
- A. A [PLANNING PERMIT] shall be required for the construction of any sign, except as specified in sections below.
- B. The permit application shall include a map or plat and drawings showing the location, size, shape, type of illumination, and manner of installation of the proposed sign.
- C. The permit shall be filed with the planning department. The [PLANNING MANAGER] may require that changes be made in the design of the sign as necessary to conform to the design criteria in Section _____. [CROSS REFERENCE TO DESIGN CRITERIA SECTION].
- D. Any person may appeal the decision of the [PLANNING MANAGER] pursuant to Section _____, Appeals [CROSS REFERENCE TO APPEALS SECTION].

DESIGN CRITERIA

- A. General Design Criteria.
 1. Lighting for externally illuminated signs shall be arranged to avoid glare and light intrusion onto neighboring premises and so that the light is not directly visible from the public right-of-way or adjacent property.
 2. No part of a sign attached or mounted on a building may project above the allowed height limit for that zoning district.
 3. No sign may obstruct or interfere with the view of a traffic signal. No sign shall obstruct the vision of a motorist within 100 feet of the intersection, as shown in **Figure XX**. No sign may be located where it would create a hazardous condition to a person using the public right-of-way.



Figure XX: Line of Sign Requirement



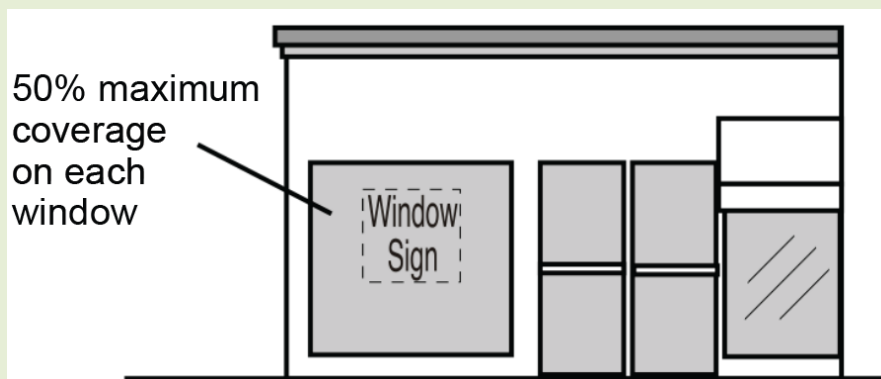
4. Electronic time and temperature signs shall be permitted. No other freestanding sign shall be blinking, flashing, rotating or animated. Lights used to illuminate the sign shall be installed to concentrate the illumination on the sign or advertising structure and to minimize glare upon a public street or adjacent property.

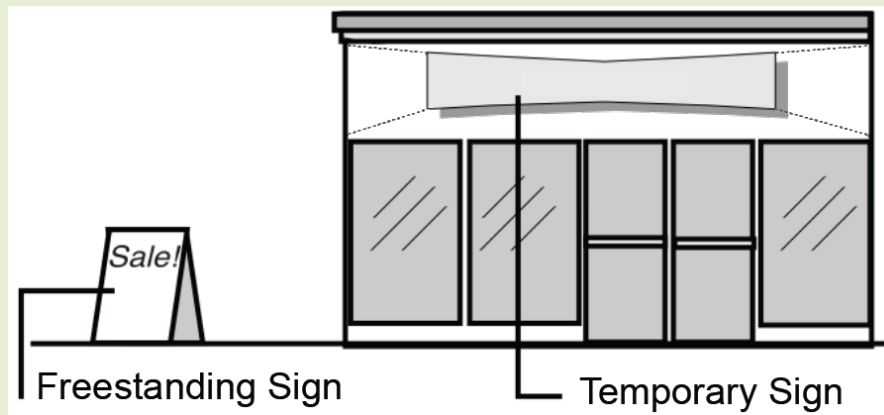
TEMPORARY AND PORTABLE SIGNS

A. Temporary Signs.

1. A business which sells goods or services to customers may install and maintain temporary signs on a window of the premises for the purpose of advertising a special sale or promotion without obtaining any permit, subject to the following conditions:
 - a. No more than [50 PERCENT] of the total window space on a wall may be covered by temporary window signs; and
 - b. Each temporary window sign shall be removed when the sale or promotion advertised ends, or within 30 days following its installation, whichever is sooner.

Figure XX: Temporary Signs





B. *Portable Signs.*

1. Portable signs shall be no more than [NINE SQUARE FEET] in area and must be displayed in the adjacent public right-of-way subject to the following conditions:
 - a. Signs must not interfere with pedestrian traffic;
 - b. Signs may not be placed in any curb return, in any bus stop zone, within two feet of any driveway or curb cut access ramp, within 18 inches of any curb where street parking is allowed, and must not be attached in any manner to public infrastructure or utility structure such as lampposts or utility poles; and
 - c. Signs may only be displayed during the business hours of operation.

Figure XX: Portable Signs



SIGN STANDARDS BY DISTRICT

A. *Residential Districts.*

1. One sign per residential lot, not exceeding [TWO SQUARE FEET] in size, containing the name, address, and relevant contact information of the resident or home business.
2. One externally illuminated permanent subdivision sign or multiple-family entrance sign, not exceeding [32 SQUARE FEET] in size. If ground-mounted, the top of the sign shall not exceed four feet above grade.

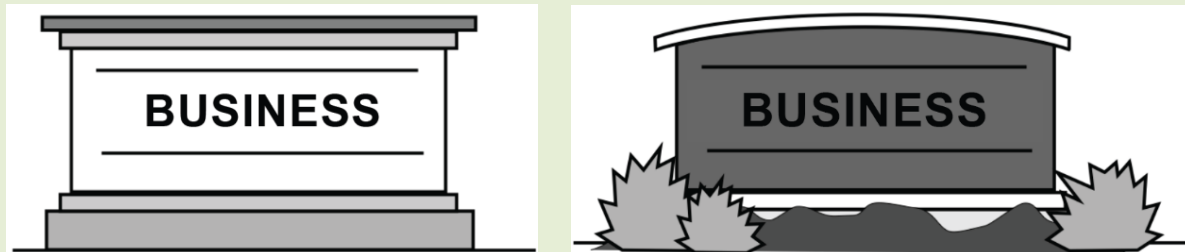


B. Commercial Districts.

1. Freestanding Signs.

- a. One freestanding sign shall be permitted for each parcel of land that fronts onto a public street. Each freestanding sign shall not exceed [10 FEET] in height and [60 SQUARE FEET] in area;
- b. Each shopping center will be allowed one freestanding sign for each portion of the shopping center parcel that fronts onto a public street. Said freestanding sign shall not exceed [25 FEET] in height and [150 SQUARE FEET] in area. The design and location of each shopping center sign shall be reviewed and approved by the [PLANNING COMMISSION];
- c. The signs may contain thereon only the name of the building, occupants or groups thereof and the principal product or service of business, occupants or groups, with the exception that information related to gasoline prices, which service stations are required by law to display, may also be contained on a freestanding sign; and
- d. Signs shall not project within two feet of curb.

Figure XX: Freestanding Signs



2. Wall signs, projected double-facing signs, and under-marquee signs.

- a. On-premises wall signs, projecting double-faced signs and under-marquee signs may project over public property or into a required yard area so long as the height of any projected sign is not less than [EIGHT FEET], and the sign does not extend further than two feet from the curb line of the street.
- b. On-premises wall signs and projecting double-signs shall not extend more than [THREE FEET] above the wall, facade, parapet or eaves of the building on which they are located.

Figure XX: Wall Signs





C. *Manufacturing District.*

1. Signs shall be permitted only for the purposes of providing direction for vehicles and pedestrians and for identifying the name and address of a business and the principal product or services offered.
2. One freestanding sign shall be permitted on each street frontage of a lot.

5.3 DEVELOPMENT STANDARDS

Explanation

Development standards are that standards that relate to the development of and occupancy of land. Development standards include but are not limited to setbacks, building height, open space, site coverage, signs, parking and site design, and other related features of land use. Development standards can be utilized to increase the amount of shade, promote walkability, and enhance safety within public and private spaces. Additionally, such standards can help serve as an effective placemaking strategy and facilitate development that incorporates multiple compatible uses through form-based codes.

Applicability

Development standards provide local jurisdictions with tools to limit and evaluate proposed development on private property; therefore, all jurisdictions should develop zoning ordinances that describe development standards.

Best Practices

- [City of Firebaugh Zoning Ordinance](#)
- [City of Vacaville Land Use and Development Code](#)
- [City of Merced Zoning Ordinance](#)
- [City of Kingsburg Zoning Ordinance](#)

Sample Development Standards

The following model language provides an example of an ordinance section describing development standard regulations. The language identifies development standards related to landscaping, fences, disposal facilities, and lighting. The language should be modified to include specific development standards that reflect the jurisdiction’s unique environmental setting and needs.

PURPOSE

This chapter establishes reasonable and necessary standards for development that assure such development promotes efficient and orderly community growth that meets the vision of the [COUNCIL] and community.

LANDSCAPING

- A. Landscaping shall include the use of native and/or drought tolerant plant material consistent with water efficient landscapes.



- B. Landscape and irrigation plans are required for all new projects. Such plans shall include new building construction, expansion of buildings over 50 percent of existing floor area, and demolition and reconstruction of buildings. Projects requiring a CUP shall submit landscape and irrigation plans on a separate sheet from the site plan.
- C. Installation of all landscaping and irrigation in accordance with the approved plans is required prior to final occupancy approval.
- D. Landscaping shall be maintained and in healthy condition including regular pruning, staking, weeding, removal of litter, watering, and replacement of plants when necessary.
- E. No tree shall be planted within five feet of any structure or under any eave, overhang, or balcony. Trees shall be properly trimmed to ensure safety to nearby structures and persons. Street trees shall be enclosed in tree wells to prevent upheaval of the sidewalk.
- F. Additional landscaping in excess of the minimum required herein may be deemed necessary to:
 - 1. Screen adjacent uses from parking or storage areas, trash enclosures, or similar uses that could cause a negative impact based on aesthetics, odors, etc.;
 - 2. Serve as a buffer between stationary noise sources and adjacent noise-sensitive uses; or
 - 3. Relieve solid, unbroken elevations and soften continuous wall expanses.

FENCING, WALLS, AND HEDGES

- A. Applicability. The standards of this section shall apply to:
 - 1. New fences, hedges, or walls;
 - 2. New development;
 - 3. A request for a conditional use permit;
 - 4. Building additions to existing buildings that expand the existing floor area by at least [20 PERCENT], or [2,500 SQUARE FEET], whichever is less, not including single-unit dwelling units or duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code; or
 - 5. The demolition and reconstruction of a site.
- B. Fences, walls, hedges and similar obstructions shall not exceed three feet in height in front yards nor six feet in height in any required rear and side yard.
- C. Notwithstanding any provision in subsection A in the case of corner lots, fences, shrubs, hedges, screen plantings and similar obstructions shall not exceed three feet in height within the sight distance area of a street intersection. The site distance area shall be defined as the street side of a diagonal line connecting points located twenty-five feet from the intersection of the property lines at the street corner.
- D. Fences shall be placed within the interior and rear property lines and set back at least 12 inches from the back of adjacent sidewalks, or from the curb or shoulder if there is no sidewalk.
- E. Fences within the [CITY/COUNTY] shall not be constructed of barbed wire or similar material unless a use permit is first obtained. A use permit may be granted only upon a finding by the [PLANNING MANAGER] that extraordinary circumstances requiring the use of barbed wire or similar material apply to the property in question which do not generally apply to property within the [CITY/COUNTY].



In no event may a use permit be granted for the use of barbed wire or similar material within three feet of any public right-of-way. The [PLANNING MANAGER] may require as a condition of such use permit appropriate warning signs upon the barbed wire or similarly constructed fence.

- F. In the commercial and manufacturing zoning districts, fences may be permitted in excess of seven feet in height, subject to the approval of the [PLANNING MANAGER]. Said fence shall not exceed eight feet.
- G. Construction of fences in excess of the standards established in this section may be granted by a special use permit. The [PLANNING MANAGER] may grant such a permit upon finding that extraordinary circumstances require variation from these standards. In no case may a solid fence exceed eight feet in height. The decision of the [PLANNING MANAGER] may be appealed to the planning commission.

DISPOSAL FACILITIES

- A. All trash receptacles associated with new multiple-family, office, industrial and commercial developments shall be screened with landscaping so that they are not visually obtrusive from any off-site location. Said receptacles shall be constructed on a sloped concrete pad with five-foot-high solid masonry walls.
- B. The requirements of this section shall not be imposed on properties with existing structures, nor to structures or uses other than as specified in this section, except when new construction occurs thereon. This section shall be the exclusive authority for requiring enclosures of trash receptacles. New construction shall mean construction of a substantial nature and not minors repairs, minor additions or minor deletions to existing structures.
- C. Dumpsters and other similar open trash receptacles shall have permanent covering.

LIGHTING

- A. *Purpose.* This subsection is intended to minimize outdoor artificial light that may have a detrimental effect on the environment, astronomical research, amateur astronomy, and enjoyment of the night sky. These provisions are also intended to reduce the unnecessary illumination of adjacent properties and the use of energy.
- B. *Applicability.* The standards of this section apply to on-site lighting under the following circumstances:
 - 1. New lights;
 - 2. The demolition and reconstruction of a site;
 - 3. New development;
 - 4. Building additions to existing buildings that expand the existing floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including single-unit dwellings or duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;
 - 5. The addition of residential units;
 - 6. A request for a discretionary permit;
 - 7. Change from one category of use classification to another (i.e. changing from a commercial use to a residential use); or,



8. Condominium Conversions.

C. *General Standards.*

1. *Multi-unit Residential Buildings.* Aisles, passageways, recesses, etc., related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandal-resistant covers.
2. *Pedestrian-Oriented Lighting.* In multi-family, mixed-use, and commercial districts, exterior lighting with an intensity of at least 0.25 foot-candles at the ground level shall be provided for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination.
3. *Non-Residential Buildings.* All exterior doors, during the hours of darkness while the business is operating, shall be illuminated with a minimum of 0.5 foot-candle of light.
4. *Trails/Paseos.* As determined by the [PUBLIC WORKS DIRECTOR].
5. *Parking Lots and Garages.* All parking lots and garages shall be illuminated with a minimum of 0.5 foot-candle of light.

D. *Exemptions.* The following types of lighting fixtures are exempt from the requirements of this section:

1. *Public and Private Street Lighting.*
2. *Parks/Athletic Field Lights.* Athletic field lights used within a school campus or public or private park.
3. *Public Safety and Security Lighting.* Safety and security lighting as required by State and federal regulations, including, but not limited to, airports, radio towers, antennas, etc.
4. *Construction and Emergency Lighting.* All construction or emergency lighting fixtures provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.

E. *Prohibited Lighting.* The following types of exterior lighting are prohibited:

1. Drop-down lenses;
2. Mercury vapor lights; and,
3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.

F. *Fixture Types.* All lighting fixtures shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for "Cut Off" or "Full Cut Off" luminaries.

G. *Glare.* No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the property where the use is located.



- H. *Light Trespass*. Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.
1. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street.
 2. No light or combination of lights, or activity shall cast light exceeding one-foot candle onto a public street, with the illumination level measured at the centerline of the street.
 3. No light, combination of lights, or activity shall cast light exceeding 0.5-foot candle onto a residentially zoned property, or any property containing residential uses.
- I. *Alternate Materials and Methods of Installation*. Designs, materials, or methods of installation not specifically prescribed by this section may be approved by the [PLANNING MANAGER], provided that the proposed design, material, or method provides approximate equivalence to the specific requirements of this section or is otherwise satisfactory and complies with the intent of these provisions.

5.4 CONFORMING AND NONCONFORMING USES AND STRUCTURES

Explanation

A conforming use or structure meets all the requirements within an applicable zoning ordinance, and nonconforming use or structure does not meet all current applicable zoning requirements. A lawful nonconforming use or structure was legally established prior to the enactment of an applicable ordinance and has thus been deemed legal despite its nonconformance (sometimes referred to as *Grandfathered*). Zoning regulations can provide the opportunity to limit the establishment, continuation, reconstruction, and expansion of such uses and structures with the goal to phase out such nonconforming uses over time.

Applicability

While not required, it is recommended that all jurisdictions adopt conforming and nonconforming zoning regulations in order to provide staff and residents with a framework for the regulation of existing and new nonconforming uses and structures.

Best Practices

- [City of Firebaugh Zoning Ordinance](#)
- [City of Vacaville Land Use and Development Code](#)
- [City of Merced Zoning Ordinance](#)
- [City of Kingsburg Zoning Ordinance](#)

Sample Conforming and Nonconforming Uses and Structures Standards

The following model language provides an example of an ordinance section describing regulations regarding conforming and nonconforming uses and structures, including the establishment, continuation, changes, and



expansion of such uses and structures. The language should be modified to include specific development standards that reflect the jurisdiction's unique environmental setting and needs.

PURPOSE

The purpose of this section is to:

- A. Allow for the development and use of legal nonconforming parcels;
- B. Ensure that nonconforming uses and structures do not adversely impact neighboring properties;
- C. Allow for the limited enlargement or intensification of nonconforming uses and structures;
- D. Allow for limited repairs and maintenance to nonconforming structures; and
- E. Provide for the elimination of nonconforming uses as appropriate due to abandonment, obsolescence, and destruction.

ESTABLISHMENT OF CONFORMING USES, BUILDINGS AND STRUCTURES

In order for a use or structure to comply with this Ordinance, it must be established or constructed with the prior approval of, or legalized after the fact by, all required permits.

ESTABLISHMENT OF LAWFUL NONCONFORMING USES, BUILDINGS, STRUCTURES AND LOTS

- A. Any use, structure or building which is a lawful nonconforming use, structure, or building shall be deemed in compliance with this Ordinance if it has remained in continuous existence. The non-conformity may result from any inconsistency with the requirements of this Ordinance, whether substantive or procedural, including, but not limited to, the inconsistency of the use, building, or structure or aspects thereof, with any requirement of this Ordinance or the lack of a planning permit.
- B. The following lots which have areas less than the minimum lot size required by this Ordinance shall be considered lawful nonconforming lots. Such lots may be used as building sites subject to all other requirements of this Ordinance.
 - 1. Any lot described in the official records on file in the office of the County Recorder as a lot of record under one ownership or which was shown as a lot on any recorded subdivision map, filed prior to [DATE].

ABANDONMENT OF LAWFUL NONCONFORMING USES, BUILDINGS AND STRUCTURES

A lawful nonconforming use may be declared to be terminated if the [PLANNING MANAGER] finds that the use has not been occurring for at least one year and that the most recent prior user has not demonstrated a good-faith intent to resume it. The [PLANNING MANAGER] may require any person claiming that the use should not be declared terminated to produce documentation to substantiate such good faith intent to resume the use.



CONTINUANCE OF NONCONFORMING BUILDINGS AND STRUCTURES

A lawful non-conforming structure may be maintained and repaired, as long as such maintenance or repair does not result in a change of the use thereof. Replacement of portions of a nonconforming structure is allowed provided that the removed portions were lawfully constructed and are replaced to the same size, height, extent and configuration as previously existed. Non-conforming portions of non-conforming structures may be removed by right if such removal does not constitute demolition.

CHANGES TO A NON-CONFORMING USE

- A. A DRA is required for any change in a lawful nonconforming use, unless the new use:
 - 1. Is allowed by right;
 - 2. Complies with any floor area limits or thresholds;
 - 3. Conforms to all other applicable requirements of this Ordinance; and
 - 4. Is in a building which is conforming.
- B. No lawful non-conforming use may be substantially expanded or changed in character without the issuance of a Conditional Use Permit. Substantial expansions and changes include extending the non-conforming use into an existing portion of a building which has not been previously occupied by that non-conforming use.

EXPANSIONS OF NONCONFORMING BUILDINGS AND STRUCTURES

- A. Additions to and/or enlargements of lawful nonconforming structures are allowed to the extent such addition/enlargement complies with all applicable laws, if the existing use of the property is conforming.
- B. Additions or enlargements which vertically and/or horizontally extend a nonconforming yard and/or horizontally extend a non-conforming height, may be authorized by a DRA if the existing use of the property is conforming and if the addition/enlargement would not:
 - 1. Reduce any yard below the minimum setback requirements, or further reduce existing non-conforming yards; or
 - 2. Exceed the maximum or calculated height limits.
- C. Additions to and/or enlargements of lawful nonconforming structures that are nonconforming by reason of violation of the maximum allowable lot coverage are not permitted, unless the addition/enlargement does not increase coverage or exceed the height limit. If the addition/enlargement does not increase coverage or exceed the height limit, it is permitted subject to issuance of a CUP.
- D. Enlargements of lawful nonconforming structures that are nonconforming by reason of violation of the maximum allowable FAR are not permitted, unless the enlargement does not increase the FAR or



exceed the height limit. If the enlargement does not increase the FAR or exceed the height limit, it is permitted subject to issuance of a CUP.

- E. Additions and/or enlargements of lawful nonconforming structures that are nonconforming by reason of residential density are not permitted, unless the addition/enlargement does not increase residential density or exceed the height limit. If the addition/enlargement does not increase the residential density or exceed the height limit, it is permitted subject to issuance of a CUP.
- F. Additions to and/or enlargements of a lawful nonconforming building or structure located on a property that also contains a lawful non-conforming use, whether or not that use occupies the subject building or structure, are subject to a CUP.

DESTRUCTION AND RE-CONSTRUCTION OF NONCONFORMING BUILDINGS

- A. If a lawful nonconforming structure is damaged or destroyed to the extent of more than 50 percent of its appraised value, the land and building shall be fully subject to this Ordinance, as if there had been no lawful non-conforming structure. The determination of the appraised value shall be the higher of:
 - 1. The records of the Assessor of the County for the fiscal year during which such destruction occurred; or
 - 2. An appraisal performed by a certified appraiser.
- B. However, the [PLANNING COMMISSION] may approve a CUP for the structure to be rebuilt to the same size, extent and configuration as previously existed, as long as the previous use is continued as provided for nonconforming uses.
- C. If a lawful nonconforming building is damaged or destroyed to the extent of 50 percent or less of the appraised value, then replacement of the damaged portions of the building is allowed by right provided that the replaced portions are the same size, extent and configuration as previously existed. The determination of the appraised value shall be the higher of:
 - 1. The records of the Assessor of the County for the fiscal year during which such destruction occurred; or
 - 2. An appraisal performed by a certified appraiser.

5.5 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Explanation

An accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) meets all the requirements within an applicable zoning ordinance allowed in single family residential or mixed-use residential uses. ADUs and JADUs are recognized as a strategy to increasing housing supply in a community and contribute to a jurisdiction's Regional Housing Need Allocation (RHNA) housing unit goals. Meeting development standards will permit the addition of an ADU or JADU to applicable zoning areas.



Applicability

Accessory dwelling units must be considered in any residential or mixed-use zone. Subject to standards of this section, accessory dwelling units may be attached, detached, or located within existing primary residence, or accessory structure. Junior accessory dwelling units shall only be allowed on lots zoned for single-family residential use, and which are contained or are proposed to be developed with a single-family dwelling.

ADU and JADU resources and guidance are available on HCD's website:
<https://www.hcd.ca.gov/policy-research/accessorydwellingunits.shtml>

Best Practices

- [City of Modesto Zoning Regulations](#)
- [City of Visalia Municipal Code](#)

Sample Conforming and Nonconforming Uses and Structures Standards

The following model language provides an example of an ordinance section describing regulations regarding accessory dwelling units (ADU) and junior accessory dwelling units (JADU). The language should be modified to include specific development standards that reflect the jurisdiction's unique environmental setting and needs.

PURPOSE

The purpose and intent of this chapter is to meet the requirements of State law as it pertains to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). This section recognizes that properly designed ADU's and JADU's can provide an important source of affordable housing for the [CITY/COUNTY].

DEFINITIONS

- A. Accessory Dwelling Unit (ADU) means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with an existing primary single-family residence. An ADU must include permanent provisions for living including sleeping, eating, cooking, and sanitation as described in Section ____ [CROSS REFERENCE TO DEVELOPMENT STANDARDS SECTION]. An ADU can be located on the same lot as a primary residence and may be an efficiency unit, a traditional stick-built structure or a manufactured home. An ADU may be attached (to the existing single-family residence) or detached, provided the unit complies with all standards in this Section.
- B. Junior Accessory Dwelling Unit (JADU) means a dwelling unit that is no more than 500 square feet in size and contained entirely within the walls of an existing single-family residence. A JADU must have an exterior entrance separate from the main entrance of the primary residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the primary residence. Further, a JADU must include at least an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets.

DEVELOPMENT STANDARDS

- A. *Location.* Accessory dwelling units are allowed on lots zoned for single-family residential which contain or are proposed to be developed with a single-family dwelling, or on lots zoned for multi-family residential or mixed-use residential use which contain or are proposed to be developed with a



multifamily dwelling. Subject to standards of this section, accessory dwelling units may be attached, detached, or located within existing primary residence, or accessory structure. Junior accessory dwelling units shall only be allowed on lots zoned for single-family residential use, and which are contained or are proposed to be developed with a single-family dwelling.

- B. *Setbacks.* No setback is required for an existing garage living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. A setback of no more than four feet from the side and rear lot lines is required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
- C. *Height of Accessory Dwelling Unit Structure.* An ADU shall be limited to one floor or 16 feet in height and shall not exceed the height limit of the zone in which the ADU is located.
- D. *Lot Size.* There shall be no minimum lot size required for the establishment of an ADU or a JADU.
- E. *Lot Coverage.* No requirement.
- F. *Attached ADU Size.* The total floor area of an attached ADU shall not exceed 50% of the floor area of the primary residence or 850 square feet, whichever is greater. However, if the ADU contains more than one-bedroom maximum size of the ADU shall not exceed 1,000 square feet.
- G. *Detached ADU Size.* The total floor area of a detached ADU shall not exceed 1,200 square feet.
- H. *JADU Size.* The total floor area of a JADU shall not exceed 500 square feet.
- I. *Conversion of Existing Space to an ADU:* There is no unit size limit, height limit, lot coverage, or setback requirement, except for compliance with building and safety codes, for conversion of existing space to an ADU.
- J. *Fire Sprinklers.* Fire sprinklers shall be required for ADUs if fire sprinklers are required for the primary residence.
- K. *Number of Dwelling Units.*
 - 1. *Single-Family Zones.* A maximum of three dwelling units shall be permitted on a lot, including the primary single-family residence, a single ADU and a single JADU on lots that contain or are proposed to be developed with a single-family dwelling.
 - 2. *Multi-family Zones.* The number of accessory dwelling units that may be constructed on any lot in a multi-family zone is limited as follows:
 - a. A maximum of two detached accessory dwelling units may be constructed on lots which contain or are proposed to be developed with a multi-family dwelling unit, so long as the accessory dwelling unit has at least four-foot side and rear yards setbacks.
 - b. Within an existing multifamily dwelling structure, an accessory dwelling unit may be converted from areas not used as livable space (i.e. storage room, office, etc.), including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages.
 - c. One accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
 - d. Junior accessory dwelling units are not permitted in multi-family zones.
- L. *Off-Street Parking.* One parking space per accessory dwelling unit shall be provided. These spaces may be provided as tandem parking on an existing driveway, or on a driveway in a side yard and rear yard. No additional parking for the accessory dwelling unit is required if any one of the following conditions are met:



1. The unit is located within ½ mile of public transit.
2. The unit is located within an architecturally and historically significant historic district.
3. The unit is part of (i.e., contained within) the footprint of the primary residence or an accessory building.
4. When on-street parking permits are required but not offered to the occupant of the unit.
5. When there is a car share vehicle located within one block of the ADU.

M. *Location of Required Parking.* Parking required for accessory dwelling units may be in the following locations, as approved by the [CITY/COUNTY], ordered from most preferred to least preferred:

1. When an existing permitted garage or carport is converted to an ADU or JADU, replacement parking does not need to be provided.
2. A garage, carport, or covered space on a driveway, which complies with required setbacks for both the primary and accessory structures.
3. An uncovered tandem space on a driveway.
4. Within the required street side yard setback.
5. Within the required rear yard setback.
6. Within the required front yard setback.
7. Parking in setbacks and tandem driveway parking may be denied if the Building Official determines that parking in those areas is unsafe due to site specific fire and/or life safety conditions.

N. *Access.* The accessory dwelling unit shall utilize the same vehicular access that serves the existing main dwelling, unless:

1. The second unit has access from an alley contiguous to the lot; or
2. The lot is a corner lot with a second driveway, and the second driveway is located on the side street; and
3. A second driveway does not result in the loss of an on-street parking space.

No passageway connecting the accessory dwelling unit to a street is required. Each accessory dwelling unit or junior accessory dwelling unit shall maintain independent exterior access from the existing residence.

O. *Way Finding.* Each unit shall display address in compliance with the current California Residential Code as adopted and amended by the [CITY/COUNTY].

P. *Utilities.* All utilities servicing the accessory dwelling unit or junior accessory dwelling unit may be metered in conjunction with the primary dwelling, in compliance with State Law.

ARCHITECTURAL COMPATIBILITY

- A. Attached and detached ADUs must be architecturally compatible with the primary single-family residence, including having similar siding materials, style of construction and consistency with the adjoining residential neighborhood.
- B. An ADU/JADU shall have a roof pitch and roof overhang like the roof pitch and roof overhang of the primary residence. The roof material shall be the same as the material on the primary residence unless the [PLANNING MANAGER] finds that a different material would be more compatible with the neighborhood.



FEES AND CHARGES

- A. No impact or connection fee is required for the development of an ADU or JADU if the structure is less than [750 SQUARE FEET]. For structures greater than [750 SQUARE FEET] an impact or connection fee shall be proportional to the fee charged for the primary single-family residence.
- B. An inspection fee shall be assessed on all ADUs and JADUs to ensure the structure complies with applicable building codes.

OCCUPANCY AND OWNERSHIP REQUIREMENTS

- A. A certificate of occupancy must be issued for the primary single-family or multi-family dwelling before a certificate of occupancy can be approved for an ADU.
- B. An ADU or JADU may be rented separate from the primary residence but shall not be sold or conveyed separate from the primary residence.
- C. Owner-occupancy is not required for ADUs but is required for a JADU. For a JADU, the owner may reside in either the JADU or the primary residence.